COUNTY OF VENTURA
2007 SUMMARY OF BOARDS, COMMISSIONS, COMMITTEES AND DISTRICTS

	BOARD COMMISSION	APPOINTING AUTHORITY	FORMATION DATE	MANDATED	DISCRETIONARY	PURPOSE	MEETING FREQUENCY	GENERAL ATTENDANCE	ASSOCIATED COSTS*
1	Agricultural Policy Advisory Committee • 5-member Committee. 1 member from each Supervisorial District appointed At-Large by the BOS. • Each member serves a four-year term or at the pleasure of the nominating Supervisor. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Agricultural Commission	08/31/1976 Reestablished 6/11/1996	No	Discretionary • Resolution and Bylaws, June 1996 • VC Ord 4151	Review land use issues that may affect agriculture and give recommendations to the Board, Planning Commission and LAFCO	Monthly meetings since 2006. Prior to 2006, APAC often scheduled twice-monthly meetings	Achieves meeting quorums.	Estimated annual average cost is $50,000.

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2	Air Pollution Control District Advisory Committee • 20-member Committee. The Ventura County Board of Supervisors nominate 2 committee members each, for a total of 10. The 10 Ventura County cities (Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley and Thousand Oaks) nominate one committee member each, for a total of 10. All appointments are made by the Air Pollution Control Board. • Committee members nominated by the BOS serve a four-year term coinciding with the term of the nominating Supervisor. Committee members nominated by the Cities serve a four-year term. • The Committee is subject to AB 1234 Ethics Training compliance.	Air Pollution Control Board • Staff by APCD staff, non-County	10/22/1968	No	Discretionary • Bylaws , June 1995	Air Pollution Control District Advisory Committee ensures that all parties, including private citizens, health and environmental organizations, government agencies and industry, have a forum for the discussion of APCD rule development activities and other air pollution concerns.	4th Tuesday of each Month	Achieves meeting quorum.	Costs are APCD's

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3	Alcohol and Drug Advisory Board • 23-member Board representing 4 from each of the 5 Districts, 2 youth-at-large and 1 member at-large. • Each member serves a 3-year term. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Health Care Agency	01/08/1991	No • HSC 11809 (Originally required by mandate, but later repealed under SB 627 on June 30, 1993)	• Board Letter, July 2005 • Bylaws, Revised July 2005 • HSC 11805 (Each county may have an advisory board)	The Board was established on January 8, 1991 to assist in improving the quality of life in Ventura County by advising staff and service providers on the needs and quality of services provided through the Ventura County Alcohol and Drug Programs. Reduce the destructive effects of the use and abuse of Alcohol and other Drugs on individuals, families, and the community at large.	4th Monday	Average attendance over the 3 years was 69%. Current fiscal year the attendance is at 89%.	Estimated annual average cost is $31,500.

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4	Animal Regulation Commission • 10-member Commission consists of one member appointed from the BOS and 9 Council members from 9 participating incorporated cities. • Each member serves at the pleasure of the authority making his/her appointment. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS and City Councils • Staff by Animal Regulation Department	June 1977	No	Discretionary • Bylaws, Amended February 1980	The Animal Regulation Commission was established to serve as a policy level commission to the contracting cities of the County and the Board of Supervisors in matters pertaining to the Animal Regulation program. This is accomplished by planning for programs, resources or legislation to meet the needs of the cities and County and to formulate cooperative efforts for Animal Regulation within the County and among State, Federal and other agencies.	Quarterly 2nd Thursday	Achieves meeting quorum.	Estimated annual average cost is $1,800

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5	Area Agency on Aging Advisory Council • Council consists of 29 members, only 6 of which the BOS appoints. The balance comes from city appointments, service providers, elections and past chair. • Members serve a two-year term. Members may be re-elected or re-appointed for a second or third two-year term. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Area Agency on Aging	1/1/1980	• WIC 9400(c) • Bylaws, Amended July 2007		Established under the Comprehensive Older Americans Act Amendment of 1978 (PL 95-478) to provide leadership, advocacy and visibility for elderly persons in Ventura County.	2nd Wednesday of month except August and December	Achieves meeting quorum.	Estimated annual average cost $23,000

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6	Area Housing Authority of the County of Ventura (AHA) • The Authority is a joint powers agency. A 15-member board consists of 2 members appointed by the elected body of each of the seven represented jurisdictions and 1 appointed Resident Commissioner. • Each member serves a term of four years, except the Resident Commissioner, who serves a 2-year term. • The Authority is subject to AB 1234 Ethics Training compliance.	County of Ventura • Staff by non-County staff (Area Housing Authority)	2//2/1998	• HSC 34240 • JPA • Bylaws, Amended June 2006		Housing authority as provided in the Housing Authority Law, HSC Sections 34200 et seq. The Area Housing Authority was established by a joint powers agreement between the County of Ventura and the cities of Camarillo, Fillmore, Moorpark, Ojai, Simi Valley and Thousand Oaks, to function within their respective jurisdictions with all of the power and authority delegated to provide opportunities and assist people in need of affordable housing through development, acquisitions, and partnerships.	4th Wednesday of each Month	Achieves meeting quorum.	Staffed by AHA

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7	Assessment Appeals Board No. 1 • 3-member Board and 5 alternates appointed by the BOS • Each member serves a three-year term, except for a member who is also a member of the County Board of Supervisors whose term is the same as his/her term of office as a member of the BOS. • The Board is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Clerk of the Board	7/31/1984	No	BOS **may** by ordinance create assessment appeals boards • RTC 1620 • VC Ord 3700	Assessment Appeals Board hears all applications not directed to the Assessment Hearing Officer. It may act only on the basis of evidence, which is presented to the Board. The only authority of the Board is to determine the taxable value of a property. The decision on value will be determined by weighing the evidence presented. Without creation of Assessment Appeals Board, BOS would have to hear appeals.	2-3 Mondays/month	Achieves meeting quorum.	Estimated annual average cost $119,000.

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8	Assessment Appeals Hearing Officer • 1 Regular Assessment Appeals Officer and 1 Alternate Assessment Appeals Officer, appointed by the BOS • The Hearing Officer serves a one-year term beginning on the first Monday in September. The Officer is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Clerk of the Board	03/16/1993	No	BOS **may** appoint one or more assessment hearing officers • RTC 1636 • VC Ord 4030	State law allows a county to appoint an assessment hearing officer to conduct property tax assessment appeal hearings instead of the fully county assessment appeals board under certain circumstances. Cases that can be heard by the Hearing Officer include all single-family homes, condominiums, cooperative and multi-family dwellings of four units or less, or any other property with an enrolled value of less than $500,000. Without appointment of a Hearing Officer, BOS would have to hear appeals.	Monthly	N/A	Estimated annual average cost $34,000.

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9	Aviation Advisory Commission • 10-member Commission. Supervisorial nominations of 2 commissioners per district, and appointed At-large by the BOS. • Each commissioner serves for a term which is concurrent with the nominating supervisor's term of office. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Department of Airports	2/26/1974		Discretionary • VC Ord 3480 • Bylaws, Amended April 1986	Advise the Board of Supervisors on matters pertaining to the County owned airports and on matters of promotion and advancement of the orderly development of air transportation in Ventura County. Advise the Department of Airports on technical and operational matters pertaining to the airports.	1st Monday of each month	Achieves meeting quorum.	Estimated annual average cost $5,000
10	Bardsdale Cemetery District Board of Trustees • 3 trustees appointed At-Large by the BOS, upon the recommendation of District 3 Supervisor.	BOS	7/20/1914	Discretionary when created. • HSC 9000 et seq. Public Cemetery District Law		Formed to serve the City of Fillmore and surrounding areas. Independent special district.	2nd Monday of each month	No available information	Not applicable; independent special district.

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11	Black Gold Cooperative Library Advisory Board • 2 community representatives (1 regular and 1 alternate) appointed At-Large by the BOS. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS	4/1/1979	No	Discretionary • EDC 18700-18703 • EDC 18747 • JPA, October 1984 • Bylaws, Revised August 2005	Provide advice to Black Gold library directors (in Ventura, Santa Barbara and San Luis Obispo counties), help in conducting workshops for library staff, and assist on other projects relating to the efficient provision of library services by member libraries.	Once per year or as needed basis	Achieves meeting quorum.	No associated cost.
12	Board of Accessibility Appeals • 5-member Board appointed by the BOS At-Large • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Resource Management Agency	12/5/2002		Discretionary • VC Ord 4274 • VCBC Section 105	Consider the suitability of alternate materials or methods of construction, and provide for reasonable interpretations of the Ventura County Building Codes.	Determined as needed		None – Applicants pay an appeals fee based on the current Fee Resolution

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13	Board of Grading Appeals • 5-member Board consists of 4 appointed members by the BOS with backgrounds in various engineering disciplines. The fifth member is the Public Works Agency Director. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Resource Management Agency	12/12/2002		Discretionary • VC Ord 4274 • VCBC Section 105	Determine the suitability of alternate materials and methods of construction and provide for reasonable interpretation of the Building Code as they relate to land grading activities.	Determined as needed upon an appeal of County staff decision on land grading matters. No appeals in several years.	Achieves meeting quorum.	None. Applicants pay an appeals fee based on current Fee Resolution.
14	Building Board of Appeals • 5-member Board appointed by the BOS At-Large • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Resource Management Agency	12/5/2002		Discretionary • VC Ord 4274 • VCBC Section 105	Consider the suitability of alternate materials or methods of construction, and to provide for reasonable interpretations of the Ventura County Building Codes.	Determined as needed	Achieves meeting quorum.	None – Applicants pay an appeals fee based on the current Fee Resolution

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15	Camarillo Airport Authority • 2 County Supervisors appointed by BOS, 2 City Council representatives appointed by Camarillo City Council, 1 public member appointed by the 4 elected officials above, and 1 alternate for each seat on the Authority. • Members from the BOS and the City Council serve at the pleasure of their respective bodies. The public member serves a two-year term.	BOS & Camarillo City Council • Staff by the Department of Airports	10/21/1976	No	• JPA • Bylaws, October 1988	Review and act on policy matters relating to airport operations, development, and policy matters regarding "Camarillo Airport Zone."	Monthly	Achieves meeting quorum.	Estimated annual average cost $5,000

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16	Campaign Finance Ethics Commission • 5-member Commission serving a five-year term. One appointment is made from each Supervisor's three nominations, upon the recommendations from the Independent Selector. Membership is comprised of judicial experience, membership in good standing with CA Bar Association, member or representative of a neutral political studies organization, educator of political science, law or philosophy, and community service. Chair of the Commission is a retired judge. • The BOS appointed an Independent Selector for a three-year term. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS with recommendation from Independent Selector • Staff by County Executive Office and County Counsel	07/29/2003	No	Discretionary • VC Ord 4361 (Repeal VC Ordinance Numbers 4322, 4350, and 4280) • Adopted Operating Policies, July 2007	Consider formal complaints of violations of Ventura County Campaign Finance Reform Ordinance.	As needed	Achieves meeting quorum.	Estimated cost since 2003-2007 is $565,000 Estimated annual average cost is $118,000

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17	Casitas Springs Local Recreation Advisory Commission • 7-member Commission appointed by At-Large by the BOS on recommendations of District 1 Supervisor. • In addition, 2 non-voting ex-officio members representing the County Parks Department and the Office of District 1 Supervisor. • Seven appointed members serve a term coincides with District 1 Supervisor's term of office. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County General Services Agency	9/5/1978	No	Discretionary • Resolution and Bylaws, September 1978	Advise the Board of Supervisors of recreational needs of their community and operations of their park facilities.	4th Tuesday of each Month	Achieves meeting quorum.	Estimated annual average cost $423

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18	Child Care Planning Council • 25-member Council representing child care consumers, child care providers, public agency representatives, community representatives and one member appointed at the discretion of the appointing authorities. • The members of the Council serve a two-year term. Members may serve more than one term but must be re-appointed at the end of two years. There are no term limits. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS and County Superintendent of Schools • Staff by Ventura County Office of Education	12/16/1997	• AB-1542, Chapter 270 • EDC 8499.3-8499.7	• Bylaws, Revised April 2002	Promote the accessibility of safe, affordable and quality child care and development services for all children and families in Ventura County.	2nd Tuesday of each Month	Achieves meeting quorum.	Ventura County Office of Education staffs the Council

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19	Commission for Women, Ventura County • 15-member Commission (3 commissioners appointed by each of the five Supervisors.) • Each Commissioner serves at the discretion of the appointing Supervisor. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by non County Staff	7/14/1981	No	Discretionary • Resolution, July 1981 • Board Letter, July 1981 • Bylaws, Amended March 2006	Review, analyze and recommend to the Board of Supervisors on issues of interest and concern to women of the Ventura County.	1st Saturday of Month	Achieves meeting quorum.	None

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20	Community Action of Ventura County • Tripartite board of 15 members representing Public Sector, Low-Income Sector, and Private Sector. • Public Sector Representation: Each member of the BOS or designated representative is a member of the CAVC, Representatives of the BOS serve at the pleasure of the appointing Supervisor, and serve as long as the appointing Supervisor is holding office. There are no term limits for Public Sector representatives. • Low-Income Sector Representation: Each of the five representatives is appointed by the respective Supervisorial District and serves a three-year term. • Private Sector Representation: Five members are appointed by community organizations. Members serve a three-year term.	BOS • Staff by non-County Staff	1/1/1965	No Discretionary when created. Required to receive certain federal dollars for use in community.	• Bylaws, Amended August 2005	CAVC (previously known as *Ventura County Commission on Human Concerns and Community Development)* assists low income, disadvantaged and at-risk families and individuals, including seniors and youth, to become self-sufficient and empowered to be fully responsible for themselves and their families.	2nd Monday except when that falls on a holiday	Achieves meeting quorum.	Commission pays for staff.

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	BOARD COMMISSION	APPOINTING AUTHORITY	FORMATION DATE	MANDATED	DISCRETIONARY	PURPOSE	MEETING FREQUENCY	GENERAL ATTENDANCE	ASSOCIATED COSTS*
21	Community Commission for Ventura County • 36-member Commission representing four quadrants: County, Community, Schools and Cities. The term of service is three years. --6 seats representing Community Service Organizations --6 seats representing Schools --6 seats representing the Cities and Special Districts --8 seats representing the County, of which 2 members from the BOS and 6 members in any combination from Elected County Officials, Ventura County Departments, and Commissions. --6 At-Large seats, of which, 3 seats represent the Community At-Large and 3 seats for appointment by the Ventura BOS, as needed. --4 Ex-Officio seats	• BOS • Local City Councils • School Board of Trustees	1992* * The Commission was originally named the Children Services Network when it was formed in 1992. On February 28, 1995, it was renamed to the Children and Family Commission for Ventura County. The Board approved its current commission name in December 2003.	No	Discretionary to form, but required for County to receive birth certificate fee revenue and State Children's Trust Fund. • WIC 18962 • WIC 18965, WIC 18967, and WIC 18968 • Resolution, December 2003 • Bylaws, Revised July 2007	The Commission advocates on behalf of children, families and communities to improve coordination, collaboration and partnerships that recognize cultural diversity and promote safety, health and success. The primary role is to be a central forum for bringing together service providers, experts, advocates and interested parties to formulate plans and allocate available resources to meet the needs and issues of children and families in Ventura County.	Commission meets 4th Monday of every other month. Committees and task forces meet regularly in between full Commission meetings.	Achieves meeting quorum.	Annual average cost of $85,000.

GLOSSARY OF ABBREVIATIONS

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CCR:	California Code of Regulations	EDC:	Education Code
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22	Cultural Heritage Board • 7-member Board comprises of 5 supervisorial nominees and confirms At-Large by the BOS, and 2 appointees selected from the public At-Large by the 5 supervisorial appointees. • Each supervisorial appointee serves a four-year term corresponding to the Supervisor's term of office. • Each appointed public member serves a four-year term commencing from the date of appointment. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Resource Management Agency	11/09/1966	No	Discretionary • VC Ord 4225 • Ventura County Cultural Board Rules and Regulations, Revised June 1987	Advise the Board of Supervisors and appropriate City Councils on all archaeological, architectural, historical and related matters significant to the heritage and development of the County of Ventura.	2nd and 4th Monday	Achieves meeting quorum.	40-50% of staff time is reimbursed by applicant fees.

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23	Developmental Disabilities Board-Area IX • 17 board members comprised of 4 members appointed At-Large by each Ventura, Santa Barbara and San Luis Obispo Counties, and 5 members appointed At-Large by the Governor. • Membership is limited to two consecutive full terms of three years each. • The Committee is subject to AB 1234 Ethics Training compliance.	• BOS from 3 Ventura, Santa Barbara and San Luis Obispo Counties. • The Governor	1/1/1995	Lanterman Developmental Disabilities Services Act, WIC, Chapter 1-12, Division 4.5 • WIC 4500-4501 • WIC 4543-4548 • Area IX Bylaws, Adopted November 1992		Protect and advocate for persons with Developmental Disabilities.	Quarterly Meetings	No available information	Not staffed by the County.

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24	Disaster Council, Ventura County • 12 regular members and 12 alternate members appointed by the BOS on recommendation of the Chair and Manager of Office of Emergency Systems. • The Council is subject to AB 1234 Ethics Training compliance.	BOS • Staff by Ventura County Sheriff's Department, Office of Emergency Services	1/18/1972	No	Discretionary • VC Ord 2538	Develop and recommend for adoption by the Board of Supervisors emergency, mutual aid plans and such ordinances, rules, and regulations as are necessary to implement such plans and agreements.	4 quarterly meetings	Achieves meeting quorum.	Estimated annual average cost $2,300
25	El Rancho Simi Cemetery District • 5 trustees appointed At-Large by the BOS, upon the recommendation of District 4 Supervisor. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS	3/5/1946	Discretionary when created. • HSC 9000 et seq. (Public Cemetery District Law)	• Bylaws, 2003	This district was formed as the Simi Valley Public Cemetery District to maintain cemetery premises and provide burial services of residents of the City of Simi Valley and surrounding areas. In 1995, a name change was adopted.	Second Wednesday of each month	No available information	Not applicable; independent special district

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26	El Rio Del Norte Municipal Advisory Council • 8 members appointed At Large by the BOS, upon the recommendation of District 5 Supervisor. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS Staffed by volunteers and District 5 staff	12/1/1982	No	Discretionary	El Rio Del Norte Municipal Advisory Council covers the unincorporated is of El Rio. Council's purpose is to review matters of public health, safety, welfare, public works and planning relating to the area and to transmit its concern and/or recommendations regarding those items by forwarding written comments to the Board of Supervisors, Planning Commission, Resource Management Agency, Local Agency Formation Commission (LAFCO) or County Executive Office.	3rd Thursday of every month	Unknown	Unknown
27	Electrical Board of Appeals • 5-members appointed by the BOS At-Large • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Resource Management Agency	12/5/2002		• VC Ord 4274 • VCBC Section 105	Consider the suitability of alternate materials or methods of construction, and to provide for reasonable interpretations of the Ventura County Building Codes.	As needed	Achieves meeting quorum.	None– Applicants pay an appeals fee based on the current Fee Resolution

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28	Emergency Medical Service Advisory Committee • 7-member Committee, of which 5 members (not representing the ambulance companies) are appointed by the BOS At-Large, and 2 members designated by or representing Ventura County Emergency Medical Services (EMS) • 5 appointed members serve a four-year term concurrent to the Supervisorial term of office.	BOS	1996	No	Discretionary • Board Letter, December 2004 • Contract Agreement, December 2004	The advisory panel evaluates the performance of ambulance contractors including response time performance and determining whether performance meets or exceeds minimum requirements of the VC EMS CQI process at least every two years.	Quarterly	Achieves meeting quorum	Estimated annual cost $5,000

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29	Fire Protection District Board of Appeals • 5-member Board appointed by the BOS At-Large • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by Ventura County Fire Department	11/22/1983	No	Discretionary • Board Letter, June 2007 • VC Fire Protection District Ord 16 • VC Fire Protection District Ord 25	The Board of Appeals consists of 5 members and is intended to hear appeals and determine suitability of alternate materials, types of construction, and reasonable interpretations of the provisions of the District ordinances except those dealing with the abatement of combustible or flammable materials, such as Fire Hazard Reduction (weed abatement).	As needed Two appeals in the last 5 years.	Achieves meeting quorum.	Fee collected covered the associated cost. $386 for a residential/owner occupied appeal. $1090 for all other appeals.

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30	First 5 Ventura County – Children & Families First Commission • 9-member Commission appointed by the BOS. • 1 member of the BOS, 2 members representing County Agency, 1 member representing Child Care Planning Council, and 5 members appointed from each Supervisorial District. • A member of the BOS serves during the incumbency of the office; 2 members representing County Agency serve during their incumbency in the office or position designated, or for a term of 3 years or until the appointment of a successor (whichever is less); a member representing the Child Care Planning Council serves a term during his/her incumbency on the Council, or for a term of three years (whichever is less); and the 5 appointed members serve a term coterminous with that of the member of the board of supervisors.	BOS • Administered by the Children & Families First Commission staff	12/22/1998	• HSC 130100 – 130155 • VC Ord 4182 • VC Ord 4270 (Required for access to Prop 10 funds)	• Bylaws, Amended June 2003	First 5 Ventura Community, administered by the Children and Families First Commission, is the local agency established to distribute money raised through Proposition 10, the tobacco tax approved by California voters in 1998. Ventura County receives approximately 10 million dollars annually to serve the needs of Ventura County's 63,000 young children, aged 0-5, and their families. All Commission administration and program operations funding come from State Prop 10 and federally matched sources.	Commission meets first Thursday of every month. Committees meet periodically between full Commission meetings.	Achieves meeting quorum.	Staffed by First Five.

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31	Fish & Game Commission • 5-member Commission, representing each Supervisorial District, is appointed At-Large by the BOS. • Each member serves at the pleasure of the Board Member making his/her appointment. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Harbor Department	03/04/1975	No	Discretionary • Bylaws, Amended January 2005	Advise and provide recommendations to the BOS on grant funding for projects to support the protection and propagation of wildlife throughout Ventura County.	6 scheduled meetings per year	Achieves meeting quorum approximately 66% of the time	Estimated annual average of $7,800 Per Fish and Game Code, Section 13103(j), a maximum of $3,000 per year to cover the Commission's administrative costs.
32	Harbor Commission • 10-member Commission comprised of two-appointed Commissioners from each Supervisorial District. • Each member serves terms coinciding with the appointed Supervisor's terms of office. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Harbor Department	09/09/1997	No	Discretionary • Bylaws, Revised March 2007 • Resolution, Amended 2004	Advise the BOS on public session matters involving budgetary issues, development proposals, leases and agreements with concessionaires, planning and development of Harbor business and recreational activities, and major operational and maintenance issues and policies.	6 scheduled meetings and 1 special meeting per year.	Achieves meeting quorum approximately 79% of the time.	Estimated annual average of $55,900

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33	HIV/AIDS Advisory Committee • 20 voting and non-voting Committee. • Voting Membership: 5 members appointed by the BOS, representing each Supervisorial District; Ventura County Health Officer; Administrative Director of Public Health, and the Chair of the AIDS Task Force • Non-voting membership consists of representatives from County Agencies, community based organizations, consumers of services and concerned citizens. • Board-appointed members serve a two-year term from the date of the appointment. • The term of the AIDS Task Force representative is contingent upon his/her term as Chair of the AIDS Task Force. • The term of the Health Officer and Public Health Director is ongoing unless specified otherwise by their appointment authority (Health Care Agency Director).	BOS • Staff by County Health Care Agency	9/22/1987	No	• Bylaws, Revised March 2000 • Board Letter, December 1987	AIDS Advisory Committee was established to bring together all segments of the community to advise the Board of Supervisors on the current and future impact of the HIV/AIDS epidemic and to make recommendations to address policy planning and fiscal impact, legal and ethical issues, legislative advocacy, education and prevention, medical care and supportive services, testing and prevention services and epidemiology. The Committee is subject to AB 1234 Ethics Training compliance.	4th Tuesday of the month	Achieves meeting quorum.	Estimated annual average cost is $7,200

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34	In-Home Supportive Services Advisory Committee • 11-member Committee comprised of no less than 50% of members selected among consumers or former consumers of in-home care; the Director of the Human Services Agency or his/her designee; the County Executive Officer nominates one voting member; 1 member selected from among providers or former providers of care under the IHSS program; a representative from an advocacy group that represents the interests of disabled individuals and/or senior citizens; and a representative from the collective bargaining organization that represents providers of IHSS in Ventura County. • Members are appointed by the BOS for a term of two years, and may be reappointed by the BOS to serve one additional term.	BOS • Staff by County Human Services Agency	05/15/2001	• WIC 12301.3-12301.6 (Discretionary at time of creation) • VC Ord 4272 & 4275 • Bylaws		Each advisory committee established pursuant to WIC Sections 12301.3 or 12301.6 shall provide ongoing advice and recommendations regarding in-home supportive services to the BOS, any administrative body in the county that is related to the delivery and administration of in-home supportive services. The Committee is subject to AB 1234 Ethics Training compliance.	3rd Wednesday of Month	Achieves meeting quorum.	Estimated annual average cost is $4,068

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35	Juvenile Justice Coordinating Council • Members serve a term at the discretion of the BOS. • Membership on the Commission is established by the Juvenile Justice Crime Prevention Act. • The Commission is subject to AB 1234 Ethics Training compliance.	BOS • Staff by Probation Agency	8/06/1997	• WIC 749.2-749.24 • Board Letter, December 2000		The JJCC was created to comply with the requirements of the Schiff-Cardenas Crime Prevention Act of 2000, Section 749.2 WIC. The Schiff-Cardenas Crime Prevention Act allocated funds from the Supplemental Law Enforcement Services Fund to counties on a per capita basis to implement a comprehensive multi-agency juvenile justice plan. It required that each county's plan developed by a juvenile justice coordinating council and approved by the Board of Supervisors and Board of Corrections. The Schiff-Cardenas Crime Prevention Act was later replaced by the Juvenile Justice Crime Prevention Act, which has a similar requirement for the JJCC role in approving the development and approval of the multi-agency plan for expenditure of the funds authorized by the JJCPA.	6 times a year	Achieves meeting quorum.	Estimated annual average cost is $3,100

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36	Mental Health Board • 22-member Board comprised of 1 member from the BOS, 4 appointees from each of the five Supervisorial Districts; and the Mental Health Board Executive Committee appoints one Consumer-At-Large member (five consumers sharing one membership position) • Each member serves a three-year term (for all appointments after January 1, 2007) • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Health Care Agency-Behavioral Department	02/02/1993	• WIC 5604 • Bylaws, Revision May 2006 • Board Letter, May 2006		Liaison between BOS and Behavioral Health Department to oversee and advocate for the mental health system.	3rd Monday of Month	Achieves meeting quorum.	Estimated annual average cost is $31, 500

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37	Mobile Home Rent Review Board • 5-member Board appointed by the BOS At-Large. • Each member serves a three-year term. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Resource Management Agency	2/15/1983	No	Discretionary • Bylaws, December 1993 • VC Ord 4206	Protect mobile home park dwelling unit owners from unreasonable rent increases and recognize the need of park owners to have a fair rate of return.	Quarterly, 4th Wednesday of Month.	Achieves meeting quorum.	100% cost offset through an administrative fee
38	Oak View Local Recreational Advisory Commission • 7-member Commission appointed At-Large by the BOS, upon recommendations of District 1 Supervisor. • Each member serves terms coinciding with the term of the nominating supervisor. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County General Services Agency	10/31/1978	No	Discretionary • Resolution and Bylaws, October 1978	Advise the BOS of recreational needs of the community and the operations of the park facilities.	4th Tuesday of the month 10 meetings per year.	Achieve meeting quorum.	Annual average cost $1,400

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39	Oxnard Airport Authority • 2 members Board of Supervisors appointed by the BOS, 2 members of the Oxnard City Council appointed by the Council; and 1 public member appointed by the 4 elected officials above. Alternates for the BOS and City Council may be selected by the respective authority. Alternates to the fifth appointed public member may be selected by the elected four Authority members. • The term of office for the appointed public member is a two-year term. The public member serves at the pleasure of the other elected 4 Authority members.	BOS & Oxnard City Council • Staff by Airports Department	12/16/1980	No	Discretionary • Statement of Policies, June 1969 • JPA, December 1980 • JPA, Amended April 1993 • Bylaws, Amended January 1989	Review and act on policy matters relating to airport operations and development.	10 meetings per year.	Achieves meeting quorum.	Estimated annual average cost is $5,000

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40	Parks Advisory Commission • 5-member Commission appointed from each Supervisorial District. • Members serve terms coinciding with the nominating supervisors. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County General Services Agency	06/24/1997	No	Discretionary • Resolution, June 1997 • Bylaws, Amended July 2007	Established in 1997 from a division of the former Parks and Harbor Advisory Commission into two separate Commissions. Advise the BOS on budgetary matters, planning, and development of regional recreational programs, facilities, leases, major revenue or cost generating activities, and operational policies.	2nd Monday 6 meetings per year.	Achieves meeting quorum.	Annual average $4,900
41	Piru Cemetery District • 3-trusteeBoard appointed At-Large by the BOS, upon the recommendation of the District 3 Supervisor.	BOS	07/20/1914	Discretionary when created. • HSC 9000 et seq. Public Cemetery District law		Serve the community of Piru and the surrounding area. Independent Special District.	2nd Tuesday of Month	No available information	Not applicable; independent special district.

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COUNTY OF VENTURA
2007 SUMMARY OF BOARDS, COMMISSIONS, COMMITTEES AND DISTRICTS

	BOARD COMMISSION	APPOINTING AUTHORITY	FORMATION DATE	MANDATED	DISCRETIONARY	PURPOSE	MEETING FREQUENCY	GENERAL ATTENDANCE	ASSOCIATED COSTS*
42	Piru Local Recreation Advisory Commission • 7-member Commission appointed At-Large by the BOS upon the recommendations of the District 3 Supervisor. • Commission members serve terms coinciding with the term of the nominating Supervisor. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County General Services Agency	09/05/1978	No	Discretionary • Resolution and Bylaws, September 1978	Advise BOS of recreational needs of the community and operations of the park facilities.	1st Tuesday of Month. 10 meetings per year.	Achieves meeting quorum.	Annual average cost $1,400
43	Planning Commission • 5-member Commission appointed per each Supervisorial District. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Resource Management Agency	06/13/1939	• Gov Code 65100 - 65101	Creation is discretionary. • Bylaws, Revised June 2004 • VC Ord 0334	Make investigations, studies, reports and recommendations regarding zoning, subdivisions, and any matter relating to the planning and development of the County. However, if there is no Planning Commission, the BOS must hear all appeals.	12 meetings per year. Thursday as needed	Achieves meeting quorum.	Estimated annual average $5,500

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	BOARD COMMISSION	APPOINTING AUTHORITY	FORMATION DATE	MANDATED	DISCRETIONARY	PURPOSE	MEETING FREQUENCY	GENERAL ATTENDANCE	ASSOCIATED COSTS*
44	Plumbing and Mechanical Board of Appeals • 5-members appointed by At-Large by the BOS • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Resource Management Agency	12/05/2002		Discretionary • VC Ord. 4274 • VCBC, Section 105	Consider the suitability of alternate materials or methods of construction, and to provide for reasonable interpretations of the Ventura County Building Code.	As required	Determined as needed	None – Applicants pay an appeals fee based on the current Fee Resolution
45	Point Mugu Regional Airport Authority • Pursuant to a Joint Powers Agreement among the County of Ventura, and Cities of San Buenaventura, Oxnard, Port Hueneme, and Thousand Oaks, the Authority is comprised of not more than seven elected officials representing each public entity member. Each member (and appointed alternates) serves a term of four years at the pleasure of the respective governing bodies.	BOS • Staffed by Department of Airports	03/21/1995	No	• Joint Powers Agreement, March 1995 • Bylaws, December 1995	Planning, development, operation, and management of a civilian airport in conjunction with military aviation at Naval Air Weapons Station, Point Mugu.	Meets once per year unless special meeting called.	Achieves meeting quorum.	Annual cost of $1,000.

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2007 SUMMARY OF BOARDS, COMMISSIONS, COMMITTEES AND DISTRICTS

	BOARD COMMISSION	APPOINTING AUTHORITY	FORMATION DATE	MANDATED	DISCRETIONARY	PURPOSE	MEETING FREQUENCY	GENERAL ATTENDANCE	ASSOCIATED COSTS*
46	Public Facilities Corporation Board Trustees • 5-member Board • The Board is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Executive Office	01/15/1974	No	Discretionary • Resolution and Bylaws, Amended September 1989	Assist the County of Ventura by constructing or providing for construction of certain public facilities.	Annual meeting held yearly in September	Achieves meeting quorum.	Estimated annual average cost is $2,500
47	Roger Jones Community Center Recreation Advisory Commission (official name of the body is El Rio Local Recreation Advisory Commission) • 5-member Commission appointed At-Large by the BOS, upon the recommendation of District 5 Supervisor. • Commission members serve terms coinciding with the terms of the nominating Supervisor. • The Commission is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County General Services Agency	09/5/1978	No	Discretionary • Resolution and Bylaws, September 1978	Advise BOS of recreational needs of the community and operations of the park facilities.	11 meetings per year. 1st Tuesday of month	Achieves meeting quorum.	Estimated annual average cost $950

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2007 SUMMARY OF BOARDS, COMMISSIONS, COMMITTEES AND DISTRICTS

	BOARD COMMISSION	APPOINTING AUTHORITY	FORMATION DATE	MANDATED	DISCRETIONARY	PURPOSE	MEETING FREQUENCY	GENERAL ATTENDANCE	ASSOCIATED COSTS*
48	Santa Monica Mountains Conservancy Advisory Committee • 26-member Committee representing local governments from various jurisdictions, of which 1 member is appointed by the BOS as representative from Ventura County.	BOS, the Governor, Senate Committee, Speaker of the Assembly, and the appointing governing entities from various jurisdictions.	01/01/1980	• Public Resources Code 33213		The conservancy's main objective is to protect the mountain zone by implementing ground management programs to preserve resources, in cooperation with the National Park Service and California Department of Parks and Recreation. The various jurisdictions include the County of Ventura, the County of Los Angeles, Cities of Thousand Oaks, Agoura Hills, Westlake Village, Malibu, Calabasas, Burbank, Glendale, La Canada, Pasadena, Sierra Madre, South Pasadena, Santa Clarita, Moorpark, Rancho Simi Recreation & Park District, Conejo Recreation & Park District, and Pleasant Valley Recreation & Park District.			

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COUNTY OF VENTURA
2007 SUMMARY OF BOARDS, COMMISSIONS, COMMITTEES AND DISTRICTS

	BOARD COMMISSION	APPOINTING AUTHORITY	FORMATION DATE	MANDATED	DISCRETIONARY	PURPOSE	MEETING FREQUENCY	GENERAL ATTENDANCE	ASSOCIATED COSTS*
49	Strategic Tobacco Settlement (A) Allocation Committee • 12-member Committee, of which 11 members are appointed by the BOS, and the Executive Director of the Ventura County Children and Families First Commission serves as an ex-officio member. Each Supervisor appoints one member representing the Supervisorial District. The BOS At-Large appoints the remaining six members representing health care industries. • Members serve a two-year term, with a limit of two consecutive full terms. (B) Finance Committee • 3-member Committee appointed At-Large by the BOS. • Members serve a two-year term, with a limit of two consecutive full terms. • Both Committees are subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Executive Office	10/24/2000		Discretionary Allocation Committee • Bylaws, Adopted December 2005 Finance Committee • Bylaws, Adopted December 2005 • VC Ord 4336	Allocation Committee: -Submit annual recommended funding priorities and allocations to the BOS. Perform annual program evaluations of funded programs. Provide input to the CEO in updating the Strategic Plan. Finance Committee: -Determine available financing proceeds from the Tobacco Settlement revenues and investments. Review program allocation recommendations.	Allocation Committee: 6 meetings per year. 1st Thursday of the Month Finance Committee: 3-4 meetings per year.	Both committees achieve meeting quorum.	Estimated cost since 2001-2007 is $744,300

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COUNTY OF VENTURA
2007 SUMMARY OF BOARDS, COMMISSIONS, COMMITTEES AND DISTRICTS

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50	Treasury Oversight Committee • 5-member Committee comprised of Treasurer, Representative from the Superintendent of Schools; 2 public members, and 1 member of the Board of Supervisor. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by Treasurer/Tax Collector Division	06/04/1996	GOVC 27130 - 27137	Discretionary	Establish and review the County's investment policy. Authorize annual audit for compliance with established policy. BOS **may** establish a county treasury oversight committee if the county is investing surplus funds. BOS with the help of the treasurer shall determine the size of committee.	Bi-Annually - May and November	Achieve meeting quorum.	Estimated annual average cost is $1,735

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2007 SUMMARY OF BOARDS, COMMISSIONS, COMMITTEES AND DISTRICTS

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51	Ventura County Civil Service Commission • 5-member Commission appointed At-Large by the BOS • The Commission is subject to AB 1234 Ethics Training compliance.	BOS • Staff by the Civil Service Commission	05/16/1944	GOVC 31100 – 31117 et seq. Ordinance by proposition vote of the people.		Hear disciplinary appeals arising from termination, suspension, demotion or reduction in pay from various union organizations. Rules or issues recommendations on matters relating to involuntary resignations, voluntary resignations, voluntary terminations, examination appeals, unit determinations, unfair labor practices, discrimination complaints, medical examination appeals, rule change recommendations, and employee representation issues.	4th Thursday of each month	Achieves meeting quorum.	Estimated annual average cost is $112,000.
52	VCTC-Citizens Transportation Advisory Committee/Social Services Transportation Advisory Council • 2 members are appointed At-Large by the BOS.	Appointments are made by the Ventura County Transportation Commission, County of Ventura and 10 cities in Ventura County.	01/01/1989		Discretionary	Gain advice and input on transportation issues.	Second Tuesday each month (except June, July & August)	No available information	VCTC staffs

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2007 SUMMARY OF BOARDS, COMMISSIONS, COMMITTEES AND DISTRICTS

	BOARD COMMISSION	APPOINTING AUTHORITY	FORMATION DATE	MANDATED	DISCRETIONARY	PURPOSE	MEETING FREQUENCY	GENERAL ATTENDANCE	ASSOCIATED COSTS*
53	Ventura County Employees' Retirement Association Board of Directors • Board consisting of 9 regular members and 2 alternate members. The membership composition is 1 County Treasurer, 2 general member employees; 4 electors; 1 member may be a member of the BOS; 1 safety member and 1 retired member; 1 alternate safety member and 1 alternate retiree member.	BOS	01/01/1947	GOVC 31520.1	• Bylaws and Regulations, April 1999	Oversees the management of the retirement benefits for County employees.	1st and 3rd Monday of Month, unless it's a Holiday	Always achieves quorum.	
54	Ventura County Health Care Plan Standing Committee • 7-member Standing Committee consists of 1 Board of Supv Member, 1 County Executive Officer, 1 Plan Provider, and 4 Plan Members. To ensure quorum, the Committee has 1 Alternate Plan Provider and 3 Alternate Plan Members.	BOS	06/07/1996	• HSC 1368-1370 • CCR, Title 28, Sections 1300.68 • CCR, Title 28, Sections 1300.69 • CCR, Title 28, Section 1300.70	• Board Letters and Resolution, August 1995 and November 2000	Under Section 1349.2 of the Knox-Keene Health Care Service Plan Act of 1975, the County of Ventura operates a Ventura County Health Care Plan (VCHCP) for enrolled participants. The VCHCP Standing Committee was formed to meet the State Knox-Keene regulations on public policy requirements, with authority to oversee the plan's Quality of Care Review System and Grievance Process.	Quarterly-1st or 2nd Thursdays in March, June, September and December	Achieves meeting quorum.	Estimated annual average cost is $4,700

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2007 SUMMARY OF BOARDS, COMMISSIONS, COMMITTEES AND DISTRICTS

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55	Ventura County Law Library Board of Trustees • 2 members appointed by the BOS representing Bar Association and BOS; and 4 members appointed by the Superior Court Judges • The Board is subject to AB 1234 Ethics Training compliance.	BOS	04/18/1891	BPC 6300 - 6307		Establish and maintain a law library at the County seat in which it is appointed.	2nd Monday of the month	Achieves meeting quorum.	Law Librarian staffs the Board of Trustees.

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56	Ventura County Medical Oversight Committee • 2-members of the BOS. Present for discussion will include: President, Medical Staff; CEO; President-Elect, Medical Staff, HCA Director; Hospital Administrator; Past-President, Medical Staff; Medical Director; Ambulatory Care Administrator; and Behavioral Health Director.	BOS • Staff by County Health Care Agency	March 1987	No • 42 CFR 482 Conditions of Participation • 42 CFR 482 Subpart A 482.1 and Subpart B 482.11-482.12	• Establishment of County Medical Center Oversight Committee, Board Letter, March 1987	The Oversight Committee serves as the representative entity of the Board of Supervisors charged with carrying out the duties and responsibilities of a Governing Board as defined by the JCAHO and other licensing and regulatory bodies. The Committee is responsible for providing the mechanism for greater communication and coordination between the Hospital Administrator, the medical staff, and the Board of Supervisors. The Committee sets the framework for supporting quality patient care, treatment and services. Medicare and Medicaid Programs required participating hospitals that wish to be reimbursed for treating patients covered by these programs meet the specified requirements under the JCAHO.	Monthly	Achieves meeting quorum.	Estimated annual average cost is $15,750

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57	Ventura County Resource Conservation District Board of Directors • 9-member Board of Directors governs the RCD, with 3 director positions for each of the three Divisions. • Director terms are four years commencing on the last Friday of November in even-numbered calendar years.	BOS	1979	• PRC 9314 • VC Ord 4066 VC Ordinance 4066 was adopted in 1994 as an alternative to the election of directors. The Ordinance authorizes the BOS the authority to appoint directors to a Resource Conservation District.		Pursuant to PRC 9314, as an alternative to the election of directors, the Board of Supervisors may, by a resolution presented to the Board, request the Board of Supervisors to appoint directors. The Resource Conservation District was formed as a result of the consolidation of the former Ojai and South Ventura County Resource Conservation Districts, and the annexation of all remaining unincorporated land in the County. The Districts' objectives are control of run-off, prevention/control of soil erosion, water development/distribution and land improvement. The three Divisions are Division 1 (Ojai Valley), Division 2 (Santa Clara Valley) and Division 3 (South Ventura County: Somis, Simi Valley, Hidden Valley, Santa Susanna and Santa Monica Mountains)			Independent Special District

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58	Ventura County Transportation Commission • 5-members of the BOS, 1 citizen member appointed by the BOS, 1 member from each incorporated city within Ventura County (mayor or a member of its city council), 1 citizen member appointed by the Ventura County City Selection Committee, and non-voting member appointed by the Governor. • Members serve until they cease to hold qualifying elected office. Citizen representatives serve at least one year.	BOS, with respective to 1 citizen member appointed by the Board.	01/01/1989	• PUC 130054.1	• Resolution 2004-09, Adopted September 2004 • Resolution 2005-08, Amended October 2005	The Commission develops and implements transportation policies, projects, funding and priorities for a wide variety of projects.	1st Friday of each month		VCTC staffs

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59	Watershed Fire Council of Southern California • Members are selected by the Fire Chief, based on the recommendations by the US Forest Service, agricultural community, the Cattleman's Association, and the Fire Protection District. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS	01/01/1954	No	Discretionary • Bylaws, Revised August 1987	Organize and dedicate to promoting the wise use and protection of wild land resources through proper planning and management.	Meets quarterly. 2nd Tuesday, March, June, September, December	Achieves meeting quorum.	Dues are $4,000 a year
60	Waterworks District #1 Advisory Committee • Advisory Committee appointed by the BOS, upon the recommendation of District 4 Supervisor. • Terms in office coincide with the nominating Supervisor. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Public Works Agency	November 1921	No	Discretionary	Review staff recommendations regarding annual budgets, water and sanitation rate adjustments, capital improvement projects, annexation issues, and new policy items and make recommendations to the BOS. Committee serves as a liaison between the community and the Board by providing input to the staff and Board.	5-6 meetings per year. Meets even months, Second Thursday	Achieves meeting quorum.	Annual average cost $1,400

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61	Waterworks District #17 Advisory Committee • Advisory Committee appointed by the BOS, upon the recommendation of District 2 Supervisor • Members serve term coincide with the nominating Supervisor • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Public Works Agency	04/11/1977	No	Discretionary • Board Letter, April 1977	Review staff recommendations regarding annual budgets, water rate adjustments, capital improvement projects, annexation issues, and new policy items and make recommendations to the BOS. Committee serves as a liaison between the community and the Board by providing input to the staff and Board.	Meets odd months, 4th Tuesday. Averaging 2-3 meetings per year since 2002.	Achieves meeting quorum.	Annual average cost $1,400
62	Waterworks District #19 Advisory Committee • Advisory committee appointed by the BOS, upon the recommendation of District 3 & 4 Supervisors • Members serve term coincide with the nominating Supervisors. • The Committee is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Public Works Agency	11/01/1980	No	Discretionary	Review staff recommendations regarding annual budgets, water rate adjustments, capital improvement projects, annexation issues, and new policy items and make recommendations to the BOS. Committee serves as a liaison between the community and the Board by providing input to the staff and Board.	Meets odd months, 4th Thursday 2-6 meetings per year since 2002.	Achieves meeting quorum.	Annual average cost $1,400

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63	Workforce Investment Board • No fewer than 33 and no more than 45 members appointed by the BOS. Members represent private sector, education, labor, community-based organizations, economic development, and One-Stop mandatory partners. • Members serve a two-year term. • The Board is subject to AB 1234 Ethics Training compliance.	BOS • Staff by County Human Services Agency/WIB Executive Director	02/15/2000	• Federal Public Law 105-220 Signed into law on 8/7/1998. • SB 293 signed into law on 6/27/2007	• Bylaws, Amended July 2007	The State and Federal rules and regulations adopted under the Workforce Investment Act require the County to establish a local Workforce Investment Board to oversee the funding of employment and training programs. All WIB administration and program operations funding comes from Federal and State sources.	Board meets at least 4 times annually on a calendar quarterly basis. Committee meetings are held on a regular basis between full Board meetings.	Achieves meeting quorum.	Annual average $35,000

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GOVC:	Government Code	HSC:	Health & Safety Code
JCAHO:	Joint Commission on Accreditation of Healthcare Organizations	JPA:	Joint Powers Agreement
PRC:	Public Resources Code	PUC:	Public Utilities Code
RTC:	Revenue & Taxation Code	SB:	Senate Bill
UHC:	Uniform Housing Code	VCBC:	Ventura County Building Code
VC ORD:	Ventura County Ordinance	WIC:	Welfare & Institutions Code

MEMBERS OF THE BOARD
FRANK SCHILLO
Chair
SUSAN K. LACEY
MAGGIE KILDEE
JUDY MIKELS
JOHN K. FLYNN

JUDY MIKELS
SUPERVISOR, FOURTH DISTRICT
(805) 582-8010
FAX: (805) 582-8055
INTERNAL MAIL, L#5910
E-Mail, http://www.ventura.org/vencnty.htm

BOARD OF SUPERVISORS
COUNTY OF VENTURA
3855-F ALAMO STREET
SIMI VALLEY, CALIFORNIA 93063

June 11, 1996

Board of Supervisors
County of Ventura
800 S. Victoria Ave.
Ventura, CA 93009

SUBJECT: Approve the reestablishment of the Agricultural Policy Advisory Committee and their new mission (responsibilities and by-laws), and modifications and to the existing "Right to Farm" section of the County Zoning Ordinance, and responsibilities of the Agricultural Commissioner.

RECOMMENDATIONS:

1. Approve reestablishment of the Agricultural Policy Advisory Committee with updated responsibilities and by-laws (Attachments A & B).

2. Direct staff to begin finalizing a modified and updated Ventura County "Right to Farm" ordinance as shown in Attachment C.

3. Assign the responsibility for staff support to the Agricultural Advisory Policy Committee to the Ventura County Agricultural Commissioner effective July 1.1996.

4. Establish one (Agricultural) Planner IV position in Agricultural Commissioner, with the salary range indicated, effective July 15, 1996:

Classification Title	Bi-weekly Salary Range	Annual Salary
Planner IV (05223)	$1,533 - $2,052	$39,870- $53,365

FISCAL / MANDATE IMPACT:

Mandatory:	No [X] Yes [ ]
Source of Funding:	General Fund Budget Unit 3760
Funding Match Required:	
Impact on Other Departments:	No [ ] Yes [X]
Summary of Revenue & Costs:	

Recycled Paper

	FY 1996-97
Revenues:	$ (21, 200)
Costs:	
Direct Operations	$ 42, 400
Indirect Department	$ -0-
Total Net County Cost	$ 21, 200

DISCUSSION:

On March 26, 1996, the Board gave conceptual approval to a staff evaluation and review of existing regulations, policies and procedures relating to the Agriculture Industry. Your Board also directed staff to review the issues and to return to your Board by May 7, 1996 with specific findings and recommendations. Unfortunately, resolution of some unforeseen issues delayed returning until today.

Until a few years ago, a ten-member county Agricultural Policy Advisory Committee met monthly to advise the Board and Local Area Formation Commission (LAFCO) on discretionary land use entitlements affecting and affected by agriculture, to review Land Conservation Act (LCA) contracts, and generally represent the agricultural viewpoint. As part of the Fiscal Year 93/94 Budget reductions, the Resource Management Agency-Planning Division staff position that had supported the Agricultural Policy Advisory Committee was eliminated, this virtually eliminated the Committee. Its function has been reduced to an annual meeting to review proposed LCA contracts.

It is proposed that a formal mechanism for the agricultural community to advise the Board of Supervisors be reestablished, by recreating an advisory body that meets at least monthly to advise on all issues of interest to agriculture. This new body would carry out all of the functions of the former agricultural advisory committee, with the addition of the general charge of reviewing any proposed county actions that may affect, or be affected by, agriculture. A listing of proposed responsibilities and by-laws for the new Agricultural Policy Advisory Committee is included in Attachment A.

The former Agricultural Policy Advisory Committee's have had varying numbers and mixes of members. Based on past experience, it is recommended the new Agricultural Policy Advisory Committee consists of five public members, one appointed by each of the five members of the Board of Supervisors. In addition, it is recommended the Agricultural Commissioner and the Farm Advisor each be included as {non-voting} ex-officio members, to assure professional, technical feedback is always available to the committee members during their deliberations.

To further emphasize the importance of and to assure appropriate portrayal of agriculture's viewpoint, it is recommended that responsibility for staffing the Agriculture Policy Advisory Committee be assigned to the Agricultural Commissioner's Office. Thus, just as now occurs in line departments such as Public Works Agency - Transportation and Flood Control, Fire and Sheriff who make recommendations in their areas of responsibility and expertise, the County Agricultural Department would have the same role for agricultural issues. A position of Agricultural Planner (at the Planner IV) level is recommended to staff these new functions. The Agricultural Commissioner feels sufficient funding is available through the application of existing fees to fund 50% of the $42.4 ($ 39.9 for Planner IV and $2.5 in service & supply costs). Establishing this new allocation will impact the general fund as department revenue will only cover 50% ($21.2) of total direct costs of $42.4.

Current references to a basic "Right To Farm" are contained in a few lines of the County Zoning Ordinance. A model "Right To Farm" ordinance (Attachment C) has been adopted by approximately 30 (thirty) Counties across the State of California. Staff would be requested to finalize and update the model, follow normal procedures and return to the Board for final approval. Several County agencies and staff have already examined the proposed ordinance, but the normal process including publication, public review and input, etc. needs to be followed. One of the first tasks to be undertaken, after the "Right To Farm" ordinance by the proposed new Agricultural Policy Advisory Committee would be a review of existing county ordinances as they relate to agriculture. While various positive changes have already been effected or proposed in county ordinances, additional streamlining and improvements may be worthwhile. In terms of the existing County Zoning Ordinance, this assessment would include consideration of existing agricultural land uses now categorized as discretionary for possible reclassification as ministerial, assessment of existing standards for agricultural uses, and analysis of related permit processing issues. Although most Building & Safety and Fire Protection District regulations are set in State law, the locally adopted Fire and Building Code provisions, and local procedures to implement state law, are also worthy of review. Other applicable county codes also be reviewed from the agricultural perspective.

The above mentioned actions have been reviewed by various County agencies (Chief Administrative Office, Agricultural Commissioner, Resource Management Agency, County Counsel, Fire Protection District, Personnel etc.) and is generally supported by the agricultural community.

If you have any questions or need more information, please call Supervisor Mikels, or her Administrative Assistant Keith Jayko, at (805) 582-8010.

Respectfully,

JUDY MIKELS
Supervisor
Fourth District

W. EARL MCPHAIL
Agricultural Commissioner
County of Ventura

c: M. L. Koester, CAO
Thomas Berg, Director, Resource Management Agency
James Sewell, Fire Chief, Fire Protection District
James McBride, County Counsel
Rex Laird, Ventura County Farm Bureau

AGMIKELS

Attachment B

RESOLUTION NO. 201/208.103

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA RECONSTITUTING THE AGRICULTURAL POLICY ADVISORY COMMITTEE AND REDEFINING ITS RESPONSIBILITIES AND BY-LAWS

Whereas, The Board of Supervisors adopted Resolution No. 610.100 on August 31, 1976, establishing the County's Agricultural Policy Advisory Committee to review, process and make recommendation to the Planning Commission and Board of Supervisors relative to agricultural matters, specifically applications for Land Conservation Act Contracts and attendant permits; and

Whereas, The Board of Supervisors has periodically authorized changes to the committee's composition, and changing circumstances suggest a redefinition of the Committee's role and responsibilities;

Now, Therefore, Be It Resolved, that this Resolution Repeals and Replaces, the Resolution of April 19,1988. The Committee will be comprised of one member from each supervisorial district. The members shall be appointed by the Board of Supervisors and shall be from the County's agricultural/farming community. Members shall serve at the pleasure of the Supervisor's from the District they represent. The Agricultural Commissioner and the Director of the University of California Extension Service for Ventura County shall serve as Ex-Officio Members of the Committee; and

Be It Further Resolved, that staff support for the Committee shall be provided from the County Agricultural Commissioner. The Committee shall serve in an advisory capacity to the Board of Supervisors, County advisory commissions and committees, such as the Planning Commission , the Local Agency Formation Commission (LAFCO), and County Staff.

Be It Further Resolved, that the Committee's power shall specifically include review and advice on the County Land-Conservation Act (LCA) Program, proposed zoning and building regulations effecting agriculture, and all matters having direct, indirect and cumulative impact on the County's agricultural economy. Said matters may include, but are not limited to, entitlements, plans, policies, programs, studies and legislation originating at the local, state and federal levels.

APPROVED AND ADOPTED THIS ELEVENTH DAY OF JUNE, 1996

By the following vote:

AYES: Supervisors Kildee, Mikels, Flynn and Schillo.

NOES: None.

ABSENT: Supervisor Lacey

Chair, Board of Supervisors

ATTEST:

RICHARD D. DEAN
County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof.

By Roberta Rodriguez
Deputy Clerk

Attachment A

BY-LAWS

VENTURA COUNTY
AGRICULTURAL ADVISORY COMMITTEE

I. DUTIES AND RESPONSIBILITIES

It shall be the duty of the Agricultural Policy Advisory Committee to: (a) advise and assist the Board of Supervisors by providing information on the County's agricultural industry; (b) evaluate matters referred to the Committee by the Board; (c) review, in cooperation with the Planning Department, proposed development projects having the potential to affect agricultural lands, as designated on the County's Agricultural Resources Map. Such review could consist of buffer setback determinations, recommendations regarding land division proposals for Type AE:40,0S20 Agricultural Land, and recommendations regarding proposed amendments to the Agricultural Land Type Designations as shown on the Agricultural Resources Map (as required by County Code _____). The Committee shall also perform the functions specified in Chapter _____ of this code.

II. MEETINGS

A. Regular meetings of the Agricultural Policy Advisory Committee shall be held on the fourth Thursday of each month, convening at 1:30 p.m. at a location/s yet to be determined. Should the meeting date, time and/or place be in conflict with a holiday or at a time when the regular meeting site is not available, the Committee shall fix an alternate meeting time and/or place at the meeting preceding the anticipated conflict.

B. No meeting of this Committee shall be held in any facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, or sex (Government Code Section 54961). Meetings shall be held within a facility which is functionally for, usable and accessible to physically handicapped persons.

C. Special meetings may be called by the Chairperson, or by a majority vote of the Committee during any regular or special meeting.

D. The public shall be notified in advance of the time and place of regular and special meetings.

E. At least seventy-two (72) hours prior to each regular meeting, an agenda for the regular meeting shall be mailed to each Committee member, and to each representative of the news media and to each other person who has submitted a written request to the Committee for notification of meetings, and shall be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public. The agenda shall contain a brief general description of each meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Committee may briefly respond to statements made or questions posed by persons exercising their public testimony rights or ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter. Notwithstanding the foregoing, action may be taken on any item of business not appearing on the posted agenda upon a determination by two-thirds vote of the membership of the Committee, or if less than two-thirds vote of the membership of the Committee, or if less than two-thirds of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted.

F. At least twenty-four (24) hours prior to each special meeting, an agenda for the special meeting shall be mailed to each Committee member and to each representative of the news media and to each other person who has submitted written request to the Committee for notification of meetings; and shall be posted at least twenty-four (24) hours prior to the special meeting at a location that is freely accessible to members of the public. No business other than that listed on the agenda shall be considered at a special meeting.

G. A person shall not be required to register his or her name or fulfill any other obligation as a condition to attendance at any meeting of this Committee (Government Code Section 54953.3).

H. Any person wishing to speak before the Committee shall fill out a speaker card and hand it to the secretary of the Committee.

III. VOTING

A. Quorum. A majority of the members of the Committee shall constitute a quorum for the purposes of conducting all business.

B. All official acts of the Committee shall comply with existing regulations, policies and procedures.

C. Committee members qualified to vote to approve minutes are those Committee members who were present at the subject meeting.

D. Motions shall be carried by a majority vote of Committee members.

IV. MEMBERSHIP

A. The Committee shall consist of five members, residents of the County, appointed by the Board of Supervisors. Each supervisor shall nominate one person to serve on the Committee. Membership on the Committee shall be open to those who are active in the production of agricultural commodities or a related agricultural industry.

B. There shall be, in addition, two liaison members appointed: the County Director of Agricultural Extension Service, and the County Agricultural Commissioner who shall be non-voting members of the Committee.

C. Committee members will serve without compensation, except if requested/ directed to travel on official business by the Board of Supervisors.

V. TERMS OF OFFICE

Each Committee member shall serve for a term of four years, commencing on April 1st of the year in which such Committee member's nominating supervisor begins a full term or at the pleasure of the nominating supervisor.

VI. OFFICERS

A. The officers of the Committee are the Chairperson and the Vice-Chairperson.

B. The Agricultural Commissioner shall serve as Committee Executive Secretary.

C. Each Committee shall elect its Chairperson and Vice-Chairperson. Committee officers shall be elected during the first meeting in April of each year at which there are a majority of the Committee members present.

D. The duties of the Chairperson are to preside over meetings, determine agenda items and prepare agendas in cooperation with the Agricultural Commissioner's Department, represent the Committee, and be responsible for communication with the County Departments, Board or Commissions as directed by a majority of the members of the Agricultural Policy Advisory Committee. The Vice-Chairperson shall assume these same duties in the absence of the Chairperson.

E. The duties of the Committee's Executive Secretary shall be to provide staff support for the Committee. The Agricultural Commissioner or his designee, shall serve as administrative secretary to the Committee, and shall receive copies of all minutes, reports and recommendations submitted to the Board of Supervisors by the Committee.

F. The Agricultural Commissioner's Department shall cooperate in providing staff support for the Committee. Such support shall consist of application receipt and processing, staff report preparation, and presentation of appeals of Agricultural Policy Advisory Committee decisions to the Board of Supervisors.

G. Attendance by Committee members. Every Committee members must notify the Agricultural Committee members 48 hours in advance of any Agricultural Policy Advisory Committee meeting he or she is unable to attend. If any Committee members is absent from three consecutive meetings without legitimate reason, the Agricultural Policy Advisory Committee shall request the Board of Supervisors to remove said Committee members from the Committee and request that a replacement Committee members be appointed.

VII. AGENDA

A. Committee members who wish to place items on the agenda shall give those items to the Agricultural Commissioner's Department staff at least fifteen (15) working days in advance of the meeting.

B. Public participation in Committee meeting shall be allowed as follows:

1. An opportunity for members of the public to directly address the Committee on any item on the agenda of interest to the public shall be provided before or during the Committee's consideration of the item.

2. In addition, the agenda will provide for community oral communications on items not on the agenda which are within the subject matter jurisdiction of the Committee at the beginning of each regular meeting agenda.

3. The Chairperson of the Committee may establish reasonable limits on the amount of time allotted to each speaker on a particular item, and the Committee may establish reasonable limits on the total amount of time allotted for public testimony on a particular item or the total amount of time allotted for community oral communications. When

further discussion is required, the Committee members may vote to allot time in the agenda of the following meeting.

C. All subcommittees shall comply with the notice and agenda requirements otherwise applicable to the Committee in these by-laws, except for subcommittees composed solely of less than a quorum of the members of the Committee which are not standing subcommittees of the Committee with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the Committee.

D. Minute orders. At the earliest practical opportunity after each Board of Supervisors meeting, the Committee Executive Secretary or designee shall furnish each Committee members with either a written summary or copies of newly adopted rules or regulations affecting Agricultural Lands adopted by the Board of Supervisors and the brief statement of the Board of Supervisors.

E. The business of the Agricultural Policy Advisory Committee shall be conducted according to Sturgis Rules of Parliamentary Procedure.

VIII. MINUTES OF MEETING

Official minutes recording the motions entertained and actions taken at each Committee meeting shall be prepared by the Committee's Executive Secretary and submitted to the Committee for their approval at the subsequent meeting. Approved minutes are to be submitted by the Executive Secretary to the Board of Supervisors, the Clerk of the Board and the County Administrative Office (as required).

IX. SUBCOMMITTEES

Subcommittees may be established as needed by the Chairperson with the majority approval of the Committee. Subcommittees shall be terminated when their functions are no longer necessary.

X. APPROVAL OF BY-LAWS

Amendments to these By-Laws may be recommended to the Board of Supervisors by a majority vote of the Committee.

Attachment C

M O D E L
(Example/ Sample)

RIGHT TO FARM ORDINANCE

Section 1. Definitions

As used in this Ordinance No. _____:

(a) "Agricultural Land" shall mean all that real property within the boundaries of Ventura County currently used for agricultural operations or upon which agricultural operations may in the future be established.

(b) "Agricultural Operation" shall mean and include, but not be limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture; the raising of livestock, fur bearing animals, fish or poultry; and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

Section 2. Findings and Policy

(a) It is the declared policy of this County to enhance and encourage agricultural operations within the County. It is the further intent of this County to provide to the residents of this County proper notification of the County's recognition and support through this ordinance of those persons' and/or entities' right to farm.

(b) Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations frequently become the subjects of nuisance complaints due to lack of information about such operations. As a result agricultural operators are forced to cease or curtail their operations. Such actions discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the County's agricultural industry as a whole. It is the purpose and intent of this section to reduce the loss to the County of its agricultural resources by clarifying the circumstances under which agricultural

operations may be considered a nuisance. This ordinance is not to be construed as in any way modifying or abridging state law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provision of State law relative to nuisances, rather it is only to be utilized in the interpretation and enforcement of the provisions of this code and County regulations.

© An additional purpose of this ordinance is to promote a good neighbor policy by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence. Such concerns may include, but are not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas.

Section 3. Nuisance.

No agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards and with all chapters of the Ventura County Code, as established and followed by similar agricultural operations, shall be or become a nuisance, public or private, pursuant to the Ventura County Code, if it was not a nuisance when it began.

Section 4. Disclosure.

(a) The disclosure statement required by this chapter shall be used under the following circumstances and in the following manners:

(1) The County of Ventura shall mail a copy of the disclosure set out at subpart (b) I to all owners of real property in Ventura County with the annual tax bill.

(2) Upon any transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or

residential stock cooperative improved with dwelling units, the transferor shall require that a statement containing the language set forth in subpart (b) shall be signed by the purchaser or lessee and recorded with the County Recorder in conjunction with the deed or lease conveying the interest in real property.

(3) Upon the issuance of a discretionary development permit, including but not limited to subdivision permits and use permits, for use on or adjacent to lands zoned for agricultural operations. The discretionary development permit shall include a condition that the owners of the property shall be required to sign a statement of acknowledgment containing the Disclosure set out in subpart (b) I, on forms provided by the Planning Department, which form shall then be recorded with the County Recorder.

(b) The disclosure required by Section 4(a) (2) is set forth herein, and shall be made on a copy of, the following disclosure form:

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, DESCRIBED AS _____. THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH ORDINANCE NO. _____ OF THE COUNTY CODE AS OF _____, 199_. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I

SELLERS INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property;

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS

REQUIRED BY THE COUNTY OF VENTURA AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

1. The County of Ventura permits operation of properly conducted agricultural operations within the County. If the property you are purchasing is located near agricultural lands or operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county was a strong rural character and an active agricultural sector. Ventura County has established a grievance committee to assist in the resolution of any disputes which might arrive between residents of the County regarding agricultural operations.

2. (additional county requirements)

_____

_____

_____

_____

Seller certifies that the information herein is true and correct to the best of Seller's knowledge as of the date signed by the Seller.

Seller _____ Date_____

Seller _____ Date_____

II

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller _____Date_____
Buyer _____Date_____

Seller _____Date_____
Buyer _____Date_____

Agent (Broker
Representing Seller)
_____by_____Date_____
(Associate Licensee or
Broker-Signature)

Agent (Broker
Obtaining the Offer)
_____by_____Date_____
(Associate Licensee or
Broker-Signature)

State of _____)
)
County of _____)

SS.

On this the _____ day of _____ before me, the undersigned Notary Public, personally appeared:
_____
_____

_____ Personally known to me. _____ Provided to me on the basis of satisfactory evidence to be the person (s) whose name (s) _____ subscribed to the within instrument and acknowledged that _____ executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____

Notary Public

Present A. P. No. _____

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

Section 5. Refusal to Sign Disclosure Statement.

If a Buyer refuses to sign the disclosure statement set forth in Section 4(b) the transferor may comply with the requirements of this chapter by delivering the statement to the Buyer as provided in section 4(b) and affixing and signing the following declaration to the statement:

> I, name, have delivered a copy of the foregoing disclosure statement as required by law to (Buyer's name) who has refused to sign.
>
> I declare the foregoing to be true.

Date: _____

(Signed)_____

Print Name:_____

Section 6. Penalty for Violation.

Noncompliance with any provision of this chapter shall not affect title to real property, nor prevent the recording of any document. Any person who violates any provision of this chapter is guilty of an infraction punishable by a fine not exceeding one hundred dollars ($100.00).

Section 7. Separability.

Of any section, subsection, sentence, clause or phase of this ordinance is for

any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of the ordinance.

Section 8. Precedence.

This ordinance shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith and to the extent they do conflict with this ordinance they are hereby repealed with respect to the conflict and no more.



Ordinance Number

4151

Date Adopted

10/7/1997

Subject

VENTURA COUNTY ORDINANCE TO PROTECT COMMERCIAL AGRICULTURE FROM NUISANCE CLAIMS, TO REQUIRE NOTIFICATION OF SUCH PROTECTION, AND TO PROVIDE FOR MEDIATION OF DISPUTES REGARDING THE RIGHT TO FARM - PROTECT COMMERICAL AGRICULTURE FROM NUISANCE CLAIMS

Comments

ORDINANCE NO. 4151

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS TO PROTECT COMMERCIAL AGRICULTURE FROM NUISANCE CLAIMS, TO REQUIRE NOTIFICATION OF SUCH PROTECTION, AND TO PROVIDE FOR MEDIATION OF DISPUTES

The Board of Supervisors of the County of Ventura ordains as follows:

1. The following findings and policy statements are hereby adopted:

   (a) It is the policy of this County to enhance and encourage agricultural operations within the County. It is the further intent of this County to provide to the residents of this County proper notification of the County's recognition and support through this Ordinance of persons' and entities' rights to farm.

   (b) Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations frequently become the subjects of nuisance complaints due to lack of information about such operations. As a result, agricultural operators are forced to cease or curtail their operations. Such actions discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the County's agricultural industry as a whole. It is the purpose and intent of this Ordinance to reduce the loss to the County of its agricultural

resources by clarifying the circumstances in which agricultural operations may be considered a nuisance.

(c) This ordinance shall not be construed as in any way modifying or abridging state law as set forth in the California Civil Code, Health and Safety Code, Fish & Game Code, Food and Agricultural Code, Water Code (Division 7) or any other applicable provision of state law relative to nuisances, other than those portions of Civil Code sections 3482.5 and 3482.6 that address the length of time a properly conducted commercial agricultural operation must have been in existence to be protected from a nuisance claim, and the definition of "agricultural activity, operation, or facility."

(d) An additional purpose of this Ordinance is to promote a good-neighbor policy by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence. Such concerns may include, but are not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept

attendant conditions as the natural result of living in or near rural areas.

2. Section 8114-2.1.1 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8114-2.1.1 - Exception - Agricultural Operations Protection - No agricultural activity, operation, or facility that is consistent with this Chapter and the General Plan, and is conducted or maintained for commercial purposes in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than one year if it was not a nuisance at the time it began.

a. Exception - This section shall not apply if the agricultural activity, operation, or facility, obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

b. Definition - For purposes of this section, the term "agricultural activity, operation, or facility" shall include, but not be limited to, the cultivation and tillage of the soils, dairying, the production, irrigation, frost protection, cultivation, growing, pest and disease management, harvesting and field processing of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or market, or delivery to carriers for transportation to market.

3. Section 8183-4.1 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8183-4.1 - Exception - Agricultural Operations Protection -
No agricultural activity, operation, or facility that is consistent with this Chapter and the General Plan, and is conducted or maintained for commercial purposes in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than one year if it was not a nuisance at the time it began.

a. This exception shall not apply if the agricultural activity, operation, or facility, obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

b. For the purposes of Section 8183-4.1, the term "agricultural activity, operation, or facility" shall include, but not be limited to, the cultivation and tillage of the soils, dairying, the production, irrigation, frost protection, cultivation, growing, pest and disease management, harvesting and field processing of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or market, or delivery to carriers for transportation to market.

4. Section 9112 of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 9112 - FEE SCHEDULE - The Commissioner may, upon making such inspections or issuing such certificates and permits or providing such services as are authorized or permitted by the California Food and Agricultural Code or this Chapter, charge a fee therefor in accordance with fee schedules which may from time to time be adopted by resolution of the Board of Supervisors and made available for public inspection during regular working hours on scheduled working days in the office of the Commissioner.

5. A new Article 2 is hereby added to Chapter 1 of Division 9 of the Ventura County Ordinance Code to read as follows:

ARTICLE 2 - RIGHT-TO-FARM

Sec. 9121 - AGRICULTURAL OPERATIONS PROTECTED -
Sections 8114-2.1.1 and 8183-4.1 of this Code, and section 3482.5 of the Civil Code, protect certain agricultural operations against claims that they constitute a nuisance.

Sec. 9122 - REAL ESTATE TRANSFER DISCLOSURE STATEMENT -
In addition to those disclosures required by section 1102.6 of the Civil Code, a disclosure on the form set forth below is required in connection with all transactions that are subject to the disclosure requirements of section 1102.6 of the Civil Code and that pertain to real property located in the unincorporated portion of Ventura County.

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LOCAL OPTION
REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, DESCRIBED AS _____. THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE-DESCRIBED PROPERTY IN COMPLIANCE WITH SECTION 9122 OF THE VENTURA COUNTY ORDINANCE CODE AS OF _____, 19__. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I

SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF VENTURA AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

Section 3482.5 of the Civil Code, and sections 8114-2.1.1 and 8183-4.1 of the Ventura County Ordinance Code protect properly conducted commercial agricultural operations against claims that they constitute a nuisance. If the property you are purchasing is located near or adjacent to agricultural lands or agricultural operations, or is included within areas used for agricultural purposes, you may be subject to inconveniences or discomfort arising from agricultural operations. Such discomfort or inconven-

iences may include, but are not limited to: frost protection measures, noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft), at any hour of the day or night, storage of equipment and materials necessary for normal agricultural practices, slow moving farm implements, and the application by spraying or otherwise of chemical fertilizers, soil amendments (such as manures, compost materials and mulches), and pesticides (such as herbicides, insecticides and fumigants). If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. Ventura County Ordinance Code sections 9131 through 9137 provide a procedure for mediating disputes concerning agricultural operations.

Substantial pesticide drift is illegal under section 12972 of the Food and Agricultural Code. Any concerns regarding substantial pesticide drift should be referred to the office of the Agricultural Commissioner.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller _____ Date _____
Seller _____ Date _____

II

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT

Seller _____ Date _____ Buyer _____ Date _____
Seller _____ Date _____ Buyer _____ Date _____

Agent (Broker)
Representing Seller _____ By _____ Date _____
(Associate Licensee or Broker-Signature)

Agent (Broker)
Obtaining the Offer) _____ By _____ Date _____
(Associate Licensee or Broker-Signature)

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

6. A new Article 3 is hereby added to Chapter 1 of Division 9 of the Ventura County Ordinance Code to read as follows:

ARTICLE 3 - MEDIATION SERVICES

Sec. 9131 - PURPOSE - The purpose of this Article is to provide for mediation by the office of the Commissioner of disputes, between persons conducting agricultural operations in the unincorporated territory of the County and persons owning or occupying property affected by such operations, respecting any and all of the issues listed in Section 9132.

Sec. 9132 - ISSUES - The following issues are subject to mediation under this Article:

a. Whether the operation that is the subject of the dispute --

(1) is an "agricultural activity, operation, or facility";

(2) is "conducted or maintained for commercial purposes"; or

(3) is conducted or maintained "in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality" --

within the meaning of section 3482.5 of the Civil Code and Sections 8114-2.1.1 and 8183-4.1 of this Code.

b. Such other and related issues as may be within the special expertise of the office of the Commissioner.

Sec. 9133 - APPLICATION - Any two or more parties to a dispute respecting one or more issues listed in Section 9132 may apply to the Commissioner for mediation of the dispute between and amongst the applicants. The application shall be made on such form as the Commis-

sioner may prescribe; provided, however, that the application shall include a partial waiver of confidentiality, signed by all the applicants, in the form specified in Section 9134. The Commissioner shall grant an application only if, in his or her judgment, the dispute appears to include one or more of the issues listed in Section 9132 and the office of the Commissioner has adequate resources to provide the requested mediation services.

Sec. 9134 - PARTIAL WAIVER OF CONFIDENTIALITY - The application form shall be signed by all the applicants and shall contain the following statement:

> "The applicants understand that the Agricultural Commissioner has responsibility for the enforcement of various laws, regulations and ordinances pertaining to agricultural operations and that such responsibility may be inconsistent with the maintenance of full confidentiality with respect to matters disclosed in mediation. Accordingly, the applicants agree that the Agricultural Commissioner and any other employee of the office of the Agricultural Commissioner may, notwithstanding the provisions of sections 703.5, 1152.5 and 1152.6 of the Evidence Code, testify in any subsequent civil proceeding about, and otherwise disclose to any person, any communication or document obtained in the course of the mediation to the extent such testimony or other disclosure is reasonably necessary for the proper performance of the Agricultural Commissioner's duties."

Sec. 9135 - MEDIATOR - The mediator shall be the Commissioner or an employee of the office of the Commissioner who is acceptable to the applicants and, in the opinion of the Commissioner, available and competent to provide the requested mediation services.

Sec. 9136 - MEDIATION PROCESS - Mediation is a process in which a neutral mediator facilitates communication between disputants to assist them in reaching a mutually acceptable resolution of the dispute. The mediation shall be conducted in such manner as the mediator deems efficacious. The applicants are expected to cooperate in the exchange and presentation of pertinent information. If jointly requested by all the applicants, the mediator shall, within 15 calendar days of the joint request, render a written opinion as to how the issues in dispute should be resolved. Any written opinion rendered by the mediator shall be nonbinding upon any applicant

who does not consent to be bound by it. The applicants may mutually agree to enter into a written settlement agreement respecting the dispute. If a written settlement agreement so provides, it shall be binding on the parties and be enforceable in a court of law.

Sec. 9137 - FEES - For services rendered by the office of the Commissioner pursuant to this Article, the Commissioner shall charge the applicable fee, if any, adopted by the Board of Supervisors pursuant to Section 9112.

7. Section 3 of this Ordinance shall become operative 30 days after certification by the California Coastal Commission pursuant to section 30514 of the Public Resources Code. All other sections of this Ordinance shall become operative 30 days after adoption by the Board of Supervisors.

PASSED AND ADOPTED this 7th day of October, 1997, by the following vote:

AYES: Supervisors Schillo, Long, Mikels and Flynn

NOES: None

ABSENT: Supervisor Lacey

John K. Flynn
Chair, Board of Supervisors

ATTEST:

RICHARD D. DEAN, County Clerk
County of Ventura, State of California,
and ex officio Clerk of the Board of
Supervisors thereof.

By Irene Hillard
Deputy Clerk

COUNTY OF VENTURA * CALIFORNIA *

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BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

OCTOBER 7, 1997 AT 8:30 A.M.

ORD.#4151/201

ORDINANCE REGARDING THE RIGHT TO FARM

An Ordinance of the Ventura County Board of Supervisors to Protect Commercial Agriculture from nuisance claims, to require notification of such protection, and to provide for mediation of disputes is presented to the Board at this time, and upon motion of Supervisor Mikels, seconded by Supervisor Schillo, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4151.

Board members vote as follows:

Ayes: Supervisors Schillo, Long, Mikels and Flynn

Noes: None

Absent: Supervisor Lacey

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4151.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, except Section 3 of the Ordinance shall become operative 30 days after certification by the California Coastal Commission pursuant to section 30514 of the Public Resources Code, and before the expiration of fifteen (15) days the entire Ordinance shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Santa Paula Times a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:
Ag. Comm.
Planning
Auditor
Files (3)
Item 24
10/7/97 fw

PROOF OF PUBLICATION
(2015.5 C.C.P.)

Case No. CIV143781

This space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA
COUNTY OF VENTURA
CITY OF SANTA PAULA

I am a citizen of the United States and a resident of the County of aforesaid; I am over the age of eighteen, and not interested in the above entitled matter. I am now and at all times embraced in the publication herein mentioned, was a principal clerk of the printers and publishers of THE SANTA PAULA TIMES, a newspaper of general circulation, published Wednesday & Friday at Santa Paula in the above named County and State; that the Legal Advertisement:

Number: 97-387

of which the annexed clipping is a true printed copy, was published in the above-named newspaper, and not in any supplement thereof, on the following dates, to wit:

October 15, 1997

that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of the County of Ventura, State of California, on June 20, 1994, under the provision of Chapter 1, Division 7, Title 1 of the California Code of the State of California.

I certify (or declare) under penalty of perjury that the foregoing is true and correct:

Dated at Santa Paula, California,
this 22nd day of October 19 97

Cynthia R. Ramos
Signature

SUMMARY
ORDINANCE NO. 4151

The Ventura County Agricultural Policy advisory Committee filed amendments to the Ventura County Ordinance Code, sometimes referred to as the "Right-to-Farm Ordinance". The ordinance results in the following changes: (1) revises existing zoning provisions so as to further protect properly conducted commercial agricultural operations from lawsuits claiming the operations to be nuisances; (2) adds provisions requiring disclosure to persons acquiring real property that agricultural operations are so protected from lawsuits and that such persons may experience inconveniences and discomforts associated with agricultural operations; and (3) adds provisions providing for optional mediation by the Ventura County Office of the Agricultural Commissioner of certain disputes involving agricultural operations.

PASSED AND ADOPTED this 7th day of Oct. 1997, by the following vote:

FOR: Supervisors Schillo, Long, Mikels, and Flynn

AGAINST: Supervisors None

ABSTAIN: Supervisor Lacey

RICHARD D. DEAN,
County Clerk
By Faye Willard,
Deputy County Clerk

To be published in the Santa Paula Times on Wednesday, October 15, 1997
Publication No. 97-387

I hereby certify that the Affidavit of Publication to which this stamp is affixed attests to the publication of the Ventura County Ordinance duly adopted by the Board of Supervisors on the date stated in said affidavit.

RICHARD D. DEAN, County Clerk and Ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

By Faye Willard
Deputy

BOARD MINUTES

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS SUSAN K. LACEY, FRANK SCHILLO, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN
October 7, 1997 at 10:00 a.m.

201/ORD#4151

SECOND HEARING - Adoption of an Ordinance regarding the Right to Farm. (Heard 9/23/97, Item 26)

( ) All board members are present.

(X) All board members are present except Supervisors Lacey.

(X) The following person(s) are heard: Earl McPhail, Alisse Weston and Rex Laird.

( ) The following document(s) are submitted to the Board for consideration: ( ) _____ statement card(s); ( ) _____

(X) The Board holds a public hearing.

(X) Upon motion of Supervisor Mikels, seconded by Supervisor Schillo, and duly carried, the Board hereby approves the attached staff recommendations, and adopts Ordinance No.4151.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the attached staff recommendation(s) with the following modification(s): _____

_____

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby continues the above stated matter to _____.( ) Supervisor(s) _____ dissenting/abstaining.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby

_____

( ) Without motion, the Board hereby: ( ) Continues the above stated matter to _____.( ) Hears the attached presentation. ( ) Removes the above stated matter from the Agenda. ( ) Receives and files the attached.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: Faye Willard
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated:_____

By:_____
Deputy County Clerk

Item # 24
10/07/97

DISTRIBUTION: Originating Agency, Auditor, File, _____

BOARD MINUTES

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS SUSAN K. LACEY, FRANK SCHILLO, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN
September 23, 1997 at 10:00 a.m.

201/ORD.

Public Hearing to Consider the Adoption of a Revised Ordinance Regarding the Right to Farm, with Supplemental Letter from the Chairman of the Agricultural Policy Advisory Committee and the Agricultural Commissioner. Letter from Conejo Valley Association of Realtors, Inc. (Continued from 7/15/97-Item 23) READ ORDINANCE IN TITLE ONLY AND CONTINUE FINAL ADOPTION TO OCTOBER 7, 1997

(X) All board members are present.

( ) All board members are present except Supervisors _____

(X) The following people are heard: Earl McPhail, Rex Laird, Donald Reeder, Ellen Brokaw, Charles Schwbauer, Tom Pecht, Mike Saliba, Ed Jones, John Boething, Carroll Dean Williams, Nancy Kimball, Letter of John Buse read in the record and Rob Sears.

( ) The following document(s) are submitted to the Board for consideration: ( ) _____ statement card(s); ( ) _____

(X) The Board holds a public hearing.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the attached staff recommendation(s).

(X) Upon motion of Supervisor Mikels, seconded by Supervisor Lacey, and duly carried, the Board hereby approves the attached staff recommendation(s) with the following modification(s): To add in the proposed Ordinance under seller information substantially the following: substantial pesticide drift is illegal under California State Agricultural Code Section 12972, and any concerns concerning substantial pesticide drift should be referred to Agricultural Commissioner; and continues final adoption of the Ordinance to October 7, 1997.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____

( ) Without motion, the Board hereby: ( ) Continues the above stated matter to _____. ( ) Hears the attached presentation. ( ) Removes the above stated matter from the Agenda. ( ) Receives and files the attached.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: Faye Willard
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated:_____

By:_____
Deputy County Clerk

Item # 26
9/23/97

DISTRIBUTION: Originating Agency, Auditor, File, _____

VENTURA COUNTY AGRICULTURAL POLICY ADVISORY COMMITTEE
P.O. BOX 889, SANTA PAULA, CA 93061
815 E. SANTA BARBARA STREET
TELEPHONE: (805) 933-3165
(805) 647-5931
FAX: (805) 525-8922

September 23, 1997 (Agenda)

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Proposed Revised "Right-to-Farm" Ordinance

RECOMMENDED ACTION:

On September 23, 1997:

1. CONDUCT a public hearing on the proposed revised "Right-to-Farm" Ordinance, as presented in Exhibit "1" to this Board letter; and

2. INTRODUCE AND READ the proposed ordinance in title only, waive further reading by majority vote, and continue the matter for final action until September 30, 1997.

On ~~September 30~~ OCTOBER 7, 1997:

1. RECEIVE public testimony;

2. FIND that the proposed amendments to the Ventura County Non-Coastal and Coastal Zoning Ordinances (Sections 8114-2.1.1 and 8183-4.1, respectively) and Division 9 of the Ventura County Ordinance Code (generally referred to as the "Right-to-Farm" Ordinance) are exempt from the California Environmental Quality Act (CEQA), under Section 15061(b)(3) of the *State CEQA Guidelines*, and direct staff to file a Notice of Exemption;

3. FIND that the proposed amendments to the Ventura County Ordinance Code are consistent with the Ventura County General Plan and Coastal Plan, and are justifiable in terms of general welfare, public convenience and good zoning practice pursuant to Ventura County Code Section 8115-0;

4. ADOPT the proposed revised "Right-to-Farm" Ordinance (Exhibit "1") and attached Resolution 222 (Exhibit "2");

5. DIRECT staff to forward the amendment to Section 8183-4.1 of the Coastal Zoning Ordinance to the California Coastal Commission with a recommendation that it be certified and /or otherwise approved;

6. DIRECT the Chair of the Board of Supervisors to sign the letter included as Exhibit "3" to this letter requesting that each of the ten cities in the county adopt an ordinance requiring a disclosure statement similar to that in Section 5 of the "Right-to-Farm" Ordinance. The purpose of this statement would be to alert purchasers of property within the cities of the protection afforded by state law and the County Non-Coastal and Coastal Zoning Ordinances to properly conducted commercial agricultural operations against nuisance claims, and the potential inconveniences and discomforts associated with agricultural operations; and

7. CONSIDER the concerns of the Planning Commission expressed in Resolution 8684 (Exhibit "12" to the July 15, 1997 Board letter) regarding the potential impacts of pesticide drift on urban uses and biologically-based/organically-based farming operations, and the potential conflicts between biologically-based/organically-based farming operations and conventional farming practices.

FISCAL/MANDATES IMPACT;

See discussion in July 15, 1997 Board letter.

STATEMENT OF MATTER FOR BOARD CONSIDERATION;

Revised Proposed "Right-to-Farm" Ordinance. The public hearing on the proposed "Right-to-Farm" Ordinance was originally scheduled for your meeting of July 15, 1997. Due to the absence of Supervisor Flynn, your Board continued the hearing to September 23, 1997. As a result of the concerns that have been raised by the public regarding the use of pesticides and the effects of pesticide drift, the Agricultural Policy Advisory Committee (APAC) revisited the draft ordinance to reaffirm that the text as written is acceptable, or to revise the text as necessary before it was heard by your Board. At its meeting on July 23, 1997, the APAC revised the preamble to the ordinance, which includes the non-codified purpose and policy statements of the ordinance, to include language from an earlier working draft of the ordinance that was omitted from the current draft document. This language states that with the exception of Civil Code Sections 3482.5 and 3482.6, the ordinance would not modify or abridge provisions in the State Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Water Code or any other provision of State law that regulate agricultural activities (such as the use of pesticides). In other words, the statement clarifies that the ordinance does not make legal any farming activities that are currently illegal. The new text has been added to the preamble (Section 1 of the proposed ordinance) as subsection (c), and previous subsection (c) has been changed to (d) (see Exhibit "1" to this letter).

State Civil Code Sections 3482.5 and 3482.6 address the length of time a properly conducted commercial agricultural operation must have been in existence to be protected from a nuisance claim, and the definition of "agricultural activity, operation or facility", respectively. Since at least 1985, Section 8114-2.1.1 of the Non-Coastal Zoning Ordinance and Section 8183-4.1 of the Coastal Zoning Ordinance have provided that a properly conducted commercial agricultural activity, operation or facility must have been in operation for more than one year to be protected from nuisance claims; the State Civil Code specifies that the activity, operation or facility must have existed for three years before the nuisance protection applies. County Counsel advises that the County can adopt more restrictive language than the State Civil Code to limit the potential for nuisance complaints to be made against properly conducted commercial agricultural operations. The current wording of the zoning ordinances reflects this additional protection, and would not be

modified by the proposed ordinance. However, the proposed ordinance would amend the County Zoning Ordinances to make the current definition of agricultural activities, operations and facilities more encompassing, and include irrigation, frost protection, pest and disease management, and field processing (see Exhibit "3" to the July 15, 1997 Board letter and "Exhibit "4" to this letter).

Responses to Public Comments on the Draft Ordinance. Exhibit "10" to the July 15, 1997 Board letter summarizes the written and oral testimony on the proposed "Right-to-Farm" Ordinance received by the Planning Commission at their June 26, 1997 public hearing, and provides responses to these comments. Additional written comments were received prior to your Board's scheduled July 15 hearing on the proposed ordinance, and are attached as Exhibits "5" through "12" to this letter. A summary of and responses to these comments are provided in Exhibit "13" to this letter.

Major Points Emphasized by the APAC At their meeting on July 23, the APAC re-emphasized the following points concerning the proposed ordinance:

- As addressed in the preamble, the purpose of the "Right-to-Farm" Ordinance is to enhance and encourage agricultural operations and to reduce the loss of agricultural resources in the County through (a) the continuation and expansion of existing protection afforded by the County Ordinance Code to properly conducted commercial operations against nuisance claims; (b) the promotion of a good-neighbor policy by notifying purchasers of unincorporated property that properly conducted commercial agricultural operations are protected from nuisance claims, and that agricultural operations may generate inconveniences or discomforts that potentially may impact non-agricultural uses; and (c) the provision of optional mediation services by the Office of the Agricultural Commissioner for disputes involving agricultural operations;

- The proposed "Right-to-Farm" Ordinance does not obligate any aggrieved individual to use the Office of the Agricultural Commissioner to mediate disputes involving agricultural operations. The ordinance also does not abridge any person's legal rights to redress problems associated with nearby agricultural activities. The mediation services of the Office of the Agricultural Commissioner would be voluntary. A disputant may seek an alternative mediation service, such as the Ventura Center for Dispute Settlement, or may pursue litigation;

- The proposed "Right-to-Farm" Ordinance does not make legal any agricultural activity that is currently illegal. State regulations concerning unlawful agricultural activities (such as substantial pesticide drift) would not be modified by the ordinance. The use of pesticides (including herbicides, insecticides, and fumigants) and fertilizers is strictly regulated by the State, and these regulations can only be changed by the State legislature. The regulations are outside of the purview of the APAC and your Board; and

- The real estate disclosure statement provisions of the proposed "Right-to-Farm" Ordinance would be applicable solely to purchasers of property located in the unincorporated area of the County, and not to property transfers within the cities. The "Recommended Action" described above recommends that your Board send a letter to each of the ten cities in the County requesting that they adopt an ordinance requiring a disclosure statement for purchasers of properties within the city limits that may be affected by agricultural activities.

The revised proposed "Right-to-Farm" Ordinance and this Board letter has been reviewed by County Counsel, and a copy provided to the Chief Administrative Office.

If you have any questions on this item, please contact any of the members of the APAC, or the Agricultural Commissioner at (805) 647-5931.

Charles Schwabauer, Chairman
Agricultural Policy Advisory Committee

W. Earl McPhail
Agricultural Commissioner

CS:WEM:jb

Attachments:

Exhibit "1" - Revised Draft "Right-to-Farm" Ordinance
Exhibit "2" - Draft Resolution 222 Adopting the "Right-to-Farm" Ordinance
Exhibit "3" - Draft Letter to Cities Requesting Adoption of Disclosure Statement Requirement
Exhibit "4" - State Civil Code Sections 3479, 3482.5 and 3482.6
Exhibit "5" - Letter from Lori Schiraga, Environmental Defense Center (dated July 9, 1997)
Exhibit "6" - Letter from John Buse, Environmental Defense Center (dated July 9, 1997)
Exhibit "7" - Letter from Jo Ann Van Reenan (dated July 9, 1997)
Exhibit "8" - Letter from Deborah Bechtel (dated July 3, 1997)
Exhibit "9" - Letter from Nancy Mauthe (dated July 9, 1997)
Exhibit "10"- Letter from Alisse Weston (dated July 9, 1997)
Exhibit "11"- Letter from Charles and Lynda Uvari (dated July 9, 1997)
Exhibit "12"- Letter from Conejo Valley Association of REALTORS, Inc. (dated September 16, 1997)
Exhibit "13"- Summary of and Responses to Written Comments Submitted to Board of Supervisors

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT
ADVISORY COMMITTEE MEETING
June 27, 1995
MINUTES

The meeting was convened at approximately 7:30 p.m. by Chairman Kuhn.

I. Director's Report

There was no Director's report.

II. Call to Order

Chairman Kuhn called the meeting to order at approximately 7:40 p.m.

III. Roll Call

Present

Maxine Dewbury	Michael Kuhn
Laura Flores Espinosa	Steve Logan
Dr. Richard Figueroa	John McCarthy
Bob Gehricke	John Moore
Stan Greene	Thomas Thompson
Sara Head	Dr. Robert Turner
Hector Irigoyen	Duane Vander Pluym

Absent

Jerry Frost (excused)	Ron Hendren (excused)
Reese Martin (excused)	Barry McMahan (excused)
Phillip Reed (excused)	

Staff

Mike Villegas	Don Price
Chris Frank	David Martinez
Karl Krause	

Public

Name	Affiliation
Donna Nowland	Western States Petroleum Ass'n.
Richard Scheideren	Dole Fresh Veg.
Phil Kinney	Alton Geoscience
John Burns	Waste Management
Hasan Jafar	U.S. Navy
Han Je	West Coast Environmental

Michael Klancher	Cal Resources
Peter Thams	West Coast Environmental

IV. Minutes

The minutes of the April 25, 1995 meeting were approved, as mailed.

V. Chairman's Report

There was no Chairman's report.

VI. Election of Officers

It was moved (Irigoyen), and seconded (McCarthy), that Michael Kuhn be nominated as Chair. The election of Michael Kuhn as Chair was passed by voice vote.

It was moved (Turner), and seconded (Irigoyen), that Maxine Dewbury be nominated as Vice Chair. The election of Maxine Dewbury as Vice Chair was passed by voice vote.

VII. Public Comment

There was no Public Comment.

VIII. Old Business

There was no Old Business.

IX. New Business

A. Proposed New Rule 74.29, Soil Decontamination; related revisions to Rule 44, Exemption Evaluation; and Rule 23, Exemptions from Permit.

David Martinez of District staff summarized the requirements of proposed new Rule 74.29 and discussed the extensive public input process for the rule. Mr. Martinez also discussed the proposed revisions to Rules 23 and 44.

The committee and staff discussed the proposed exemption for agricultural operations. Committee member Moore asked how the 65 ton per year emission reduction estimate was calculated. Mr. Martinez responded that it was based on quarterly reports from some existing sites and information provided from consultants. Mr. Martinez stated that the estimate is based on an assumption of an emission reduction of 5,000 to 10,000 pounds of ROC per site. The

committee and staff discussed the relation of the 65 ton per year emission reduction to the total ROC inventory for the county. The committee and staff agreed that the 65 ton per year reduction was small compared to the total inventory. Vice Chair Dewbury asked if having less stringent emission limitations in the rule would improve cost-effectiveness. David Martinez explained that the cost-effectiveness data was based on three sites and stated that monitoring costs had driven up the costs. Committee member Vander Pluym stated that because a site was not generating a ROC stream with a concentration that would make combustion cost-effective, does not necessarily mean the site will not pose a health risk. Committee member Thompson asked how the District is handling these sites at this time. Staff described the existing permitting practices, the existing soil aeration policy and the new source review toxics policy.

Michael Klancher, representing Cal Resources, stated that he would like to see the rule changed to specify that the measurement of organic compounds from soil be done at a level of three inches above undisturbed soil. Mr. Klancher also stated that this rule could discourage some bioremediation projects and asked the committee and staff to consider the total environmental impacts of the rule. Donna Nowland, representing Western States Petroleum Association, stated that she also would like to have sampling performed at three inches above the undisturbed soil. Ms. Nowland also asked how the $450 exemption evaluation fee was determined.

Mike Villegas of District staff stated that it would be reasonable to perform the measurement of organic compounds from soil at a level of three inches above undisturbed soil for in situ remediation projects. Mr. Villegas also stated that the proposed method of disturbing the soil to obtain a representative sample was still best to determine the emissions from recently excavated soil. Karl Krause of District staff stated that the $450 fee was based on the average amount of time that District spent on exemption evaluations.

It was moved (Greene), seconded (McCarthy), and passed by a vote of 9 to 5 that the proposed revisions to Rule 74.29, as proposed and modified by Mike Villegas of staff, be recommended to the Air Pollution Control Board for adoption.

It was moved (Greene), seconded (Figueroa), and passed by a vote of 11 to 3 that the proposed revisions to Rules 44 and 23, as proposed and modified by the committee, be recommended to the Air Pollution Control Board for adoption. As part of the motion, staff was directed to change the proposed exemption evaluation fee so that the minimum fee would be $250 and the maximum would be $450.

B. Proposed New Rule 76, Federally Enforceable Limits on Potential to Emit.

Karl Krause of District staff gave an overview of Title V of the federal Clean Air Act and the concept of "potential to emit." Mr. Krause also summarized the rule negotiation with EPA that resulted in this proposed new rule. Mr. Krause stated that a workshop was not held because EPA would not approve any revisions to the rule in a timely manner. Further, Mr. Krause stated that the districts had agreed to present this rule as negotiated to their governing Boards. Mr. Krause then summarized the proposed rule and the recordkeeping requirements contained in the rule. Mr. Krause stated that of the approximately 1,400 sources on permit in Ventura County over 1,200 would be exempt from Title V under this rule. Mr. Krause also discussed the proposed changes to the draft rule that were made in response to EPA comments and the memo that detailed the changes.

The Committee and staff discussed the purpose of the Title V permit program and whether or not the District's new source review program could be used to set federally enforceable permit limits. Vice Chair Dewbury asked if Rule 76 should have a delay before the rule requirements became effective (some number of months after adoption). Mr. Krause agreed that this would be appropriate.

It was moved (Head), seconded (Turner), and passed unanimously that proposed new Rule 76, as proposed and revised by staff, be recommended to the Air Pollution Control Board for adoption. As part of the motion, staff was directed to make the rule effective six months after adoption.

C. Proposed Revisions to the Advisory Committee Bylaws

Don Price of District staff gave an overview of the revised bylaws and stated that these proposed revisions had been reviewed by County Counsel. Mr. Price also stated that the proposed bylaws reflected the new composition of the committee.

The committee and staff briefly discussed the proposed revisions to the bylaws. Committee member Logan asked if the committee would follow Roberts Rules of Order. It was the consensus of the committee that they would loosely follow Roberts Rules of Order. Committee member Turner asked if the agendas could be set so that the meetings would not run too late. Staff agreed to try to do this and will place an estimate of the time required for each item on the agenda.

It was moved (Dewbury), seconded (Vander Pluym), and unanimously voted that proposed revisions to the Advisory Committee Bylaws be adopted as proposed and revised by staff.

X. Adjournment

The meeting was adjourned at approximately 10:50 p.m.

Prepared by:

Mike Villegas
Air Pollution Control District Staff

Advisory Committee : Attendance & Voting Record

Date 27 June 1995

		Rule 74.29 with revisions			Rules 44 & 23 with revisions			Rule 76 with revisions			Bylaws with revisions		
Member	**Attendance****	**Moved**	**Second**	**Vote***	**Moved**	**Second**	**Vote***	**Moved**	**Second**	**Vote***	**Moved**	**Second**	**Vote***
Dewbury	P			N			Y			Y	X		Y
Espinosa	P			Y			Y			Y			Y
Figueroa	P			Y		X	Y			Y			Y
Frost	AE												
Gehricke	P			Y			Y			Y			Y
Greene	P	X		Y	X		Y			Y			Y
Head	P			N			Y	X		Y			Y
Hendren	AE												
Irigoyen	P			N			Y			Y			Y
Kuhn	P			Y			N			Y			Y
Logan	P			N			Y			Y			Y
Martin	AE												
McCarthy	P		X	Y			Y			Y			Y
McMahan	AE												
Moore	P			Y			Y			Y			Y
Reed	AE												
Thompson	P			Y			N			Y			Y
Turner	P			N			Y		X	Y			Y
Vander Pluym	P			Y			N			Y		X	Y

**Attendance - P (present), A (absent), E (excused)

*Vote - Y (yes), N (no), A (abstain)

MtgClerical\Ascom.PM4

ADVISORY COMMITTEE - BYLAWS
Adopted June 27, 1995
VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
ADVISORY COMMITTEE

BYLAWS

INTRODUCTION

The bylaws of the Air Pollution Control District (APCD) Advisory Committee contain information on purpose and objectives, committee functions, time and location of meetings, officers duties, elections, meeting contents, agendas, minutes, subcommittees, and the bylaws.

PURPOSE AND OBJECTIVES

The APCD Advisory Committee (Committee) was created by, and its members are individually appointed by, the Ventura County Air Pollution Control Board (Board). The Committee provides the Board with recommendations on APCD rule actions, general APCD issues, and general air pollution issues.

The Board created the Committee, in part, to ensure that all parties, including private citizens, health and environmental organizations, government agencies and industry, have a forum for the discussion of APCD rule development activities and other air pollution concerns. An appearance before the Committee is recommended for parties planning a presentation before the Board. Therefore, on matters either under consideration or air pollution related, the Committee will hear and consider input from any source.

The Committee endeavors to conduct its business openly, fairly, quickly, and effectively. The guidelines for this objective are the bylaws.

Article 1

COMMITTEE FUNCTIONS

Section 1. COMMITTEE RECOMMENDATIONS TO THE BOARD

A. Requests for recommendations arrive before the Committee as follows:

1. From the Air Pollution Control Officer and APCD Staff (Staff), working primarily from a Rule Development Calendar approved annually by the Board. Staff may request recommendations on other issues as needed.

2. From the Board, by direction.

B. In its recommendations, the Committee should, to the extent feasible, consider factors related to the general welfare of Ventura County. These factors include, but are not limited to, the health, social, economic, political, legislative, legal and employment effects of an

issue on both the public and industry. Recommendations should advance efforts to meet health based state and federal clean air standards.

1. Recommendations should be made within a reasonable amount of time, after a reasonable amount of effort, and within the ability of the Committee.

C. Recommendations shall be transmitted to the Board by the Staff; recommendations are discussed in the text of a Board transmittal letter with the Committee voting record attached. Transmittal may be supplemented in any or all of the following ways: attachment of the minutes of Committee meeting, a letter from the Committee Chair, or a presentation from the Committee (per Article 1, Section 2.G).

1. Committee work is conducted in cooperation and partnership with Staff, who work with the Committee to create and find agreement on the best possible recommendation. Therefore, Staff and Committee recommendations may often closely coincide. However, it is correct and proper for Staff recommendations and Committee recommendations to differ.

2. The form and content of supplemental transmittal information shall be determined by the Committee.

D. Committee members may express an opinion on a recommendation, either supporting or dissenting, in the following ways:

1. Express a personal opinion directly to the Board, per Article 1, Section 2.G.

2. Have an opinion placed on the record in the meeting minutes and transmitted to the Board. The committee member is responsible for providing the statement to the Secretary and is solely responsible for its content.

Section 2. MEMBERSHIP

A. The Committee is composed of twenty members. The Ventura County Board of Supervisors nominate two Committee members each, for a total of ten. The ten Ventura County cities (Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley and Thousand Oaks) nominate one Committee member each, for a total of ten. All appointments are made by the Board.

1. A quorum shall be a majority of the appointed members.

B. Committee members serve as follows:

1. Committee members nominated by the Board of Supervisors serve a four (4) year term coinciding with the term of the nominating supervisor.

2. Committee members nominated by the cities of Ojai, Port Hueneme, Simi Valley and San Buenaventura serve an initial term of two (2) years (1995-1997); terms thereafter shall be four (4) years. Committee members nominated by the remaining cities serve four (4) year terms.

3. Committee members serve until replacement or removal by the Board, or resignation. Members may serve past the term of office of the nominating entity until either replaced or reappointed.

C. The Secretary shall notify the Committee of new and renewed appointments by the Board.

D. Committee members represent their communities, professions, and industries, and are appointed with the specific purpose of providing input from these sectors, in both discussion and voting. This is not a conflict of interest.

1. Despite issues that are often of a technical nature, committee members require no special technical background. Since technical knowledge from some members is essential during Committee deliberations, and non-technical members can become expert with increasing experience, a certain level of continuity in membership is encouraged. Although not required, a good mix of new and seasoned members provides for optimum Committee operation.

E. If a committee member's actions are deemed by vote of the Committee to be improper or unacceptable, the committee chair shall notify the Board. No further action may be taken by the Committee.

F. Committee members shall provide a completed and signed conflict of interest statement to the Secretary annually by April 1. An additional statement is required at both the start and termination of appointment to the Committee. The Secretary shall arrange for Ventura County Counsel to answer questions on conflict of interest issues and statements.

G. Committee members may appear and testify before the Board or elsewhere on Committee or air pollution issues. However, members must, during every appearance, state for the record that they are expressing either an approved Committee position or their own position. Presentation of majority and/or minority opinions and reports require the same clarification.

Section 3. BROWN ACT REQUIREMENTS

A. The Committee is a permanent, advisory committee created by the Board. As such, Brown Act requirements apply to the Committee.

B. General Requirements

1. All regular and special meetings of the Committee shall be open and public and all persons must be permitted to attend the meetings. Any person attending shall have the right to record the meeting.

2. The Committee must designate by formal action the time and place for the holding of regular meetings. See Article 2, Section 1.A.

3. At least 72 hours before a regular meeting, an agenda must be posted in a freely accessible area. The agenda must contain a brief description of each item of business to be transacted or discussed at the meeting.

C. Special Meetings

1. A meeting notice shall be delivered to the Committee members and to each local newspaper of general circulation, radio or television station requesting notice in writing. The notice must be received at least 24 hours before the time of the meeting and must specify the time and place of the meeting and the business to be transacted. The notice must be posted at the location freely accessible to the public at least 24 hours before the meeting.

D. Subcommittee Requirements

1. Subcommittee meetings must meet the same Brown Act requirements as Committee meetings.

Article 2

TIME AND LOCATION OF MEETINGS

Section 1. REGULAR MEETINGS

A. The Committee meets regularly on the fourth Tuesday of each month at 7:30 P.M. Meetings are held at the offices of the Air Pollution Control District, 669 County Square Drive, Ventura, CA, 93003, except under special circumstances or as determined by the Committee.

1. Regular meetings need not be scheduled every month; meetings shall be scheduled only when recommendations are requested.

2. Regular meetings shall occur at least once each quarter to review APCD and air pollution status and to provide a public forum for non-agenda subjects.

B. A quorum must be present by 8:00 P.M. If a quorum is not present at that time, the meeting shall be either adjourned or continued, by order of the Chair. Subcommittees may meet if provided for in the agenda.

Section 2. SPECIAL MEETINGS

A. Special meetings may be held at any time or location in Ventura County. Special meetings are scheduled as follows:

1. The Committee may call for the meeting during a regular meeting, or

2. The Chair may call for the meeting in consultation with staff. Scheduling is contingent upon the indication, by phone survey conducted by the Secretary, that a quorum will be present.

B. The agenda for special meetings shall be limited to special issues unless a regular meeting agenda is planned by Committee vote. Normal informational, administrative and scheduling activities may be conducted as well.

Section 3. VOTING

A. A motion by any Committee member is required to request a vote on an issue. The motion shall describe the action to be taken.

B. A second is required to place the motion before the Committee for a vote. After a motion and a second, all Committee members present shall be polled for a voice vote by the Secretary. The results of the vote are reported in the minutes and provided to the Board.

1. Each Committee member present has one vote.

2. Voting by proxy is not allowed.

3. Secret ballots are not allowed.

4. The Chair may vote on any issue.

C. Abstentions

1. Committee members may abstain from voting on an issue for any reason. Members shall announce any economic conflict of interest which requires disqualification. Beyond that, members may note the reason for an abstention in the minutes if desired.

2. Abstentions shall be recorded and reported by the Secretary during the vote.

Section 4. ADJOURNMENT AND CONTINUANCES

A. Meetings at which business is incomplete or a quorum is not present may be adjourned to a time and place designated by the Committee or, in the absence of a quorum, the Chair.

1. An adjourned regular meeting is the continuation of an original meeting and operates in the same manner as a regular meeting.

2. A copy of the order of adjournment must be posted on or near the door of the meeting place within 24 hours of the adjournment to a stated time and place.

B. Action on specific issues may be continued to a subsequent meeting by direction of the Committee or, in the absence of a quorum, the Chair.

1. If the continuance is for less than 24 hours, a copy of the order must be posted on or near the door of the meeting place immediately following the meeting at which the continuance occurred.

OFFICERS - DUTIES AND ELECTIONS

Section 1. OFFICERS

The Officers of the Advisory Committee shall include a Chair, a Vice-Chair, and a Secretary. Officers are elected from the Committee membership except the Secretary, who is the Air Pollution Control Officer.

Section 2. TERM OF OFFICE - ELECTIONS

A. Officers serve for one year, from January to January, unless changed by Committee vote. There is no limit on the number of terms.

    1. When an officer relinquishes Committee membership for any reason, the Committee shall hold an election for that office as soon as possible.

B. Officer elections are held during the regular January Committee meeting, or as soon thereafter as the Committee's schedule provides. If elections are delayed, existing officers serve through the election.

    1. Election votes follow the same rules as regular votes.

Section 3. DUTIES OF THE CHAIR

A. Primary duties of the Chair:

    1. Conduct Committee meetings by presiding over discussions, deliberations, and voting. In addition, the Chair shall moderate public discussion and presentations. The Chair shall attempt to provide equal time to all sides and factors.

        a. The chair shall verify that all members understand the issue under discussion, the motion, and the vote results.

    2. Verify that a quorum is present prior to the start of official meetings.

    3. Verify that both role and minutes are taken by the Secretary.

    4. Poll the public audience for issues of discussion not on the agenda during the public comment portion of the meeting.

    5. Insure that meeting minutes, as prepared by the Secretary, are reviewed, corrected if necessary, and approved.

    6. Decide questions of order or procedure. Decisions may be appealed to the Committee, which may vote on the issue.

B. Secondary issues:

1. Although not forbidden, the Chair should refrain from making either a motion or a second.

2. If a sufficient number of meetings lack a quorum, the Chair shall inform the Board. The chair shall request replacements for departing members.

3. The Chair shall represent the Committee on other committees and organizations unless an alternate is designated by the Chair or the Committee.

4. The Chair shall write letters and make personal appearances and presentations to the Board and other persons, agencies, and entitles on behalf of the Committee, unless an alternate is designated by the Chair or the Committee.

5. The APCO and the Board may call upon the Chair to go to outside meetings (i.e. with ARB, PUC, legislatures, EPA, sister counties and districts) as their representative from the Committee, as an expert, or representing the Committee prestige and expertise.

Section 4. DUTIES OF THE VICE-CHAIR

A. Primary duties of the Vice-Chair:

1. Perform all of the primary duties of the Chair when the Chair is absent.

2. Aid the Chair in the efficient conduct of the meeting and, at the Chair's request, coordinate side issues while the chair is running the meeting. These side issues may include interactions with the audience, public, staff, or Committee members, answering questions, or making other arrangements to keep the meeting moving efficiently and undisturbed.

3. Monitor the proceedings and plans of the Committee, notifying the Chair of potential problems.

4. Assume Chair duties when the position becomes vacant. Chair duties shall cease when the Committee elects a new Chair.

5. Represent the Committee when needed if the Chair is unable to fulfill this obligation.

Section 5. DUTIES OF THE SECRETARY

A. Primary duties of the Secretary:

1. Prepare and distribute the agenda and meeting packet, arrange for meeting rooms and facilities, make Brown Act notifications, and prepare documentation to support this effort.

2. Take meeting minutes, prepare a draft of those minutes, and send the draft to Committee members with the next regular meeting packet.

3. Prepare and send meeting notices and make phone inquiries as needed for all meetings. This includes distribution of material to the public, transmission of recommendations and other material to the Board on behalf of the Committee, and any other aspect of Committee work.

4. Advise the Committee of upcoming events, schedules, and situations.

5. Know, appreciate, and convey the desires, actions, and problems of the Board.

6. Bring to the Committee a perspective on the activities of state agencies, federal agencies and adjacent APCDs, including legal proceedings and court decisions, regarding air pollution issues.

7. Take part in discussions during meetings and deliberations, assisting Committee members in understanding and appreciating all pertinent facts and factors from both the District and the Board.

Article 4

MEETINGS AND AGENDAS

Section 1. PREPARATION OF THE AGENDA.

A. The Agenda for regular meetings is prepared by the Secretary early in the month. Meeting notices and Committee member packets are assembled and mailed to committee members two weeks before the meeting date. This means that reports, communications, resolutions, documents, and other material for distribution to the Committee must be submitted to the Secretary by the first Wednesday of the month of a meeting.

1. Agenda items that come up after the first Wednesday of the month, or arise unexpectedly at the meeting, may be heard by the Committee if Brown Act requirements for "Off Agenda Items" are met.

Section 2. ATTENDANCE AT MEETINGS

A. Committee members unable to attend a meeting shall notify the Secretary no later than the day before the meeting. An excused absence shall be noted for members who notify the Secretary in advance.

B. When member notifications or a phone poll reveals enough absences to prevent a quorum, the meeting shall be cancelled. The Secretary shall inform the Committee by phone as soon as possible; the public shall be informed as well if possible. The Secretary shall re-schedule the meeting.

C. Unexcused absences shall be recorded by the Secretary and reported to the Board for every meeting on the Attendance and Voting Record.

Section 3. ORDER OF BUSINESS

A. Regular meetings are conducted as follows:

1. Director's report
2. Call to order
3. Roll call
4. Minutes; minutes from previous meeting are discussed, modified and approved.
5. Chair report
6. Public comment; discussion of items not on the agenda.
7. Old business; items continued from previous meetings.
8. New business
9. Subcommittee report
10. Committee business
11. Adjournment

B. The order of presentation for action items is as follows:

1. District Staff overview
2. Subcommittee report
3. Staff recommendation
4. Committee questions
5. Public comments and presentations
6. Committee discussion and deliberation
7. Action on the issue

Section 4. RECORDING MEETINGS

The Secretary shall make an audio recording of each meeting to ensure the accuracy of the minutes. Recordings shall be maintained on file for two years. Recordings shall be available for review by the public and copies shall be available for the cost of reproduction.

Article 5

SUBCOMMITTEES

Section 1. APPOINTING SUBCOMMITTEES

Subcommittees are created by the Committee as needed to provide additional information on an issue.

A. Subcommittee members shall be appointed by the Chair, along with a temporary subcommittee Chair. The Chair is an ex-officio member of each subcommittee.

1. At the first subcommittee meeting, members may affirm or change the subcommittee Chair.

a) The subcommittee Chair shall schedule Subcommittee meetings, take minutes, provide a subcommittee report to the Committee, and work with the Secretary to make the necessary notifications.

2. Subcommittee attendance must not exceed a Committee quorum unless approved in advance by the Chair.

B. Subcommittees may obtain outside expert advice and take additional information as needed to develop a report on their subject. However, subcommittees shall not incur expenses to be paid without prior approval from the Secretary.

C. Dissenting or multiple subcommittee reports or recommendations are permissible if differing or competing solutions exist.

D. When presenting subcommittee reports, the Subcommittee Chair or a delegate shall inform the Chair of the report at the start of the committee meeting, along with the subject of the report and the associated agenda item.

E. Written subcommittee reports may be either distributed to members as part of a meeting packet or mailed, faxed or electronic mailed directly to members before the meeting.

Article 6

BYLAWS

Section 1. AMENDING THE BYLAWS

A. Temporary amendment: The bylaws may be changed or amended at any regular meeting by two-thirds vote; the change is active for that meeting only.

B. Permanent amendment: The bylaws may be permanently changed or amended at any regular meeting by two-thirds vote. The proposed changes must be submitted in writing to each committee member before the meeting, either in the meeting packet or in a presentation to the Committee at a previous meeting.

Section 2. AVAILABILITY OF THE BYLAWS

The Bylaws shall be maintained by the Secretary. Copies shall be available upon request.

HCA Ventura County Health Care Agency

PIERRE DURAND, DPA
Health Care Agency Director
Ventura County Medical Center Administrator

Karen Davis, MBA
HCA Deputy Director
HCA/VCMC Chief Financial Officer/Fiscal Services

Paul E. Lorenz, MBA
Public Health Director

Ronald L. O'Halloran, MD
Medical Examiner/Coroner

Michael Powers
HCA Deputy Director
VCMC Hospital Administrator

Linda Shulman, MFT
Behavioral Health Director

Kirk E. Watson
HCA Deputy Director
VCMC Compliance Officer
VCMC Ambulatory Care Administrator

July 26, 2005

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: APPROVE ALCOHOL AND DRUG ADVISORY BOARD REVISED BYLAWS (COPY OF BYLAWS ATTACHED).

RECOMMENDATION:

It is recommended that the County Board of Supervisors approve and authorize the Chair of the Board to sign the Alcohol and Drug Advisory Board Bylaws (attached).

FISCAL/MANDATES IMPACT: None

DISCUSSION:

The Ventura County Alcohol and Drug Advisory Board (ADAB) has requested that the Behavioral Health Department, Alcohol and Drug Programs (BHD/ADP) present to your Board the ADAB Bylaws (attached) for your approval.

Background:
In 1990, state legislation was enacted (AB 3383, Stats. 1990, Ch. 296) which permitted a county the option of consolidating alcohol and drug advisory boards into one body, and specified how that was to be accomplished. On January 8, 1991, pursuant to the 1990 legislation, the Board of Supervisors approved a recommendation to consolidate the County's alcohol and drug advisory boards into one board. In researching the history of the existing ADAB Bylaws, staff has found no documents indicating (1) whether or not the Bylaws or some prior version ever received Board approval, or (2) whether there is a Board resolution requiring that the Bylaws be approved by the Board.

Bylaws Summary:

In brief, the Bylaws presented for Board approval today outline the responsibilities of the ADAB as follows:

- Review and evaluate the community's alcohol and drug services, facilities, and special problems.
- Advise the Behavioral Health Director on policies and goals of the County Alcohol and Drug Programs division and other related matters.
- Review and approve the planning process to ensure citizen and professional involvement at all stages.
- Assess the level of knowledge, attitude and behavior regarding drug and alcohol programs among the Ventura County public. Encourage and educate the public to understand the nature of drug and alcohol problems and encourage support throughout the County for development and implementation of effective drug and alcohol programs.
- Prepare an annual report on the status of alcohol and drug program services in Ventura County.
- Review and evaluate proposals seeking public funds for local alcohol and drug programs. Conclude the review with a formal resolution addressed to the Behavioral Health Director and Board of Supervisors noting ADAB's position on each proposal.
- Study pending legislation on matters regarding alcohol and drug use and abuse and make recommendations to the Board of Supervisors.
- ADAB shall submit minutes of its general or special meetings to the Board of Supervisors.

Meetings shall be monthly, or as deemed necessary by the ADAB Executive Committee, and open to the public subject to the Brown Act.

Membership of ADAB shall consist of twenty-three (23) persons, four (4) persons selected from each of the five supervisory districts, two (2) youth-at-large, and one (1) member-at-large. The Board of Supervisors will make all ADAB member appointments. The term of each member shall be three years and the appointing Supervisor may reappoint members.

Members of ADAB shall have a professional interest in, or a personal commitment to, alleviating problems relating to drug abuse and inappropriate alcohol use in the community. To the extent practical, the membership shall include representatives from various economic, social and occupational groups and shall be broadly representative of demographic characteristics of the County.

The Bylaws also include guidelines for meetings, membership terms, elections, officers, and committees. For more detail, please refer to the attachment.

Subject to subsequent approval by the Board of Supervisors, the Bylaws may be amended at any meeting by a two-thirds vote of the membership existing at any time, provided notice of the proposed amendment was given, in advance, with the call for the meeting.

The ADAB approved the Bylaws at their general meeting held June 27, 2005. This Board letter has also been reviewed by the County Executive Office and County Counsel.

If you have questions regarding this item, please contact Linda Shulman at 652-6737.

Sincerely,

LINDA SHULMAN, M.F.T.
Director
Behavioral Health Department

DR. PIERRE DURAND
Health Care Agency Director
Ventura County Medical Center Administrator

Attachment: ADAB Bylaws

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN

July 26, 2005 at 8:30 a.m.

215.102

HEALTH CARE AGENCY – Behavioral Health –Approval of the Alcohol and Drug Advisory Board Revised Bylaws.

(X) All board members are present.

(X) The following persons are heard: Linda Shulman and Noel Klebaum

( ) The following document(s) are submitted to the Board for consideration:
( ) _____

( ) The Board holds a public hearing.

(X) Upon motion of Supervisor Bennett, seconded by Supervisor Mikels, and duly carried, the Board hereby approves the attached staff recommendation(s).

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.

By: C. Christina Valenzuela
Deputy Clerk of the Board

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument
Is a true and correct copy of the document
which is on file in this office.
JOHN F. JOHNSTON, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: August 10, 2005

By: C. Christina Valenzuela
Deputy Clerk of the Board

COUNTY OF VENTURA CALIFORNIA

Item # 57
7/26/05

DISTRIBUTION: Originating Agency (2), Auditor, File (HCA)

VENTURA COUNTY ALCOHOL AND DRUG ADVISORY BOARD

BYLAWS

ARTICLE I

NAME

The name of this Board shall be the Ventura County Alcohol and Drug Advisory Board, hereafter referred to in these Bylaws as "ADAB".

ARTICLE II

RESPONSIBILITIES OF THE BOARD

A. Review and evaluate the community's alcohol and drug services, facilities, and special problems.

B. Advise the Behavioral Health Director on policies and goals of the County Alcohol and Drug Programs division and other related matters.

C. Review and approve the planning process to ensure citizen and professional involvement at all stages.

D. Assess the level of knowledge, attitude and behavior regarding drug and alcohol programs among the Ventura County public. Encourage and educate the public to understand the nature of drug and alcohol problems and encourage support throughout the County for development and implementation of effective drug and alcohol programs.

E. Prepare an annual report on the status of alcohol and drug program services in Ventura County.

F. Review and Evaluate proposals seeking public funds for local alcohol and drug programs. Conclude the review with a formal resolution addressed to the Behavioral Health Director and Board of Supervisors noting ADAB's position on each proposal.

G. Study pending legislation on matters regarding alcohol and drug use and abuse and make recommendations to the Board of Supervisors.

H. ADAB shall submit minutes of its general or special meetings to the Board of Supervisors.

ARTICLE III

MEETINGS

A. ADAB shall meet monthly, and may meet other times as may be deemed necessary by the Executive Committee, the Alcohol and Drug Programs Administrator or the Director of the Ventura County Health Care Agency.

B. The members of ADAB shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with their duties under this article. However, members may receive compensation from County funds at the option of the Board of Supervisors.

C. All meetings of ADAB shall be open to the public and shall be subject to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code relating to meetings of local agencies (The Brown Act).

D. Cancellation - The Chairperson, with a 72-hour advance notice, may cancel any meeting, which at least a quorum cannot attend, or for which there is no agenda item requiring ADAB action.

E. A quorum shall be defined as one person more than half of the appointed members. For purpose of this paragraph, "appointed members" excludes unfilled positions and those vacated by resignation or removal. A quorum shall be required for any ADAB action.

ARTICLE IV

MEMBERSHIP

A. Membership of ADAB shall consist of twenty-three (23) persons, four (4) persons selected from each of the five supervisory districts, two (2) youth-at-large, and one (1) member-at-large.

B. Members of ADAB shall have a professional interest in, or a personal commitment to, alleviating problems relating to drug abuse and inappropriate alcohol use in the community. To the extent practical, the membership shall include representatives from various economic, social and occupational groups and shall be broadly representative of demographic characteristics of the County.

1. The Board of Supervisors will make all ADAB member appointments.

2. Members must serve on at least one ADAB committee each year.

C. The ADAB shall not include any person, or his or her spouse, who is any of the following:

1. A member of a board of directors or advisory body, or employee of, any County-operated alcohol or drug program or provider of alcohol or drug services operating under a contract with the County.

2. A member of any advisory body, or a person who holds any similar position or title on a compensated or non-compensated basis, in a program which possesses or seeks to or possess a license pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code.

3. A direct recipient of any state funds allocated pursuant to a contract with the State Department of Alcohol and Drug Programs. For purposes of this paragraph, a "direct recipient" shall include any person who receives compensation for contracted services from, or who is a member of any advisory body or board of directors of, the entity that receives funds.

4. An employee of the Behavioral Health Department.

D. In the event of a medical absence, military active status or other extenuating circumstances of a member, the Executive Committee shall determine whether or not it is appropriate to continue the active status of that member.

E. In the event that prior to the expiration of his or her term, a member ceases to retain the status that qualified him or her for appointment to ADAB, his or her membership on ADAB shall terminate and there shall be a vacancy on ADAB to be filled by the Board of Supervisors.

F. The term of each member shall be three years and the appointing Supervisor may reappoint members. Upon expiration or termination of a member's term, ADAB may recommend appointees from the pool of available applicants to the Board of Supervisors for a new three-year term. The Supervisor representing the departing member's Supervisory District shall have the right to recommend to the Board of Supervisors a new ADAB member to fill the vacancy. ADAB may recommend termination of a member by the Board of Supervisors for the following:

1. Unexcused absences from two (2) ADAB meetings and a total of more than three absences for any reason in any 12-month period. Prior notification of absence to the Alcohol and Drug Programs division or the ADAB Chairperson shall constitute an excused absence.

2. Behavior that consistently interferes with the normal business of ADAB and/or the Alcohol and Drug Programs division, or behavior or activities which bring discredit to the ADAB and/or the Alcohol and Drug Programs division.

3. Conflict of interest, as specified in Article IV, Section C.

4. Lack of participation on committees, subcommittees and/or special projects found necessary to complete the responsibilities, goals and objectives of ADAB.

G. Termination procedures are as follows:

1. The member shall be notified of the infraction and will be asked to submit a letter of resignation to the appointing Supervisor and/or to the Chairperson of ADAB.

2. If a member does not submit a letter of resignation within 30 days, the Board will request the appointing Supervisor to remove the member from ADAB, describing the reasons for the recommendation, and requesting that the Supervisor fill the vacancy for the residual term as soon as possible.

ARTICLE V

ELECTIONS AND OFFICERS

Section 1. Procedures

A. The officers of ADAB shall be a Chairperson, a 1st Vice-Chairperson, and a Secretary.

B. The officers shall be elected at the June meeting to serve for a term of one year or until their successors has been duly elected.

C. No individual shall serve more than two consecutive years in any of the officer positions.

Section 2. Qualifications of Officers

To qualify as an officer, a member:

A. Should have been a member of ADAB for at least one year, or, if a member for less than a year, must be elected by a two-thirds vote of the ADAB.

B. Must have a broad knowledge of the alcohol and drug programs and/or possess good leadership skills.

C. Must be able to devote at least 3 to 5 hours per week to ADAB.

Section 3. Election

A. During the April meeting, the Chairperson shall appoint and ADAB shall confirm a Nominating Committee of not less than three (3) members.

B. The Nominating Committee shall place in nomination the candidates selected and accept nominations from the floor during the May meeting.

C. During the June meeting, the Nominating Committee shall conduct the election by secret ballot.

D. The officers elected at the June meeting will take their respective offices on July 1st.

E. Notwithstanding the election process detailed in paragraphs 3A- 3D above, when circumstances warrant it, a majority of ADAB may vote to hold an election at any time during the year. Circumstances which may warrant a special election include: one or more of the officers wishes to resign as an officer; one or more of the officers' ADAB membership is terminated.

Section 4. Duties

A. The Chairperson shall:

1. Preside at meetings of ADAB.

2. Establish committees and appoint members to such committees. ADAB shall ratify committee members by majority vote.

3. Preside over the Executive Committee.

4. Establish the agenda for ADAB executive and general meetings.

5. Be responsible for seeing that all actions of ADAB are implemented.

6. Maintain consultation with the Behavioral Health Director.

7. As authorized by a majority of ADAB, represent ADAB and present ADAB recommendations at Board of Supervisors meetings.

8. Perform other duties ordinarily performed by a Chairperson.

B. The Vice Chairperson shall:

1. Exercise all the responsibilities of the Chairperson in the absence of the Chairperson.

2. By mutual agreement with the Chairperson, assume other duties as determined to be necessary and appropriate.

C. The Secretary shall:

1. Perform the usual duties pertaining to secretaries.

2. Cause to be kept a full and true record of all meetings of ADAB, of its committees, and of such special meetings as may be requested.

3. Cause to be issued notices of regular and special meetings of the ADAB.

4. Maintain a record of attendance of ADAB members and promptly report to the Board of Supervisors regarding any ADAB member whose position has been vacated.

5. In the absence of the Chairperson and 1st Vice-Chairperson, the Secretary will call the meeting to order and function as the Chairperson Pro Tem.

ARTICLE VI

PARLIAMENTARY AUTHORITY

A. Except where state law or regulations, County ordinances, County Counsel opinions or these Bylaws apply, the current edition of Robert's Rules of Order shall govern the procedures of ADAB.

ARTICLE VII

COMMITTEES

Section 1. Executive Committee

A. The Executive Committee shall be comprised of the Chairperson, 1stVice-Chairperson, the Secretary, and one member of ADAB designated as member at large and selected by the Chairperson on a rotating basis. Each member is entitled to one vote.

B. The Executive Committee shall:

1. Carry out any responsibilities delegated to it by ADAB.

2. Act in emergencies in any way it deems necessary when there is not time for the entire ADAB to act. Any such action taken will be consistent with the Brown Act.

Section 2. Nominating Committee

A. The Chairperson shall appoint and ADAB shall confirm a Nominating Committee of not less than three (3) members.

B. The Nominating Committee shall select a slate of officers for the coming year, secure the verbal consent of those selected, present the slate of officers for nomination and conduct the elections.

Section 3. Other Committees

A. Unless the ADAB chooses to elect committees or individual members to carry out specifically defined responsibilities, the Chairperson may, with the agreement of the members concerned, allocate to committees or individual members specific responsibilities.

ARTICLE VIII

AMENDMENT OF BYLAWS

Subject to subsequent approval by the Board of Supervisors, these Bylaws may be amended at any meeting by a two-thirds vote of the membership existing at any time, provided notice of the proposed amendment was given, in advance, with the call for the meeting.

Approved by the Ventura County Board of Supervisors on July 26, 2005.

Kathy I. Long

County of Ventura
Chair, Board of Supervisors

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION **11805**

11805. Each county may have an advisory board on alcohol and other drug problems appointed by the board of supervisors. The advisory board may be independent, be under the jurisdiction of another health-related or human services advisory board established pursuant to any provision of state law, or have the same membership as that other advisory board.

Ventura County
Animal Regulation Commission

By-Laws

Article 1 Name: This Commission shall be known as the Ventura County Animal Regulation Commission.

Article 2 Object: To serve as a policy level Commission to the cities of Ventura County, and the Ventura County Board of Supervisors in matters pertaining to Ventura County's Animal Regulation Program;

In planning for Animal Regulation programs, resources or legislation to meet the needs of the County and cities;

In formulating plans for a cooperative effort of Animal Regulation resources within the County and among State, Federal, and other agencies.

Article 3 Officers: The Commission shall elect annually from it's members, a chairman and vice-chairman to serve for one year, provided in the first year of organization that the County representative will serve as chairman. The election shall be held at the first meeting after July 1 each year;

A Recording Secretary shall be provided by the Animal Regulation Department; and

The Manager of Animal Regulation and designated city representation shall be the staff support to the Commission.

Article 4 Membership: The Commission shall consist of one member appointed from the Board of Supervisors and one from the City Council of each of the participating incorporated cities.

Each member shall serve at the pleasure of the authority making his/her appointment.

Article 5 Duties of the Chairman: It shall be the duty of the chairman to preside at all meetings of the Commission, sign all documents of an official character pertaining to the Commission and appoint all subcommittees unless otherwise ordered. The chairman shall be a voting member. The chairman shall enforce the observance of the by-laws and to decide on all disputed points of order. The chairman shall attempt to preserve a quorum when members request permission to depart before adjournment of the meeting.

The chairman shall have the power to call special meetings. Business at special meetings shall be limited to the subject mentioned in the call.

Article 6 Duties of the Vice-Chairman: It shall be the duty of the vice-chairman to act in the absence or disability of the chairman or when requested by the chairman.

Article 7 Quorum: The quorum shall consist of more than 50% of the membership of the Commission.

Article 8 Subcommittees: All subcommittees shall be appointed during the course of a regular or special meeting. All members shall have the right to report on any issues referred to that subcommittee.

Article 9 Expenses: The members of the Commission shall recommend a per diem allowance for approval by the Board of Supervisors.

Article 10 Neglect of Duty: Should any member of the Commission be absent from two successive regular meetings, unless excused by the chairman, the appointing authority may be asked to replace the member.

Article 11 Meetings: The regular meeting of this Commission shall be held quarterly on the second Thursday of that month. The place and time shall be specified in the notice sent to the members by the secretary. (Amended 10/11/79)

Article 12 Rules of Order: The chairman having called the meeting to order shall conduct business as follows: (1) Roll Call; (2) Reading the Minutes of last regular/special meeting; (3) Subcommittee Reports; (4) Unfinished business; (5) New business; (6) Adjournment.

The usual rules of parliamentary procedure as used by the Ventura County Board of Supervisors/City Council will be used as a guide in conduct of meetings.

No fiscal or policy decisions shall be adopted unless a majority of the Commission members concur.

Article 13 By-Laws: The offical by-laws shall be distributed to all committee members and a copy shall be filed with the Clerk of the Board of Supervisors and the Clerk of each city. All propositions to repeal or amend any part of these by-laws shall be in writing stating the reason why the change should be adopted. Such changes can be recommended only at a regular meeting with a quorum of the Commission members present and voting in the affirmative. All changes in by-laws will be forwarded to the Board of Supervisors and City Councils for information. (Amended February 14, 1980)

Article 14 Dissolution: This Commission shall remain in operation until July 1, 1980 unless the term is reduced or extended by action of the Ventura County Board of Supervisors with the concurrence of participating City Councils.

Approved by the Animal Regulation Commission May 31, 1979.
Amended by the Animal Regulation Commission October 11, 1979.

Approved and Amended by the Animal Regulation Commission February 14, 1980.

ENVIRONMENTAL RESOURCE AGENCY
county of ventura

M. L. Koester
Agency Director

December 5, 1978 (Agenda)

Board of Supervisors
County of Ventura
Government Center
800 South Victoria Avenue
Ventura, California 93009

Subject: City/County Animal Regulation Program Status - Policy Direction

Gentlemen:

RECOMMENDED ACTION:

1. That your Board establish as policy the responsibility of the County to conduct a basic "Public Health Program" in animal regulation, which shall include bite quarantine and rabies suppression on a Countywide basis.

2. That the County notify cities that provisions for following animal regulation services beyond those defined as public health mandates will need to be developed through the Ad Hoc Committee mechanism and are open for discussion and conclusion prior to April 30, 1979.

    1) Use of shelter facilities will require participation in improvement or replacement of facilities for extended continued use;

    2) Operation and maintenance of satelite holding facilities;

    3) Leash law enforcement and other specified field services.

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

In February of 1977, your Board directed Animal Regulation to meet with the cities in hopes of bringing about a self-supporting budget. Pursuant to that direction, a number of meetings were held between County and City staffs in an attempt to define Animal Regulation's program and revenue potential. Frequently in the course of those meetings it was stated that if all unlicensed dogs could be licensed, Animal Regulation could, indeed, produce a self-supporting budget. An Animal Survey was conducted to provide data which will be useful in determining program needs and revenue potential.

In early 1978, your Board requested the formation of a City/County Ad Hoc Animal Regulation Committee composed of elected officials. During the three meetings of that Committee, the following areas of cooperation were discussed:

1. Selling of licenses at city halls.
2. Picking up of dead animals within the cities.
3. Handling noisy animal complaints in the cities.
4. Port Hueneme, Oxnard, Ventura and County to share cost of beach patrol.
5. Offering space in all city newsletters to Animal Regulation.
6. Handling stray animal complaints where the animal's owner can be identified.
7. City Animal Control Ordinances to comply with County's (as per General Service Agreement).
8. Providing a bank of locking cages in the cities.
9. Simi Valley and Thousand Oaks to assist in the operation and maintenance of the East County Holding Facility.
10. City participation in a new Central Animal Regulation Facility.

On November 13, 1978, and on November 20, 1978, study sessions were held with your Board relative to Animal Regulation, its programs and funding. These study sessions were of interest to the cities, therefore, agendas were sent to all mayors and city managers. During the study sessions a review of the progress with the cities was discussed.

For these study sessions, a general staff position paper was developed and, by your direction it was sent to all city counselpersons and managers (Attachment A). Due to an assessment of both the program and the County's general fiscal condition, this position essentially states the County's inability to continue the provision of countywide animal regulation services beyond public health mandates. This position thus requires an adjustment to the present contractual obligations for animal regulation services. Input on this subject has been solicited and encouraged from the cities.

Sincerely,

ENVIRONMENTAL RESOURCE AGENCY

M.L. Koester, Director

MLK:dAR1i

cc: Grand Jury
HCA, Dr. Miller
Susan Bing
Martin Winston

ENVIRONMENTAL RESOURCE AGENCY

county of ventura

M. L. Koester
Agency Director

December 12, 1978 (Agenda)

Board of Supervisors
County of Ventura
Government Center
800 So. Victoria Avenue
Ventura, CA 93009

Subject: Animal Regulation Ad Hoc Committee

Gentlemen:

RECOMMENDED ACTION:

1. That your Board delegate one of your members to serve on and Chair the Animal Regulation Ad Hoc Committee; and
2. Authorize staff to prepare the attached sample letter, for the Chairman's signature to the Mayors so the respective Councils may appoint one member to serve on the Ad Hoc Committee.

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

On December 5, 1978, your Board conducted a public hearing relative to the County continuing a County-wide Animal Regulation Program. For that hearing invitations were sent to all city council members in our County. Each of the nine cities were represented and provided input to your Board.

One of the key recommendations made by staff, at that time, was for the County to put the cities on notice, as per the existing General Service Agreement, effective July 1, 1979, Animal Regulation Services now provided to the cities would be modified. The cities reaction to the recommendation was fairly unanimous. They felt animal regulation could best be provided by the County and they were opposed to assuming the responsibility for animal regulation within their respective jurisdictions.

Your Board directed an Animal Regulation Ad Hoc Committee, comprised of a city council member from each of the nine cities and a member of your Board, be reactivated. This Ad Hoc Committee is to meet for the purpose of providing input to your Board with respect to bringing about a self-supporting budget for Animal Regulation and to find ways to fund a new central facility, as well as possible satelite animal regulation facilities. This Committee is to develop, conclude and report their final recommendation to your Board prior to April 30, 1979.

Sincerely,

ENVIRONMENTAL RESOURCE AGENCY

M. L. Koester
Agency Director

MLC:dAR1k

Bd File

MEMBERS OF THE BOARD
EDWIN A. JONES
Chairman
DAVID D. EATON
J. K. (Ken) MAC DONALD
TED GRANDSEN
THOMAS E. LAUBACHER

EDWIN A. JONES
SUPERVISOR, SECOND DISTRICT
(805) 482-1994
From Conejo Valley
(Toll Free) 529-2060
Extension 4576

BOARD OF SUPERVISORS
COUNTY OF VENTURA

2220 VENTURA BOULEVARD, CAMARILLO, CALIFORNIA 93010

December 12 , 1978

Mayor Harriet Kosmo-Henson
City of San Buenaventura
P.O. Box 99
Ventura, CA 93001

Dear Mayor Kosmo-Henson:

Subject: County-wide Animal Regulation Program

On December 5, 1978, the Ventura County Board of Supervisors conducted a public hearing relative to the County continuing to provide County-wide animal regulation services. Valuable input was received from the city representatives in attendance.

One of the key recommendations made by County staff, at that time, was for the County to put the cities on notice, per the existing General Service Agreement, that effective July 1, 1979, animal regulation services now provided to the cities would be modified. It appeared that most of the cities felt animal regulation could best be provided by the County and they were opposed to assuming the responsiblity for animal regulation within their respective jurisdictions.

The Board of Supervisors directed an Animal Regulation Ad Hoc Committee, comprised of a city council member from each of the nine cities, and a member of the Board of Supervisors, be reactivated. This Ad Hoc Committee is to meet for the purpose of providing input to the Board of Supervisors with respect to bringing about a self-supporting budget for Animal Regulation and to find ways to fund a new central facility as well as possible satellite animal regulation facilities. This committee is to report back to the Board of Supervisors with final recommendations prior to April 30, 1979.

The Board of Supervisors would like your Council to discuss this request and select one member from your City Council to serve with Supervisor-Elect Dougherty.

Please notify Mr. Lin Koester at 654-2661 in regard to your city's representative prior to January 2, 1979, so we can activate the committee in early January.

Sincerely,

Ed Jones

Edwin A. Jones
Chairman

EAJ:dAR1l

CALIFORNIA CODES
WELFARE AND **INSTITUTIONS CODE**
SECTION **9400**-9404

9400. (a) The Legislature hereby declares and recognizes the area agencies on aging to be the local units on aging in California that are supported from an array of sources, including federal funding largely through the federal Older Americans Act (42 U.S.C. Sec. 3001, et seq.), state and local government assistance, the private sector, and individual contributions for services.

(b) Area agencies on aging shall operate in compliance with the Older Americans Act and applicable regulations.

(c) Each area agency on aging shall maintain a professional staff that is supplemented by volunteers, governed by a board of directors or elected officials, and whose activities are reviewed by an advisory council consisting primarily of older individuals from the community.

(d) Each area agency on aging shall create a plan that considers available data and population trends, assesses the needs for services provided under this division reflective of the community needs, identifies sources for funding those services, and develops and implements a plan for delivery of those services based on those needs. Each plan shall include developing area home- and community-based systems of care that maintain individuals in their own homes or least restrictive environment, providing better access to these services through information and referral, outreach, and transportation, and advocating for the elderly on local, state, and national levels.

(e) Area agencies on aging shall function as the community link at the local level for development of home- and community-based services provided under the department's programs.

(f) The area agencies on aging shall implement subdivision (b) of Section 9100 at the local level, with particular emphasis on coordinating with the local systems to enable individuals to live out their lives with maximum independence and dignity in their own homes and communities through the development of comprehensive and coordinated systems of home- and community-based care. Nothing in this division shall preclude local determination and designation of service coordinators other than area agencies on aging, for

development and implementation of the long-term care integration pilot projects set forth in Article 4.05 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9.

(g) In fulfilling their mission, area agencies on aging shall build upon the resources and the commitment unique to each community and shall be guided by a 10-point description of a community-based system that shall do all of the following:

(1) Have a visible focal point of contact where anyone can go or call for help, information, or referral on any aging issue.

(2) Provide a range of service options.

(3) Ensure that these options are readily accessible to all older individuals, whether independent, semi-independent, or totally dependent, no matter what their income.

(4) Include a commitment of public, private, and voluntary resources committed to supporting the system.

(5) Involve collaborative decisionmaking among public, private, voluntary, religious, and fraternal organizations, as well as older individuals and consumers in the community.

(6) Offer special help or targeted resources for the most vulnerable older individuals, those in danger of losing their independence.

(7) Provide effective referral from agency to agency to ensure that information or assistance is received, no matter how or where contact is made in the community.

(8) Evidence sufficient flexibility to respond with appropriate individualized assistance, especially for the vulnerable older individuals.

(9) Have a unique character that is tailored to the specific nature of the community.

(10) Be directed by leaders in the community who have the respect, capacity, and authority necessary to convene all interested persons to assess needs, design solutions, track overall success, stimulate change, and plan community responses for the present and for the future.

9401. Area agencies on aging and other county agencies that provide services to older adults through an established multidisciplinary team, including the county departments of public social services, health, mental health, alcohol and drug abuse, and the public guardian, may provide information regarding older adult clients only to other county agencies with staff designated as members of a multidisciplinary team that are, or may be, providing services to the

same individuals for purposes of identifying and coordinating the treatment of individuals served by more than one agency. The county patients' rights advocate shall report any negative consequences of the implementation of this exception to confidentiality requirements to the local mental health director.

9402. The Legislature hereby declares and recognizes each area agency on aging advisory council as a principal advocate body on behalf of older individuals within a planning and service area. Area agency on aging advisory councils shall operate in conformance with applicable federal requirements. The local advisory councils shall meet regularly and provide advice and consultation on issues affecting the provision of services provided locally to older individuals.

9403. To the extent provided for in paragraph (2) of subdivision (a) of Section 18773 of the Revenue and Taxation **Code**, the Legislature hereby recognizes the Area Agency on Aging Advisory Council of California, comprised of the chairs of the local advisory councils.

9404. An individual's receipt of services under the In-Home Supportive Services Program (Article 7 (commencing with Section 12300), Part 3, Division 9) shall not be the sole cause for denial of any services provided by area agencies on aging or their contractors.

VENTURA COUNTY
AREA AGENCY ON AGING

BY-LAWS

ARTICLE I – AUTHORITY

Section 1 – The name of this organization is the Ventura County Area Agency on Aging (VCAAA), otherwise known as VCAAA, and its jurisdictional region is the County of Ventura.

Section 2 –The VCAAA is a public agency established in accordance with and having the authority defined in the Comprehensive Older Americans Act Amendment of 1978 (PL 95-478) for the purpose of the development, implementation and evaluation of a comprehensive and coordinated service delivery system for persons aged 60 and over in Ventura County.

Section 3 – The VCAAA consists of the Ventura County Board of Supervisors, as policy makers, and Advisory Council and staff.

ARTICLE II – OBJECTIVE

Section 1 – The objectives of the VCAAA include, but are not limited to:

A. Providing leadership, advocacy and visibility for persons aged 60 and over within Ventura County.

B. Integrating and consolidating the Older Americans Act Programs as an intrinsic part of the VCAAA's responsibility to contract, monitor, evaluate and give technical assistance to subgrantees funded by the VCAAA.

C. Conducting comprehensive planning, which includes the identification and prioritization of goals and related performance objectives as well as program costs projections.

D. Developing the Ventura County Area Plan based on the above planning process.

E. Developing the Plan with full knowledge of other public and private planners who are concerned with programs and services for persons aged 60 and over.

F. Designing a service delivery system which is expressed in the Area Plan to meet the wide range and needs of persons aged 60 and over in Ventura County and which is consistent with, and implements, the Amended Older Americans Act at the local level.

G. Evaluating the product, process, resource allocation and effect of total program, anticipated and actual.

H. Through program development activities, coordinating and pooling existing public and private resources toward establishing or expanding services identified by the planning process as priority needs of persons aged 60 and over in Ventura County.

I. Developing an evaluation procedure and conducting evaluations to monitor performance of sub-grantees.

J. Disseminating information to persons aged 60 and over in Ventura County. This shall include providing information regarding available services as well as providing reports on the activities of the VCAAA.

K. Providing service to and advocating for persons under the age of 60 as required by the amended Older Americans Act and/or the Older Californians Act.

ARTICLE III - POLICY

Section 1 – The Ventura County Board of Supervisors shall be the policy making body of the VCAAA.

Section 2 – Comments and recommendations by the Advisory Council on policy matters shall be submitted to the Board of Supervisors by the Director of the VCAAA.

Section 3 – The Director and staff of the VCAAA shall provide the Advisory Council with sufficient background material and information submitted in reasonable time to enable the Advisory Council to study and comment upon all matters requiring its input which is to be brought before the Board of Supervisors. Staff shall be required to apprise the Advisory Council of all other Agency matters brought before the Board of Supervisors at regularly scheduled Advisory Council meetings.

ARTICLE IV – ADVISORY COUNCIL

Section 1 – The Advisory Council is a principal advocate body on behalf of all persons aged 60 and over within the Planning and Service Area (PSA).

Section 2 – The duties and powers of the Advisory Council shall be to:

A. Serve as advisor to the VCAAA;

B. Act as an independent advocate for persons aged 60 and older, taking positions on matters pertaining to federal, state and local policies, programs and procedures, and any legislation affecting older persons;

C. Actively seek advice from community Councils on Aging, senior advocacy organizations, local aging commissions, elected officials, and the general public for the purpose of advocating for and making formal presentations on issues of concern to persons aged 60 and older and other interested parties.

D. Inform local senior advocates and organizations on specific legislation pending before local, state and federal governments;

E. Disseminate information of interest and concern to persons aged 60 and older;

F. Be actively involved in the development, implementation and monitoring of the Area Plan. The Area Plan shall include recommendations gathered from surveys of senior service providers, community leaders and seniors themselves on the services needed to improve the lives of persons aged 60 and older. Programs recommended and developed will fall within the scope of the VCAAA. The Area Plan shall be made available to the Department of Aging (CDA), the California Commission on Aging (CCOA), and, insofar as resources permit, to all other interested parties that seek a copy of the report.

G. Hold public hearings on the Area Plan with no less than 30-day notification to the general public and the senior constituency regarding dates, time and location;

H. Review, comment on, and make recommendations on proposals submitted to VCAAA for funding;

I. Act as a two-way communication link between the VCAAA and its communities and/or organizations.

Section 3 – The Advisory Council shall be non-partisan in the conduct of its duties and functions.

Section 4 – Advisory Council members shall be reimbursed by the VCAAA for all authorized actual necessary expenses (Advisory Council meetings, authorized committee meetings and authorized taskforces) and incurred while carrying out the duties of such Advisory Council within the Planning and Service Area (PSA). Provision for such reimbursement shall be made in the Area Plan budget at formally established rates.

Section 5 – The VCAAA shall provide staff assistance to the Advisory Council to assist in carrying out specified duties.

ARTICLE V - ADVISORY COUNCIL MEMBERSHIP

Section 1 -

A. Total membership on the Advisory Council shall be no less than 20 persons and shall reflect compliance with federal and state guidelines.

B. Membership shall be selected through a process designed by the local governing bodies and the Planning and Service Area (PSA) within which the Area Agency on Aging operates. No more than fifty percent (50%) of the Advisory Council's membership shall be appointed by one official or body of officials.

C. Membership shall be composed of:

1. A majority of persons 60 years of age or older;

2. At least one service provider;

3. Members who reflect the geographic, racial, economic and social complexion of the Planning and Service Area they represent;

4. At least one disabled person to represent the interests of the disabled.

D. Advisory Council composition requirements shall be complied with as vacancies occur.

Section 2 - The process for membership selection to the Advisory Council shall be as follows:

A. 1. Each local Council on Aging, at a regularly scheduled meeting of its membership, shall elect two (2) members to the Advisory Council.

2. The local Council on Aging shall recommend two (2) members to the City Council. The City Council shall then ratify or deny the recommendation.

3. When ratified, the two (2) members shall be seated on the Advisory Council.

4. If denied, the local Council on Aging shall elect another member using the same process. This shall continue until such time as the City Council approves the local Council on Aging's designation.

5. This process will seat twenty (20) Advisory Council members.

B. The Board of Supervisors will appoint six (6) to the Advisory Council and in those appointments will ensure that the Agency requirements for minority and disabled representation are met. One (1) of these appointments will be from the unincorporated areas whenever possible. Supervisorial appointments will be made after ratification of members elected by the local Council on Aging.

C. 1. The twenty six (26) Advisory Council members thus seated will elect two (2) Service Provider members by democratic process.

D. 1. The immediate past chairperson of the Advisory Council will sit as a member of the Advisory Council.

Section 3 – All members have a duty to inform the Advisory Council, committee and/or taskforce if they have a conflict of interest. They are prohibited from casting a vote on any matter which has a direct bearing on the services to be provided by that member or by the entity which that member represents on the Council.

Section 4 – Names and required information about Supervisorial Advisory Council members shall be submitted to the Ventura County Board of Supervisors for review to ensure compliance with federal and state mandates concerning composition of the Advisory Council. In the event of non-compliance for any reason, the Advisory Council shall identify the cause of the non-compliance and shall make recommendations to the appropriate sponsoring authorities to attempt to correct the non-compliance. The VCAAA shall receive the recommendation, review it and adopt or alter the recommendation to achieve compliance. The Director of the VCAAA shall implement the action of the Board of Supervisors.

Section 5 – The term of membership for individuals on the Advisory Council shall be two years. At the conclusion of a two-year term, an Advisory Council member may be re-elected or re-appointed for a second or third two-year term. No individual may serve more than six consecutive years on the Advisory Council, but an individual may serve again after at least a one-year absence. Exceptions may be made at the discretion of the appointing authority and for the member seated under Article V, Section 2D.

Due to the elimination of the separate delegate and alternate positions and the different rules regarding term limits, all members elected or appointed to serve on the VCAAA Advisory Council during FY 2007-2008 will start their first term. They will then be eligible to serve a second or third two-year term.

Section 6 – Each member of the Advisory Council is entitled to one vote on each matter submitted to a vote of the Advisory Council. Proxy voting and absentee ballot voting is not permitted.

Section 7 – Responsibilities of members of the Advisory Council:

Members shall:

A. Attend the duly called meetings of the Advisory Council;

B. Read and study, in advance, all written material provided them in preparation for duly called meetings of the Advisory Council;

C. Serve on at least one committee of the Advisory Council;

D. Become knowledgeable about the problems and needs of the persons aged 60 and older;

E. Become knowledgeable about the various service delivery systems which impact the elderly at the federal, state and local levels;

F. Have the dual responsibility to accurately report facts and conditions of their constituency to the Advisory Council as well as the actions of the Advisory Council to their constituency and the general public.

Section 8 – Public statements on behalf of VCAAA shall reflect official positions of the Advisory Council and shall be issued through proper channels. Members who violate this provision shall be subject to removal by a majority vote of the Advisory Council subject to approval of the Board of Supervisors.

Section 9 – Members who have been absent from three consecutive meetings (excused or unexcused) shall be automatically removed from the Council. The sponsoring authority shall elect/appoint another person. Members shall apprise the Director of the VCAAA of anticipated absences.

Section 10 – In the event of death or resignation of a member the sponsoring authority shall elect/appoint another member. A member may resign by addressing a written resignation to the Chairperson of the Advisory Council or the Director.

ARTICLE VI – OFFICERS OF THE ADVISORY COUNCIL

Section 1 – The officers of the Advisory Council shall be Chairperson, Vice-Chairperson and Secretary.

Section 2 –

A. Officers shall be elected at the regular June meeting each year by Advisory Council members. Nominations shall be made in two ways: (1) by a nominating committee,

who will develop and present a proposed slate of officers, and (2) from the floor. Election shall be by simple majority.

B. The Chairperson of the Advisory Council shall be 55 years of age or older.

Section 3 – The officers of the Advisory Council shall be elected for a one-year term. An officer may be re-elected for a second or third one-year term. No individual shall serve more than three full consecutive terms in the same office. No member shall hold more than one office at a time.

Section 4 – The Chairperson shall preside at all meetings of the Advisory Council, sign all letters, reports, and other communications of the Advisory Council, and perform any and all other duties prescribed by the Advisory Council from time to time. The Chairperson may serve as an ex-officio member of all committees.

Section 5 – The Vice-Chairperson shall represent the Chairperson and/or substitute in the performance of the Chairperson during his/her absence.

Section 6 – The Secretary shall have the responsibility for assuring that the minutes of all meetings of the Advisory Council are properly recorded, filed and disseminated. The Secretary shall also serve as Chair of the Nominating Committee.

ARTICLE VII – MEETINGS OF THE ADVISORY COUNCIL

Section 1 – The Advisory Council shall meet at least seven (7) times a year.

Section 2 – The Advisory Council shall meet at a designated time and place. There shall be public notification of all meetings. Procedures for notification of regular meetings and special meetings shall be determined by the Advisory Council.

Section 3 – Special meetings may be called in the following ways:

A. By the Chairperson;

B. By any two officers upon written request of five or more Advisory Council members;

C. By the Board of Supervisors.

Section 4 – A quorum shall consist of a simple majority of the total required number of members. A quorum must be present at any meeting at which business is transacted that requires a vote to be taken for any proposal or action. A majority of members present, once a quorum is established, shall be required to approve, disapprove or act on any proposal. Without a quorum, meetings may be held at which informational items are presented and discussed.

ARTICLE VIII – COMMITTEES

Section 1 – The Chairperson of the Advisory Council shall appoint such standing or temporary committees as he/she deems appropriate with the approval of the Advisory Council. He/she shall appoint, with the advice and consent of the Advisory Council, Chairpersons from among the members. Committee members may be Council members. All Committee members may vote on that Committee's business. All members have a duty to inform the Advisory Council, committee and/or taskforce if they have a conflict of Interest.

Section 2 – A five (5) member Nominating Committee will be selected in April of each year in conformance with adopted Advisory Council procedures. Each year this Nominating Committee shall bring a slate of names (to serve as officers) before the full Advisory Council for their consideration and vote at the June meeting. Additionally, the Nominating Committee shall inform the appointing and nominating authorities for all Advisory Council members of requirements for the nominees in compliance with the criteria established by the Older Americans Act, as amended, for representation in the VCAAA, including ethnic composition, disability and income levels. The Nominating Committee shall notify the appointing authorities in sufficient time to allow the seating of Advisory Council members at the July meeting of the Advisory Council.

ARTICLE IX – APPOINTMENT OF DIRECTOR

Section 1 – The Director shall be selected in accordance with County Personnel policies and shall meet the minimum qualifications as established in conformity with the personnel specifications outlined by California Department of Aging (CDA) policy statements and the Older Americans Act, as amended.

Section 2 – The Advisory Council shall elect representatives to participate in the oral interviews of the finalists conducted by County Personnel, and the names of the top applicants shall be submitted to the Board of Supervisors, ranked in order of preference.

Section 3 – The Board of Supervisors has final appointment and termination authority after consideration of the recommendations of the Advisory Council representatives and County Personnel.

ARTICLE X – DUTIES OF EXECUTIVE DIRECTOR

Section 1 – The duties of the Director shall include the administration of the daily operation of the VCAAA; selection and supervision of staff; preparation, implementation and monitoring of the annual budget and the Area Plan. The Director shall represent the VCAAA before public bodies and shall perform such other duties as required by the Board of Supervisors, the Advisory Council and state and federal laws.

Section 2 – The Director shall employ such other employees as are necessary to carry out the required program and policies of the VCAAA and the California Department of Aging (CDA) ; shall develop requests for proposals; shall monitor contracts and evaluate performance of sub-grantees; shall develop an Area Plan and budget; shall complete required state and federal reports; shall provide technical assistance to organizations seeking or providing services to the elderly; and shall perform all other such duties as appropriate to the operation of the VCAAA.

ARTICLE XI – RESPONSIBILITIES OF THE BOARD OF SUPERVISORS

Section 1 – The Board of Supervisors shall be the policy-making body of the VCAAA and shall be responsible for seeing that its policies are being carried out.

Section 2 – The Board of Supervisors shall select the Director to carry out the Agency's policies.

Section 3 – The Board of Supervisors shall ensure that the provisions of the California Department of Aging (CDA), Older Americans Act, as amended, and all other federal, state and county regulations are carried out.

Section 4 – The Board of Supervisors shall review and approve the preliminary and final annual agency budget and the Area Plan.

ARTICLE XII – RESPONSIBILITIES OF THE COUNTY

Section 1 – the County shall provide the following supportive services to the VCAAA:

A. Administration of the budget shall be by the CEO's office and processing of revenue and expenditures shall be by the Auditor/Controller's office;

B. Facility, services and supplies – this will include office equipment, county telephone system, and brown mail system;

ARTICLE XIII – APPEALS

An appeal by any person (including senior services providers or applicants for VCAAA grants) of any decision of the Board of Supervisors shall be directed to the California Department of Aging (CDA).

ARTICLE XIV – AMENDMENTS TO THE BYLAWS

These by-laws may be amended at a regular meeting of the Advisory Council after a 30-days written notice to the members of any proposed changes. Amendments shall be approved by two-thirds majority vote of the Advisory Council and adopted by the Ventura County Board of Supervisors.

Linda Parks, Chair
Ventura County Board of Supervisors

July 24, 2007

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION **34240**-34250

34240. In each county and city there is a public body corporate and politic known as the housing authority of the county or city. The authority shall not transact any business or exercise its powers unless, by resolution, the governing body of the county or city declares that there is need for an authority to function in it.

34240.1. Notwithstanding the provisions of Section **34240**, the governing body of any city or county may, upon declaration by resolution that there is a need for an authority to function in it, enter into an agreement with any other city or county whose governing body has declared by resolution the need for an authority to function in it, to form an area housing authority in the manner set forth in Sections 34246 and 34247.

34241. The governing body may make the determination as to whether there is a need for an authority to function upon its own motion or upon the filing of a petition signed by 25 residents of the county or city asserting that there is need for an authority to function in the county or city and requesting that the governing body so declare.

34242. The governing body may adopt a resolution declaring that there is need for a housing authority if it finds either of the following:

(a) That insanitary or unsafe inhabited dwelling accommodations exist in the county or city.

(b) That there is a shortage of safe or sanitary dwelling accommodations in such county or city available to persons of low

income at rentals they can afford.

34243. In determining whether dwelling accommodations are unsafe or insanitary the governing body may take into consideration:
(a) The degree of overcrowding.
(b) The percentage of land coverage.
(c) The light, air, space, and access available to the inhabitants of such dwelling accommodations.
(d) The size and arrangement of the rooms.
(e) The sanitary facilities.
(f) The extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

34244. In any proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the governing body declaring the need for the authority. The resolution is sufficient if it declares that there is such need for an authority and finds in substantially the terms of Section 34242 that either or both of the conditions set forth in that section exist in the county or city. A copy of the resolution duly certified by the clerk is admissible in evidence in any proceeding.

34245. If, after the lapse of two years after the adoption of the resolution the governing body finds that the authority has failed to transact any business or exercise any of its powers, it may adopt a resolution declaring that the authority shall not transact any business or exercise its powers under this chapter, and that the offices of the authority commissioners are vacated. At any time thereafter the governing body may declare by resolution that there is need for an authority to function in the county or city, such determination to be made pursuant to this article.

34246. (a) Notwithstanding any other provision of law, the

governing bodies of any two or more cities or counties or any combination thereof may by agreement create an area housing authority. Each governing body party to such agreement shall appoint two persons as commissioners of such authority, and, except as otherwise provided in Section 34246.5, the governing bodies shall jointly appoint one commissioner at large, and, upon appointment of all required commissioners, the authority shall be authorized to exercise all of the powers and transact all of the business which a housing authority of a city or county which is functioning and exercising its powers is authorized to exercise or transact.

(b) The governing body of each city or county shall designate one of those commissioners first appointed by it to serve for a term of three years and one to serve for a term of four years. Successors shall be appointed by the governing body for terms of four years, except that all vacancies shall be filled for the unexpired term.

The commissioner at large shall serve for a term of four years. His successors shall be appointed jointly by the governing bodies for terms of four years, except that a vacancy shall be filled for the unexpired term. In the event that a successor shall not have been appointed by the governing bodies within 30 days following a vacancy, the Governor shall appoint a successor.

(c) Three-fifths of the commissioners of an area housing authority constitute a quorum for the purpose of conducting business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners.

(d) The commissioners shall select a chairman from their number.

34246.5. (a) The governing bodies party to an agreement entered pursuant to Section 34246 shall jointly appoint a tenant of the area housing authority as commissioner of such authority. If the area housing authority does not have tenants, the governing bodies shall appoint a tenant of the area housing authority to the commission within one year after the area housing authority first does have tenants.

(b) The appointment of a tenant commissioner shall be in lieu of the appointment of a commissioner at large pursuant to Section 34246.

If a commissioner at large is in office on the effective date of this section, the tenant commissioner initially appointed shall take office at such time as the term of the commissioner at large shall

expire.

(c) The tenant appointed as a commissioner shall serve for a term of two years, but only so long as he remains a tenant of the area housing authority. His successors shall also be tenants of the area housing authority and shall be appointed jointly by the governing bodies for terms of two years, except that a vacancy shall be filled for the unexpired term.

(d) A tenant appointed as a commissioner shall have all the rights, powers, duties, privileges, and immunities of any other commissioner.

34247. The area of operation of an authority created pursuant to Section 34246 shall be the combined possible areas of operation of participating cities and counties, as determined by Sections 34208 and 34209.

34248. (a) If a city or county which enters into an agreement pursuant to Section 34246 has previously established a housing authority, the powers and duties of such authority shall be vested in the area housing authority upon the appointment of all required commissioners to the area authority.

(b) Upon such transfer of powers and duties, the title to any property owned or held by, or in trust for the city or county authority, and any debts, demands, liabilities or obligations existing in favor or against such authority, and any proceedings of such authority, shall become those of the area housing authority, and any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force and effect as if acquired, incurred, accrued, or taken by the area housing authority.

(c) Any such transfer of powers and duties shall not affect or impair the status or rights of any duly appointed employees of the city or county authority, and such status and rights shall have the same validity, force, and effect as if attained during employment with the area housing authority.

34249. Nothing in this article shall be interpreted to prohibit agreements between public agencies pursuant to the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of

the Government **Code**. When such an agreement creates an agency or entity which is separate from the parties to the agreement and which is responsible for the administration of a housing program authorized by this part, the public agencies party to such agreement shall provide for the appointment of a tenant of such agency or entity to the governing body of the agency or entity. If such agency or entity does not have tenants, then the parties to the agreement shall provide for the appointment of a tenant of the agency or entity to the governing body thereof within one year after the agency or entity first does have tenants. The term of a tenant appointed to the governing body of such an agency or entity shall be two years, but if a tenant appointee ceases to be a tenant of the agency or entity, he shall be disqualified and another tenant of the agency or entity shall be appointed to serve the remainder of the unexpired term. A tenant appointed to the governing body of such an agency or entity shall have all the rights, powers, duties, privileges, and immunities of any other member of such governing body.

34250. Notwithstanding any other provision of law, a governing body, at the time of the adoption of a resolution pursuant to Section **34240** or 34245 and pursuant to another resolution authorizing such an action, may contract with the Department of Housing and Community Development, or any other redevelopment agency or authority, for the furnishing by the department, redevelopment agency, or authority of any necessary staff services associated with or required by an authority and which could be performed by the staff of an authority. In such a case the governing body shall be vested with all of the rights, powers, duties, and privileges and immunities vested by this part in an authority.

REGULAR MEETING OF THE AREA HOUSING AUTHORITY OF THE COUNTY OF VENTURA BOARD OF COMMISSIONERS JUNE 28, 2006

MINUTES

1. CALL TO ORDER/WELCOME/PLEDGE OF ALLEGIANCE

This regular meeting of the Area Housing Authority Board of Commissioners was held at 1400 West Hillcrest Drive, Newbury Park, California, on June 28, 2006. Board of Commissioners Chairperson, Forrest Frields, called the meeting to order at 3:05 p.m. with the Pledge of Allegiance.

ATTENDANCE:
The following Commissioners were present: CONNORS, CREASON, DIAZ[1], FLASHNER, FRIELDS, HARWOOD, LAURIA-MARTINEZ, McCLENAHAN, NIELSEN[2], PALARZ, ROBSON, and WALL. Commissioners BROIDY and MILBURN were absent.

Staff members present: Douglas Tapking, Arlene Adlin[3], Roger De Bruno[4], Michael Nigh[5], George "Bud" McGehee[6], and Linda Fisher-Helton[7]

Legal Counsel present: David Cunningham.

Guests Present: Frank Thompson of Thompson & Associates[8].

2. ADOPTION OF AGENDA

Commissioner Jay Flashner moved to adopt the meeting Agenda. The motion was seconded by Commissioner Terry Wall, after which time discussion ensued at the prompting of Commissioner Boris Palarz.

Commissioner Palarz raised questions concerning a need for discussion about a Commission succession plan being added to the Bylaws, to cover an instance of absence or incapacitation of both Board Chairperson and Vice-Chair.

It was determined best for this topic to be discussed at another time. There was no need to change today's Agenda. Following a voice vote, the Agenda was adopted as presented.

3. APPROVAL OF THE MINUTES OF JUNE 14, 2006

Commissioner Jay Flashner moved to approve the Minutes of the Board meeting held on June 14, 2006. Commissioner Terry Wall seconded the motion. Commissioner Gina Lauria-Martinez called attention to a mistype in the spelling of her name, after which time the Minutes were unanimously approved, as amended.

4. PUBLIC COMMENTS

None.

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[1] Commissioner Mario Diaz departed at 4:12 p.m.
[2] Commissioner Jorgen Nielsen arrived at 3:38 p.m.
[3] Arlene Adlin departed at 4:40 p.m.
[4] Roger De Bruno departed at 4:56 p.m.
[5] Michael Nigh departed at 4:56 p.m.
[6] George McGehee, Jr. departed at 4:12 p.m.
[7] Linda Fisher-Helton departed at 4:56 p.m.
[8] Frank Thompson arrived at 3:34 p.m. and departed at 4:40 p.m.

5. ACTION ITEMS

RESOLUTION #877 A Resolution of the Area Housing Authority of the County of Ventura (AHA) Reauthorizing the Use of the Investment Policy of the Area Housing Authority.

Michael Nigh, Director of Finance and Section 8, spoke of this annual request to reauthorize the use of the Investment Policy. He recalled no changes to the policy over the past two years.

Commissioner Jay Flashner moved that Resolution #877 be approved by the Board of Commissioners; a motion which was seconded by Commissioner Catherine Robson.

Following a roll call vote, Resolution #877 was unanimously approved, as written.

AYES: CONNORS, CREASON, DIAZ, FLASHNER, FRIELDS, HARWOOD, LAURIA-MARTINEZ, McCLENAHAN, PALARZ, ROBSON and WALL.

NOES: NONE.

ABSTAIN: NONE.

ABSENT: BROIDY, NIELSEN, and MILBURN.

RESOLUTION #878 A Resolution of the Area Housing Authority of the County of Ventura (AHA) to Approve the Write-Off of Tenants Accounts Receivable System (TARS) for the Fiscal Year Ending June 30, 2006.

Mr. Nigh said the Finance and Housing Assets Management departments annually review the ledger to determine possible collection of outstanding balances owed. Those accounts determined to be uncollectible are requested to be written off, even though these debts are not forgiven and remain in collections. For the fiscal year ending June 30, 2006, amounts requested for write-off are $8,937.59 for Public Housing and $1,468.16 for Agency-Owned.

Commissioner Kenneth Creason moved that Resolution #878 be approved by the Board of Commissioners. Commissioner Jay Flashner seconded the motion.

Following a roll call vote, the motion to approve Resolution #878, as written, passed unanimously.

AYES: CONNORS, CREASON, DIAZ, FLASHNER, FRIELDS, HARWOOD, LAURIA-MARTINEZ, McCLENAHAN, PALARZ, ROBSON and WALL.

NOES: NONE.

ABSTAIN: NONE.

ABSENT: BROIDY, NIELSEN, and MILBURN.

RESOLUTION #879 A Resolution of the Area Housing Authority of the County of Ventura (AHA) to Approve the Write-off of Fixed Assets for Fiscal Year Ending June 30, 2006.

Mr. Nigh informed Commission members an annual inventory of fixed assets has been completed by the Finance Department and those assets determined to be no longer useful are requested to be written off. This year's requested write-off is low; one broken notebook computer with a value of $845.12.

Commissioner Jay Flashner moved that Resolution #879 be approved.

Commissioner Boris Palarz seconded the motion.

Following a roll call vote, the motion to approve Resolution #879, as presented, passed unanimously.

AYES: CONNORS, CREASON, DIAZ, FLASHNER, FRIELDS, HARWOOD, LAURIA-MARTINEZ, McCLENAHAN, PALARZ, ROBSON and WALL.

NOES: NONE.

ABSTAIN: NONE.

ABSENT: BROIDY, NIELSEN, and MILBURN.

CONSOLIDATED BUDGET REVIEW

Mr. Nigh began the Budget presentation with a brief review of previously discussed budget elements, including a pie chart illustrating the breakdown of revenue by income stream. Additionally, Mr. Nigh referred the Commissioners to the detailed budget information and reports provided in their Board packet and he encouraged the Commissioners to raise questions at any time.

Mr. Nigh provided detailed information regarding the agency's estimated operating expenses for the upcoming fiscal year. The overall operating expenses are estimated at just over $29 million dollars, of which approximately $22 million (79%) is expended for Section 8 housing rental assistance. Mr. Nigh pointed out that administrative expenses of approximately $4,800,000 (16%) are those expenses over which the agency has the greatest ability to control. He used pie charts to illustrate the breakdown of operating expenses and to further illustrate the breakdown in administrative expenses.

Mr. Nigh then provided detailed information regarding the agency's estimated reserves. He continued the discussion by providing a report that illustrated detailed information regarding reserves by program. Mr. Nigh discussed with the Commission that the agency has no ability to utilize reserves of the Public Housing and Section 8 programs to cover other program deficits. He further discussed the Property Management and Development programs, both of which project a deficit and require the transfer of unrestricted funds. With few alternatives available, staff recommendation at this time is to use funds from the agency owned generated reserves to cover the projected deficit in the Property Management program. Likewise, the staff recommendation at this time is to use funds from the Equity Fund to cover the projected deficit for the Development program.

Commissioner Mario Diaz pointed out that in order to cover the projected deficit in the Development program, the Equity Account will be severely impacted.

Executive Director, Douglas Tapking, responded to Commissioners' inquiries relative to the loss shown in the Budget where the agency's development program is concerned. He emphasized to the Commissioners that un-reimbursed administrative development costs are a direct drain on reserves and that the agency must fund these costs through the receipt of developer fees. In addition, Mr. Tapking stressed the impact to the Equity Fund and the limited nature of those funds, should the agency continue to be unable to secure income through the Development process. Future development efforts would need to be reconsidered.

Mr. Nigh continued, by reminding Commissioners that the Budget is a working document. The ability to change the Budget is essential, particularly since it is not known the exact amount of money that will be coming in from the U.S. Department of Housing and Urban Development (HUD).

Commissioner Jay Flashner moved to approve the FY2007 Consolidated Budget, a motion which was seconded by Commissioner Kenneth Creason.

A voice vote was taken and the motion passed unanimously.

[The Chair called an intermission from 4:12 p.m. to 4:19 p.m.]

6. CLOSED SESSION

Pursuant to Government Code Section 54956.8 regarding real property price and terms, the Board of Commissioners entered into Closed Session at 4:19 p.m.

The Board of Commissioners reconvened into Open Session at 4:39 p.m. and the Chairperson reported out. Chair Forrest Frields instructed negotiators, Douglas Tapking and Arlene Adlin, to proceed as directed during Closed Session and authorized staff to complete the negotiations for acquisition of the *Mira Vista Apartments* in Camarillo and the *Walnut Street* house in Moorpark.

Furthermore, the Chair reported that the Executive Director, Chairperson or Vice-Chair are authorized to execute and sign the Ground Lease with the City of Camarillo for the *Camarillo 13* property, following a motion made by Commissioner Jorgen Nielsen and seconded by Commissioner Jay Flashner.

7. ACTION ITEMS (continued)

RESOLUTION 872 A Resolution of the Area Housing Authority of the County of Ventura (AHA) to Adopt the Amended Bylaws

Mr. Tapking recalled how this Resolution had been tabled from the meeting of May 24, 2006. Following discussion at that meeting, staff had been directed to further refine the Bylaws wording with respect to cessation of [standing] committees.

Questions were raised about the way in which the section on "quorum" was phrased and suggestions made for revisions to its wording.

Commissioner Kenneth Creason made a motion the Bylaws be approved, with revisions to the section concerning "quorum", as agreed upon during discussion.

Commissioner Jorgen Nielsen seconded the motion.

Following a roll call vote, the motion to approve Resolution #872 as ~~presented~~ amended, passed by a majority. Staff will make appropriate revisions to the Bylaws, as directed.

AYES: CONNORS, CREASON, FLASHNER, FRIELDS, HARWOOD, LAURIA-MARTINEZ, McCLENAHAN, NIELSEN, ROBSON and WALL.

NOES: NONE.

ABSTAIN: PALARZ.

ABSENT: BROIDY, DIAZ and MILBURN.

8. EXECUTIVE DIRECTOR UPDATES

Due to time constraints, Mr. Tapking postponed his report.

9. DEPARTMENT REPORTS

FINANCIAL REPORT (APRIL) & SECTION 8
Due to time constraints, the Financial and Section 8 reports were tabled for the next meeting.

10. LEGAL COUNSEL COMMENTS

Legal Counsel, David Cunningham, said he had nothing further to report at this time, due to the lateness of the hour.

11. INFORMATION ITEMS

No further items of information were given at this time.

12. CLOSED SESSION

Pursuant to Government Code Section 54947 regarding public employee performance evaluations, the Board of Commissioners entered into Closed Session at 4:56 p.m., at which time staff members departed. Members of the Executive Director's Evaluation Committee led a review and evaluation of Douglas Tapking's performance.

The Board of Commissioners reconvened into Open Session at 5:05 p.m. Commissioner Jorgen Nielsen, who chaired the Executive Director's Evaluation Committee, reported out with compensation recommendations for the Executive Director. Mr. Tapking's performance had been rated as "commendable".

Commissioner Nielsen moved that the committee's recommendations for compensation be approved with the employment contract remaining otherwise unchanged. A voice vote was taken and the motion passed by a majority with one dissention; Commissioner Tom Connors. Commissioner Nielsen recommended a goal-setting session for the Executive Director's upcoming year of service be agendized.

13. COMMISSIONER COMMENTS

Commissioner Catherine Robson thanked Michael Nigh for summarizing agency finances in an understandable manner, saying this had been very helpful to her.

Commissioner Warren Harwood voiced his pleasure with the action of the Executive Director Evaluation Committee and the Board.

Commissioner Jane McClenahan agreed with others' comments about presentation of budget information. She congratulated Mr. Tapking on a job well done.

Commissioner Tom Connors praised Mr. Tapking for his exemplary job performance.

Commissioner Terry Wall spoke of the pleasure he gets in being associated with an organization as fine as this, saying this is largely due to Mr. Tapking's influence and performance.

Commissioner Jay Flashner agreed and praised the Executive Director for his good work.

Commissioner Boris Palarz jokingly commented how he'd been a non-voting member of the Evaluation Committee. He looks forward to future discussions that may improve the evaluation procedure of the Executive Director.

Vice-Chair Jorgen Nielsen told Mr. Tapking the general consensus of the Commission was a wish for a higher compensation package, but said that budget constraints made that impractical.

14. CHAIR COMMENTS

Board of Commissioners Chairperson, Forrest Frields, praised the Commission and the Executive Director for reaching a new height in accomplishment with the *Mira Vista* project. He enthusiastically urged the Executive Director to "do it again".

There being no further business, Chair Frields adjourned the meeting at 5:20 p.m.

NEXT MEETING DATE AND TIME: July 12, 2006, at 3:00 p.m.

Prepared by: Gail Johnson Date: July 13, 2006

Reviewed by: Douglas Tapking Date: 7/13/06

Reviewed by: Forrest Frields Date: 07/24/06

BYLAWS
AREA HOUSING AUTHORITY
OF THE COUNTY OF VENTURA

ARTICLE I – THE AUTHORITY

Section 1. **Name of Authority.** The name of the Authority shall be the Area Housing Authority of the County of Ventura.

Section. 2. **Seal of Authority.** The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority and the year of its organization.

Section 3. **Office of Authority.** The office of the Authority shall be at such a place in the County of Ventura, California, within the jurisdiction of the Authority, as the Authority may, from time to time, designate by Resolution.

Section 4. **Mission of Authority.** The Area Housing Authority of the County of Ventura shall be a catalyst to provide opportunities and to assist people in need of affordable housing through development, acquisitions, and partnerships with the communities it serves.

Section 5. **Composition of Authority.** The Authority is a joint powers agency formed by: (a) the unincorporated areas of Ventura County, (b) the City of Camarillo, (c) the City of Fillmore, (d) the City of Moorpark, (e) the City of Ojai, (f) the City of Simi Valley, and (g) the City of Thousand Oaks.

ARTICLE II –MEMBERSHIP

Section 1. **Members of the Board of Commissioners.** The Board of Commissioners consists of two members appointed by the elected body of each of the seven (7) represented jurisdictions, and one (1) appointed Resident Commissioner. Commissioners shall serve a term of four (4) years, except the Resident Commissioner, who shall serve two (2) years

Section 2. **Officers.** The Officers of the Authority shall be a Chairperson and a Vice Chairperson.

Section 3. **Chairperson.** The Chairperson shall preside at all Board meetings of the Authority. The Chairperson, together with the Executive Director, is authorized to sign all contracts, deeds and other instruments made by the Authority except as otherwise authorized by Resolution of the Authority, or in circumstances involving the purchase or provision of goods or services greater than $100,000. At each meeting the Chairperson shall submit such

recommendations and information as the Chairperson may consider proper concerning the business, affairs and policies of the Authority. The Chairperson shall appoint all committee Chairpersons and members of those committees.

Section 4. **Vice Chairperson.** The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the case of the resignation, removal, or death of the Chairperson, the Vice Chairperson shall temporarily assume the duties of the Chairperson until such time as the Board of Commissioners shall elect a new Chairperson.

Section 5. **Election or Appointment.**

(a) The Chairperson and Vice-Chairperson shall be elected at the Annual Meeting of the Authority and shall hold office for one (1) year or until their successors are elected.

(b) Elections shall be conducted as specified in the Commissioner's Handbook.

Section 6. **Vacancies.** Should the offices of Chairperson or Vice-Chairperson become vacant, the Board of Commissioners shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office. When the office of Executive Director becomes vacant, the Board of Commissioners shall appoint a successor as provided in Section 8 of this Article.

Section 7. **Committees.**

(a) The Chairperson shall appoint, at such times as deemed necessary by the Board of Commissioners, committee chairpersons and committee members.

(b) Each committee shall meet at such times and places within the jurisdiction of the Authority as directed by the respective committee Chairperson.

(c) Committees shall not contain a sufficient number of members so as to constitute a quorum of the Board of Commissioners.

Section 8. **Executive Director.**

(a) The Executive Director shall be employed by the Authority upon Resolution of the Board of Commissioners on such terms as are agreed upon by the parties thereto.

(b) The Executive Director shall have general supervision over the administration of the Authority's business and affairs, subject to the direction of the Board of Commissioners.

(c) The Executive Director shall be responsible for the maintenance of the records of the Authority, including, but not limited to, the meetings of the Authority, and cause all votes to be recorded, and shall cause a record of the proceedings of the Authority to be maintained in a journal of proceedings.

(d) The Executive Director shall cause to be kept in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority.

(e) The Executive Director shall cause all Minutes to be submitted for approval at the next meeting. Minutes are to be signed by the Executive Director and countersigned and dated by the Chairperson, or Acting Chairperson upon approval by the Board of Commissioners.

(f) The Executive Director shall have the ultimate responsibility of care and custody of all funds of the Authority and shall be responsible for their deposit in the name of the Authority in such bank or banks as the Board of Commissioners may select. The Executive Director shall sign all orders and checks for the payment of money and disburse such monies under the direction of the Board of Commissioners. Except as otherwise authorized by Resolution of the Board of Commissioners, all such orders and checks shall be countersigned by the Board Chairperson or such other members of the Board as are designated by Resolution of the Board of Commissioners. The Executive Director shall be responsible for the keeping of regular books of accounts showing receipts and disbursements and shall render to the Board of Commissioners, at each regular meeting (or more often when requested), a written account of the financial condition of the Authority. The Executive Director shall provide for bonding of all employees and Commissioners who are involved in handling funds or signing vouchers or contracts.

(g) The compensation of the Executive Director shall be determined by the Board of Commissioners.

(h) The Executive Director shall not be an Officer or Director of the Authority.

Section 9. **Additional Duties.** The Officers of the Authority shall perform such other duties and functions as may be required by the Authority.

Section 10. **Additional Personnel.** The Authority may, from time to time, employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Housing Authorities Law, as amended, of California and all other laws of the State of California applicable thereto. The selection and compensation of such personnel shall be determined by the Authority subject to the laws of the State of California.

ARTICLE III – MEETINGS

Section 1. **Annual Meeting.** The Annual Meeting of the Authority shall be held in February. The Annual Meeting shall include the election of the officers of the Board of Commissioners and a review of previously adopted goals and objectives for the Board of Commissioners and the Executive Director.

Section 2. **Regular Meeting.** Regular meetings shall be held at such time and place as may from time to time be determined by Resolution of the Authority.

(a) At least 72 hours before a regular meeting of the Authority's Board of Commissioners, an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting shall be provided to the Commissioners of the Authority and posted in a location that is freely accessible to members of the public. The agenda shall specify the time and location of the regular meeting. No actions shall be taken on any item not appearing on the posted agenda.

(b) The Board of Commissioners may take action on items of business not appearing on the posted agenda under any of the following conditions:

(1) upon a determination by a majority vote of the Board of Commissioners that an emergency situation exists;

(2) upon a determination by a two-thirds vote of the Board of Commissioners, or, if less than two-thirds of the members are present, a unanimous vote of the members present that the need to take action arose subsequent to the agenda being posted as specified in subparagraph (a); or

(3) the item was posted pursuant to subparagraph (a) for a prior meeting of the Board of Commissioners occurring not more than five (5) calendar days prior to the date action is taken on the item and at the prior meeting the item was continued to the meeting at which the action is being taken.

Section 3. **Special Meetings.** The Chairperson of the Authority may, when deems it expedient, and shall, upon the written request of a majority of the Commissioners of the Authority, call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting shall be received by each Commissioner of the Authority at his/her business or home address at least twenty-four (24) hours prior to the special meeting and such notice as required by Section 54950.5 et seq. of the Government Code (the Brown Act). At such special meeting, no business shall be considered other than as designated in the notice. Such notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

Section 4. All of the meetings of the Commissioners shall be open to the public, whether regular or special, except as permitted by the Brown Act.

Section 5. **Quorum.** The powers of the Authority shall be vested in the Commissioners thereof in office from time to time. Three-fifths of the authorized number of Commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the Commissioners present.

Section 6. **Order of Business.** The agenda for meetings of the Board of Commissioners shall be as determined by the Chairperson and the Executive Director.

Section 7. **Manner of Voting.** The voting on all Resolutions coming before the Authority, shall be by roll call, and the votes shall be entered into the Minutes of each meeting. Voting on motions may be by voice vote.

All Resolutions shall be in writing, signed by Chairperson and kept in numerical order in a Resolution file, as well as becoming part of the Minutes, in the journal (Article II – Section 8(c).

ARTICLE IV – RESPONSIBILITY AND AUTHORITY

Section 1. **Goals and Objectives.** The Board of Commissioners shall adopt appropriate goals and objectives annually.

Section 2. **Responsibility.** The Board of Commissioners is responsible for the adoption and implementation of policies, regulations, and procedures of the Authority.

ARTICLE V – AMENDMENTS

Amendments to By-Laws. The By-Laws of the Authority shall be amended only with the approval of at least three-fifths of the currently appointed Commissioners of the Authority at a regular or special meeting called for that purpose.

CALIFORNIA CODES
REVENUE AND **TAXATION CODE**
SECTION 1620-1630

1620. The board of supervisors of any county may by ordinance create assessment appeals boards for the county to equalize the valuation of taxable property within the county for the purpose of **taxation**.

1621. (a) Not more than five assessment appeals boards may be created within any county. Assessment appeals boards shall be designated by number in the ordinance providing for their creation.
(b) This section shall become operative on January 1, 2005.

1622. An assessment appeals board shall consist of three members selected by lot by the presiding judge of the superior court of the county from among those persons nominated for that purpose by the members of the county board of supervisors. Within 60 days after the adoption of the ordinance providing for the creation of assessment appeals boards, each member of the board of supervisors shall nominate not less than three nor more than five persons for appointment to the assessment appeals boards.

1622.1. (a) As an alternative to the selection procedure provided in Section 1622, the county board of supervisors may, by ordinance, elect to appoint directly the members of the assessment appeals board. Approval of each member shall be by majority vote of the board of supervisors.
(b) An assessment appeals board appointed pursuant to this section may consist of three or five members. If a five-member board is appointed, the board shall only act as a three-member panel designated from time to time by the clerk of the assessment appeals board. If a five-member board is appointed, the term of office of

these members shall be three years except that upon the original selection of these members, the members shall be assigned terms in such a manner that the terms of no more than two offices shall expire in any one year.

1622.2. (a) Up to two members of a county board of supervisors who have served as a member of a county board of equalization pursuant to Section **1601** may serve on an assessment appeals board.

(b) Notwithstanding Sections 1623 and 1623.1, the term of office for any member of a county board of supervisors who serves on an assessment appeals board shall not exceed his or her term of office as a member of a county board of supervisors.

1622.5. In any county in which two or more boards have been created and are functioning:

(a) The clerk of the assessment appeals boards may assign one or more members from one board to serve temporarily as members of another board, and

(b) The board of supervisors may appoint alternate members for each board. Whenever any regular member of a board is temporarily unable to act as a member of the board, an alternate member may sit on the board and shall have the same authority to act as a regular member. Where such alternate member is likewise temporarily unable to act the clerk may assign an alternate member of the same board or of any other board to act as a member of the board and such alternate member may sit on the board and shall have the same authority to act as a regular member.

In any county in which one board has been created and is functioning the board of supervisors may appoint alternate members for the board. Whenever any regular member of the board is temporarily unable to act as a member of the board, an alternate member may sit on the board and shall have the same authority to act as a regular member.

1622.6. An application for equalization filed pursuant to Section 1603 by a member or alternate member of an assessment appeals board, or an application in which that member represents his or her spouse,

parent, or child, shall be heard before an assessment appeals board panel consisting of three special alternate assessment appeals board members appointed by order of the presiding judge of the superior court in the county in which the application is filed.

A member or alternate member of an assessment appeals board shall notify the clerk immediately upon filing an application on his or her own behalf, or upon his or her decision to represent his or her spouse, parent, or child in an assessment appeal matter. A special alternate assessment appeals board member may hear only the application or applications for equalization set forth in the superior court order appointing the member.

Any person shall be eligible for appointment as a special alternate assessment appeals board member who meets the qualifications set forth in Section 1624.

Sections 1624.1 and 1624.2 shall be applicable to the appointment of a special assessment appeals board member.

1623. (a) The term of office of members selected to serve on assessment appeals boards shall be three years beginning on the first Monday in September except that upon the original selection of members to serve on an assessment appeals board, the member first selected shall serve for a term of three years beginning on the first Monday in September following the date of the creation of the board, the second member selected shall serve for a term of two years beginning on such date, and the third member selected shall serve for a term of one year beginning on such date.

(b) In the event of a vacancy on a board, the person selected to fill the vacancy shall serve for the remainder of the unexpired term.

(c) Not less than 60 days prior to the expiration of the term of office of any member of an assessment appeals board and upon the occurrence of a vacancy on any such board, each member of the board of supervisors shall nominate one person for each office or vacancy to be filled. The presiding judge of the superior court shall select by lot one person from among those nominated to serve for the succeeding term on such board or to fill the vacancy as the case may be.

(d) Upon expiration of the term of office of any member of an assessment appeals board, the member whose term has expired shall continue to serve until such time as a new member takes office.

(e) A member whose term has expired may continue to serve for up

to 60 days after the expiration of such term with respect to matters on which the assessment appeals board had commenced hearing prior to the expiration of the member's term.

1623.1. As an alternative to the nomination and selection procedure provided in Section 1623, the board of supervisors may, by ordinance, provide that it shall appoint the members and alternates of the assessment appeals board, upon the expiration of any term of office or the occurrence of a vacancy on such board. Any person so appointed shall meet the eligibility requirements of Section 1624 or 1624.05, whichever is applicable.

1624. (a) A person is not eligible for nomination for membership on an assessment appeals board unless he or she meets one of the following criteria:

(1) Has a minimum of five years professional experience in this state as a certified public accountant or public accountant, a licensed real estate broker, an attorney, a property appraiser accredited by a nationally recognized professional organization, or a property appraiser certified by the Office of Real Estate Appraisers, or a property appraiser certified by the State Board of Equalization.

(2) Is a person who the nominating member of the board of supervisors has reason to believe is possessed of competent knowledge of property appraisal and **taxation**.

(b) Documentation of qualifying experience of appeals board members shall be filed with the clerk of the board.

(c) This section shall apply only to an assessment appeals board in a county with a population of less than 200,000.

(d) County population estimates conducted by the Department of Finance pursuant to Section 13073.5 of the Government **Code** shall be used in determining the population of a county for purposes of this section.

1624.01. (a) On and after January 1, 2001, any person newly selected for membership on, or newly appointed to be a member of, an assessment appeals board shall complete the training described in subdivision (a) of Section 1624.02 prior to the commencement of his

or her term on the board or as soon as reasonably possible within one year thereafter.

(b) A member of an assessment appeals board who does not complete the training required by this section in the time permitted shall complete that training within 60 days of the date of the notice by the clerk advising the member that his or her failure to complete the training constitutes resignation by operation of law. If the member fails to comply within 60 days of the notice by the clerk, the member shall be deemed to have resigned his or her position on the board. Notwithstanding the provisions of this section, a board member may continue to retain his or her position on the board in order to complete all appeal hearings to which the member is assigned and which commenced prior to the date of resignation pursuant to this subdivision.

1624.02. (a) Every person newly selected for membership on or newly appointed to be a member of, an assessment appeals board shall successfully complete a course of training conducted by either the State Board of Equalization or by the county at county option. Training shall include, but not be limited to, an overview of the assessment process, elements in the conduct of assessment appeal hearings, and important developments in case and statutory law and administrative rules. The curriculum for the course of training provided by the State Board of Equalization shall be developed in consultation with county boards of supervisors, administrators of assessment appeals boards, assessors, and local property taxpayer representatives. The curriculum for the course of training provided by counties shall be developed in consultation with the State Board of Equalization, assessors, and local property taxpayer representatives and subject to final approval by the State Board of Equalization. Training by the State Board of Equalization shall be conducted regionally. For purposes of this section, the term "successfully complete" shall include full-time attendance at the course of training and a person's receiving a certificate of completion given by the entity conducting the training at the conclusion of the course of training.

(b) There shall be no charge to counties for training conducted by the State Board of Equalization pursuant to this section.

1624.05. (a) A person shall not be eligible for nomination for

membership on an assessment appeals board unless he or she has a minimum of five years' professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, property appraiser accredited by a nationally recognized professional organization, property appraiser certified by the Office of Real Estate Appraisers, or property appraiser certified by the State Board of Equalization.

(b) Notwithstanding the provisions of subdivision (a), a person shall be eligible for nomination for membership on an assessment appeals board if, at the time of the nomination, he or she is a current member of an assessment appeals board.

(c) Documentation of qualifying experience of appeals board members shall be filed with the clerk of the board.

(d) This section shall apply only to an assessment appeals board in a county with a population of 200,000 or more.

(e) County population estimates conducted by the Department of Finance pursuant to Section 13073.5 of the Government **Code** shall be used in determining the population of a county for purposes of this section.

1624.1. No person shall be qualified to be a member of an assessment appeals board who has, within the three years immediately preceding his or her appointment to that board, been an employee of an assessor's office.

1624.2. No member of an assessment appeals board shall knowingly participate in any assessment appeal proceeding wherein the member has an interest in either the subject matter of or a party to the proceeding of such nature that it could reasonably be expected to influence the impartiality of his judgment in the proceeding. Violation of this section shall be cause for removal under Section 1625 of this **code**.

1624.3. No current member of an assessment appeals board, nor any alternate member, may represent an applicant for compensation on any application for equalization filed pursuant to Section 1603 in the county in which the board member or alternate member serves.

1624.4. (a) The party affected by an equalization proceeding or his or her agent, or the assessor, may make and file with the clerk of the assessment appeals board in which the proceeding is pending a written statement objecting to the hearing of a matter before a member of the board, and setting forth the facts constituting the ground of the disqualification of the member. Copies of the written statement shall be served by the presenting party on each party in the proceeding and on the board member alleged in the statement to be disqualified.

(b) Within 10 days after the filing of the statement, or within 10 days after the service of the statement as provided in subdivision (a), whichever is later, the board member alleged therein to be disqualified may file with the clerk his or her consent in writing that the action or proceeding be tried before another member, or may file with the clerk his or her written answer admitting or denying any or all of the allegations contained in the statement and setting forth any additional fact or facts material or relevant to the question of his or her disqualification. The clerk shall transmit a copy of the member's consent or answer to each party who shall have appeared in the proceeding. Every statement and every answer shall be verified by oath in the manner prescribed by Section 446 of the **Code** of Civil Procedure for the verification of pleadings. The statement of a party objecting to the member on the ground of the member's disqualification, shall be presented at the earliest practicable opportunity, after discovery of the facts constituting the ground of the member's disqualification, and in any event before the commencement of the hearing of any issue of fact in the proceeding before the member.

(c) No member of the board, who shall deny his or her own disqualification, shall hear or pass upon the question of the disqualification. The question of the member's disqualification shall be heard and determined by some other member agreed upon by the parties who have appeared in the proceeding, or, in the event of their failing to agree, by a member assigned to act by the clerk. Within five days after the expiration of the time allowed by this section for the member to answer, the clerk shall assign a member, not disqualified, to hear and determine the matter of the disqualification.

1625. Any member of an assessment appeals board may be removed for

cause by the board of supervisors.

1626. The board of supervisors of any county which has created one or more assessment appeals boards may discontinue all of said boards effective on the first Monday in September, subject to any such board continuing to function until matters pending before it have been disposed of. If all of such boards have been discontinued, no new board or boards may be created to function prior to the next succeeding first Monday in September. Notwithstanding the foregoing, the board of supervisors of any such county may increase, or may decrease to not less than one, the number of such boards, effective from and after the next succeeding first Monday in September, provided that any board so discontinued shall continue to function until matters pending before it have been disposed of.

1626.1. Notwithstanding Section 1623, the board of supervisors of any county which has one or more assessment appeals boards in existence pursuant to this article may by ordinance increase the number of such boards effective from and after the first Monday in October and such boards shall remain in existence until discontinued under the provisions of Section 1626, but in no event shall the term of office of any member of the board exceed three years. Each term of office shall expire in a different calendar year.

1628. The clerk of the board of supervisors shall be clerk of the assessment appeals boards and keep a record of their proceedings. He shall perform the same duties in connection with their proceedings as he is required by law to perform in connection with the proceedings of the county board of equalization.

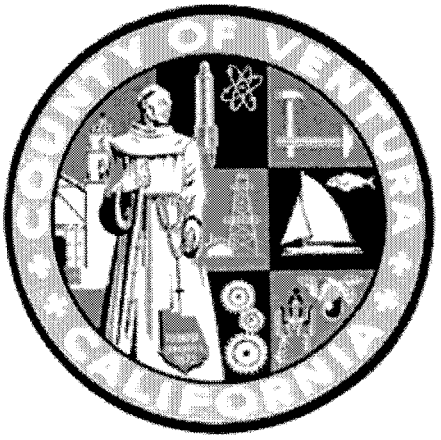
1630. (a) Any real property owner the use of whose land is subject to an enforceable restriction placed upon it by a local agency may apply to the governing body of the local agency for a written statement declaring the present intention of the governing body to refrain from removing or modifying any such restriction in the

predictable future.

(b) The written statement of intention may be granted or denied by the governing body at its discretion. A reasonable fee not to exceed ten dollars ($10) may be charged for each such statement.

(c) The written statement may be presented to the county board of equalization as evidence that a restriction on the use of the taxpayer's land exists and that such restriction should be considered in assessing the value of the land.

(d) The written statement shall constitute a rebuttable presumption that the governing body does not intend to remove or modify the restriction in the predictable future.



Ordinance Number

3700

Date Adopted

7/31/1984

Subject

VENTURA COUNTY ORDINANCE ESTABLISHING AN ASSESSMENT APPEALS BOARD IN VENTURA COUNTY

Comments

ORDINANCE NO. 3700

AN ORDINANCE ESTABLISHING AN ASSESSMENT APPEALS BOARD IN VENTURA COUNTY

The Board of Supervisors of the County of Ventura does ordain as follows:

Sec. 1 - ESTABLISHMENT OF BOARD. There is hereby established in the County of Ventura, pursuant to section 16 of article XIII of the Constitution, an assessment appeals board to be known as Assessment Appeals Board Number One.

Sec. 2 - MEMBERS. The assessment appeals board shall consist of three (3) members and two (2) alternate members selected in the manner prescribed by sections 1622.1 and 1622.2 of the Revenue and Taxation Code. The terms of office shall be for three (3) years except for a member who is also a member of the county board of supervisors whose term shall be the same as his or her term of office as a member of the county board of supervisors. Upon the expiration of any term of office or the occurrence of a vacancy on the assessment appeals board, the board of supervisors shall appoint the successor to such office.

Sec. 3 - DUTIES OF BOARD. The assessment appeals board shall constitute the Board of Equalization for Ventura County and shall equalize the valuation of the taxable property in Ventura County for the purpose of taxation in the manner provided by the Constitution, the laws of this State, and the rules of procedures adopted by the Board of Supervisors of the County of Ventura.

Sec. 4 - COMPENSATION. Each member or alternate member of the assessment appeals board shall receive the sum of one hundred dollars ($100.00) for each day they are called to serve and do serve. No allowance is payable for mileage or meals while serving.

Sec. 5 - CLERK OF THE BOARD. The clerk of the board of supervisors shall be clerk of the assessment appeals board and shall keep a record of its proceedings. The clerk shall perform the same duties in connection with proceedings of the assessment appeals board as is required by law to be performed in connection with the proceedings of the county board of equalization.

Sec. 6 - MEETINGS. Meetings of the assessment appeals board shall be held at the call of the clerk of the assessment appeals board.

PASSED AND ADOPTED this 31st day of July, 1984, by the following vote:

AYES: Supervisors Jones, Erickson, Dougherty, Flynn, Lacey

NOES: None

ABSENT: None

Susa K. Lacey
CHAIR, BOARD OF SUPERVISORS

ATTEST:

RICHARD D. DEAN, County Clerk, County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof.

By _____
Deputy Clerk

COUNTY OF VENTURA CALIFORNIA

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JULY 31, 1984, AT 8:30 O'CLOCK A. M.

ORD. 3700 / 205.10

ADOPTING ORDINANCE NO. 3700 - ESTABLISHING ASSESSMENT APPEALS BOARD IN VENTURA COUNTY

An Ordinance establishing an Assessment Appeals Board in Ventura County

is presented to the Board at this time, and upon motion of Supervisor Dougherty , seconded by Supervisor Erickson, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 3700.

Board members vote as follows:

Ayes: Supervisors Jones, Erickson, Dougherty, Flynn, Lacey

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said ordinance, it is hereby declared and ordered that said ordinance is hereby passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 3700.

It is further ordered that said ordinance shall take effect and be in force at the expiration of thirty (30) days from the date hereof and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisor voting for and against the same, at least once in the a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

Assessor
Auditor
CAO
Clerk of Board
Files (3)
Item 5
7/31/84 fw

ord 3700

PROOF OF PUBLICATION

[2015.5 C.C.P.] 81-7139

FOR:

Richard D. Dean
Hall of Administration
800 So. Victoria Ave.
Ventura, Ca. 93009

STATE OF CALIFORNIA

County of Ventura,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the...

FILLMORE HERALD

newspaper of general circulation, printed and published

EACH THURSDAY

in the City of Fillmore, County of Ventura, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Ventura, State of California, under the date of December 17, 1951, Case Number 40262; that the notice, of which the annexed is a printed copy [set in type not smaller than nonpareil], has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

August 9,

all in the year 19 84

I certify [or declare] under penalty of perjury that the foregoing is true and correct.

Dated at Fillmore, California, this 9th day

of August, 19 84

Kathleen Bolton

Signature

This space is for the County Clerk's Filing Stamp

RECEIVED
AUG 10 1984
OFFICE OF CLERK
BOARD OF SUPERVISORS

Proof of Publication of

Ordinance No. 3700

ORDINANCE NO. 3700
AN ORDINANCE ... BOARD IN VENTURA COUNTY

The Board of Supervisors of the County of Ventura does ordain as follows:

Sec. 1 - ESTABLISHMENT OF BOARD. There is hereby established in the County of Ventura, pursuant to section 16 of article XIII of the Constitution, an assessment appeals board to be known as Assessment Appeals Board Number One.

Sec. 2 - MEMBERS. The assessment appeals board shall consist of three (3) members and two (2) alternate members selected in the manner prescribed by sections 1622.1 and 1622.2 of the Revenue and Taxation Code. The terms of office shall be for three (3) years except for a member who is also a member of the county board of supervisors whose term shall be the same as his or her term of office as a member of the county board of supervisors. Upon the expiration of any term of office or the occurence of a vacancy on the assessment appeals board, the board of supervisors shall appoint the successor to such office.

Sec. 3 - DUTIES OF BOARD. The assessment appeals board shall constitute the Board of Equalization for Ventura County and shall equalize the valuation of the taxable property in Ventura County for the purpose of taxation in the manner provided by the Constitution, the laws of this State, and the rules of procedures adopted by the Board of Supervisors of the County of Ventura.

SEC. 4 - COMPENSATION. Each member or alternate member of the assessment appeals board shall receive the sum of one hundred dollars ($100.00) for each ... called to serve and do serve. No allowance is payable for mileage or meals while serving.

Sec 5 - CLERK OF THE BOARD. The clerk of the board of supervisors shall be the clerk of the assessment appeals board and shall keep a record of its proceedings. The clerk shall perform the same duties in connection with proceedings of the assessment appeals board as is required by law to be performed in connection with the proceedings of the county board of equalization.

Sec. 6 - MEETINGS. Meetings of the assessment appeals board shall be held at the call of the clerk of the assessment appeals board.

PASSED AND ADOPTED this 31st day of July, 1984 by the following vote:

AYES: Jones, Erickson, Dougherty, Flynn, Lacey
NOES: None
ABSENT: None

I hereby certify that t... which this stamp is aff... of the Ventura County ... the Board of Supervis...

RICHARD D. DEAN, Clerk of the Board ... Ventura, State of C...

By ...

PROOF OF PUBLICATION

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, MARCH 16, 1993, AT 8:30 A.M.

ORD. #4029/ORD. #3700/205.10/208.103

ADOPTING ORDINANCE NO. 4029 -

AMENDING SECTION 2 OF ORDINANCE #3700 INCREASING

THE NUMBER OF ALTERNATE MEMBERS ON ASSESSMENT

APPEALS BOARD NUMBER ONE

An Ordinance Amending Section 2 of the Ventura County Ordinance No. 3700 Increasing the Number of Alternate Members on Assessment Appeals Board Number One, is presented to the Board at this time, and upon motion of Supervisor Howard, seconded by Supervisor VanderKolk, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4029.

Board members vote as follows:

Ayes: Supervisors Lacey, VanderKolk, Kildee, Howard and Flynn.

Noes: None.

Absent: None.

All members of the Board present voting on the passage and adoption of said ordinance, it is hereby declared and ordered that said ordinance is hereby passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4029.

It is further ordered that said ordinance shall take effect and be in force at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the News Chronicle, a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:
Assessor (2)
CC & R
Clerk of Board (2)
Auditor
Files (5)
Item 5
3/16/93 rr

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, MARCH 9, 1993, AT 8:30 A.M.

205.10/ORD. #3700/ORD. # / ALL MEMBERS PRESENT
ORD. # /ORD. # /208.103 EXCEPT SUPERVISOR KILDEE

Upon motion of Supervisor Flynn, seconded by Supervisor VanderKolk, and duly carried, the Board hereby approves the following staff recommendations; and reads ordinances (3) in title only and continues final adoptions to March 16, 1993:

county of ventura

R.J. Sanford
Assessor

Glenn E. Gray
Assistant Assessor

March 9, 1993

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

SUBJECT: ORDINANCES ESTABLISHING A SECOND ASSESSMENT APPEALS BOARD, AMENDING ORDINANCE NO. 3700, ESTABLISHING AN ASSESSMENT APPEALS HEARING OFFICER AND REQUEST FOR ADDITIONAL STAFFING (REQUIRES 4/5THS VOTE)

RECOMMENDATIONS:

1. It is recommended that your Board adopt the attached Ordinance establishing Assessment Appeals Board Number Two, at an estimated annual cost of $21,600 ($150 per Board member, per meeting, at 48 meetings), to become operative on the first Monday of October 1993, and automatically terminate three years thereafter.

2. It is recommended that your Board adopt the attached Ordinance amending Section 2 of Ordinance No. 3700 to allow up to four alternate members.

3. It is recommended that your Board adopt the attached Ordinance establishing an Assessment Hearing Officer at an estimated annual cost of $3,600 ($150 per meeting at 24 meetings).

4. Read Ordinances in title only and continue final adoption to March 16, 1993.

5. Approve the addition of one full time fixed term Technical Specialist IV position (class code 00521) for three years, with a salary range of $26,780-$33,669, in the Clerk of the Board Division (budget unit 03030).

6. Authorize the Auditor-Controller to process the accounting transactions necessary to establish appropriations as follows: (requires 4/5ths vote)

Increase Salaries/Benefits (Budget Unit 03030)	$ 7,100
Increase Services/Supplies (Budget Unit 03030)	$ 500
Increase Services/Supplies (Budget Unit 03010)	$ 6,600
Decrease General Fund Contingency	$14,200

DISCUSSION:

During the past two years, assessment appeal filings have increased

The Clerk of the Board Division currently has one staff person devoted full time to duties related to the current Assessment Appeals Board. The addition of a full time fixed term position for three years is necessary to handle the increased workload generated by a second Board and two weekly meetings. The salary cost for the remainder of FY 1992-93, not including fringe benefits and based on a hire date of April 26, 1993, is $5,150. An increase of $500 in services and supplies is required for the remainder of FY 1992-93 to cover additional postage, auditron costs, and office supplies. An additional $6,600 is requested in the Board of Supervisors' budget, services and supplies, to pay the members of the Board and the Hearing Officer for the remainder of FY 1992-93.

This letter has been reviewed by the Auditor-Controller, Chief Administrative Office, County Counsel, and Personnel. If you have any questions regarding this matter, please call Jerry Sanford at extension 2161 or Richard Dean at extension 2266.

R. J. Sanford,
County Assessor

Richard D. Dean, County
Clerk and Recorder

John K. Flynn, Supervisor

aab:bdltr

COPIES TO:

Assessor
CC & R
Clerk of the Board
CAO
Personnel
ISD
Auditor
Files (7)
Item 13
03/9/93 rr

145%. As of this date, approximately 2,440 applications have been received for the 1992-93 assessment filing year (July 2, 1992 through July 1, 1993), and approximately 666 applications for the 1991-92 year require disposition. Many of these applications are commercial or industrial cases that will require substantially more hearing time than residential appeals.

The Assessment Appeals Board calendar is full through March 29, 1993. Due to a computerized process in the Assessor's Office, we expect to have 300 to 400 applications ready for hearing by March 1, 1993. The Clerk has an additional 95 applications ready to schedule.

Many of the applications received during the 1993-94 filing period will be disposed of through stipulations and withdrawals. However, the sheer volume of filed applications, along with an anticipated 500 new applications that will be filed by July 1, 1993, (based on last year's filing) will severely impact the Assessment Appeals Board's backlog of cases this year and throughout 1994.

If applications are not disposed of within two years of the filing date, the applicant's opinion of value becomes the enrolled value, which results in tremendous revenue losses for the County. The public's image of the County will also suffer if there are long delays in resolving taxpayer appeals. Consequently, we believe it is imperative that there not be a large carryover of 1992-93 cases to the 1993-94 assessment appeal year.

With two Boards meeting six hours per week each, the current backlog of cases would take just over a year to eliminate at a rate of 40 meetings per year each. Clearly, the backlog is staggering and could take even more resources if the number of cases continue to climb in 1993 and 1994.

Pursuant to Revenue & Taxation Code Section 1626.1, the second Appeals Board cannot become operative until October 4, 1993. It is, therefore, suggested that the current board extend its meetings to twice a week at 6 hours per meeting. Increasing the number of alternate members on the current Board from two to four will assist the current Board in extending its meetings.

On June 28, 1983, your Board adopted a Resolution adopting Revenue & Taxation Code Sections 1640.1 and 1641.1 relating to Assessment Appeals Hearing Officers. The proposed ordinance will repeal this resolution and adopt, in its place, Revenue & Taxation Code Sections 1640 and 1641, making the decision of the Hearing Officer final. This change will eliminate the redundant hearings of the past wherein applicants appealed the Hearing Officer's decision to the Assessment Appeals Board.

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JULY 24, 1984, AT 8:30 O'CLOCK A.M.

205.10 ORD. # ALL MEMBERS PRESENT

Upon motion of Supervisor Dougherty, seconded by Supervisor Erickson, and duly carried, the Board hereby reads in title only the proposed Ordinance, and continues the final adoption of the Ordinance to July 31, 1984:

county of ventura

CHIEF ADMINISTRATIVE OFFICE
Richard Wittenberg
Chief Administrative Officer

Robert C. Hirtensteiner
Assistant Chief Administrative Officer

July 24, 1984

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

ORDINANCE ESTABLISHING THE ASSESSMENT APPEALS BOARD

RECOMMENDATION:

It is recommended that the Board of Supervisors on July 24, 1984, introduce the attached ordinance amending the Ventura County Ordinance Code, read in title only and waive further reading; and on July 31, adopt the ordinance.

It is further recommended the staff be directed to initiate a recruitment procedure for appointment to the Assessment Appeals Board pursuant to sections 1622.1 and 1622.2 of the Revenue and Taxation Code.

DISCUSSION:

Assembly Bill 2324 (Hart) was signed by the Governor on July 17. The bill has an urgency clause and is therefore effective immediately.

This legislation, which the County requested in its legislative package, would permit the establishment of an Assessment Appeals Board with one or two members of the Board of Supervisors as members provided they have served on a County Board of Equalization.

In order for the Assessment Appeals Board to be established in time for the coming appeals season, under Revenue and Taxation

Code section 1626 it would appear that such action would have to be taken prior to the first Monday in September. Therefore, in order for the ordinance to be effective in sufficient time, it should be introduced and read in title only on July 24 and adopted on July 31.

The attached ordinance has been drafted to establish an Assessment Appeals Board for the purpose of considering appeals and equalizing the valuation of taxable property within the County for the purpose of taxation. The County in past years has utilized assessment appeals boards composed entirely of appointed lay members; the attachment will allow members of the Board of Supervisors to serve as members of the Assessment Appeals Board along with private citizen appointees. The creation of the Assessment Appeals Board will not affect the existing Assessment Hearing Officers of their responsibilities.

If there are questions regarding this matter, please feel free to call me at ext. 2575.

RICHARD WITTENBERG
Chief Administrative Officer

Robert L Braitman

ROBERT L. BRAITMAN
Administrative Analyst

de

cc: County Assessor
County Clerk
County Counsel
Assessment Hearing Officers
Walt Tavis
John Wissinger

COPIES TO:

Chief Administrative Office
Auditor-Controller
Assessor
Treasurer-Tax Collector
County Counsel
Clerk of the Board
Files (3)
Item 9
7/24/84 rr

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JULY 25, 2000 AT 8:30 A.M.

ORD. NO. #4211

205.10/ORD. #3700
ASSESSMENT APPEALS

An Ordinance Amending Section 2 of the Ventura County Ordinance No. 3700 Increaing the Number of Alternate Members on Assessment Appeals Board Number One is presented to the Board at this time, and upon motion of Supervisors Lacey, seconded by Supervisor Schillo, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4211.

Board members vote as follows:

Ayes: Supervisors Lacey, Schillo, Mikels, Flynn and Long

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4211.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for an against the same, at least once in the Fillmore Gazette (FG), A newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

ASSESSOR
COUNTY CLERK & RECORDER
AUDITOR
FILE
ITEM 24
7/25/00
KP

ORDINANCE NO. 4211

An Ordinance Amending Section 2 of Ventura County Ordinance No. 3700 Increasing the Number of Alternate Members on Assessment Appeals Board Number One

The Board of Supervisors of the County of Ventura does ordain as follows:

Section 1

Ventura County Ordinance No. 3700 is hereby amended to read as follows:

"Section 2 - Members

The Assessment Appeals Board shall consist of three (3) members and up to five (5) alternate members selected in the manner prescribed by Sections 1622.1 and 1622.2 of the Revenue and Taxation Code. The terms of office shall be for three (3) years except for a member who is also a member of the County Board of Supervisors whose term shall be the same as his or her term of office as a member of the County Board of Supervisors. Upon the expiration of any term of office or the occurrence of a vacancy on the Assessment Appeals Board, the Board of Supervisors shall appoint the successor to such office, except that the Board of Supervisors may choose to keep the position of up to two (2) alternate members vacant for such period as they deem appropriate."

Section 2

This Ordinance shall become effective on September 4, 2000.

PASSED AND ADOPTED this 25th day of July, 2000, by the following vote.

AYES: Supervisors Lacey, Thille, Nickels, Flynn & Long

NOES: None

ABSENT: None

COUNTY OF VENTURA CALIFORNIA

Kathy I. Long

KATHY I. LONG, Chair
Ventura County Board of Supervisors

ATTEST:

RICHARD D. DEAN, County Clerk,
County of Ventura, State of
California, and ex-officio
Clerk of the Board of Supervisors
thereof.

By: Karen Valencia

OFFICE OF THE COUNTY
CLERK AND RECORDER:
Clerk, Board of Supervisors
County Clerk
Elections
Recorder

CLERK, BOARD OF
SUPERVISORS DIVISION
Peggy A. Higgins
Assistant Clerk
Hall of Administration, 4th Floor
800 South Victoria Avenue
Ventura, CA 93009-1920
Phone: (805) 654-2251
FAX: (805) 677-8711
www.ventura.org/recorder/vencirk.htm

RICHARD D. DEAN
COUNTY CLERK AND RECORDER

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

DATE: July 26, 2000

TO: FILLMORE GAZETTE
Attn: Legal Desk

FAX. #: 524-1164

NO. PAGES FOLLOWING (Including this Page): 2

FROM: KAREL PLACENCIA
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #8964

Please publish the attached: **ADOPTION OF AN ORDINANCE NO. 4211; Amendment to Ordinance No. 3700 to Authorize Five alternate Assessment Appeals Board Members..**

One (1) time in the issue of **THURSDAY, August 3, 2000**
setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.
Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

RICHARD D. DEAN, County Clerk

By: KAREL PLACENCIA
Deputy County Clerk

fax.fg

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS SUSAN K. LACEY, FRANK SCHILLO, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN

July 18, 2000 at 8:30 a.m.

205.10/ORD. #3700/ORD. #

COUNTY CLERK AND RECORDER - Adoption of an Amendment to Ordinance No. 3700 to Authorize Five Alternate Assessment Appeals Board Members.

(X) All board members are present except Supervisor Flynn.

( ) The following persons are heard

( ) The following document(s) are submitted to the Board for consideration:
( ) _____ statement card(s); ( ) _____

( ) The Board holds a public hearing.

(X) Upon motion of Supervisor Lacey, seconded by Supervisor Mikels, and duly carried, the Board hereby reads ordinance in title only, and continues final adoption to July 25, 2000 at 9:00 a.m. Further, the Board directs that an alternate member be appointed from the District 2.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.

( ) Without motion, the Board hereby makes the attached presentation.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: Roberta Rodriguez
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy County Clerk

Item #19
7/18/00

DISTRIBUTION: Originating Agency(2), Auditor, File, Assessor

OFFICE OF THE COUNTY
CLERK AND RECORDER:
Clerk, Board of Supervisors
County Clerk
Elections
Recorder

CLERK, BOARD OF
SUPERVISORS DIVISION
Peggy A. Higgins
Assistant Clerk
Hall of Administration, 4th Floor
800 South Victoria Avenue
Ventura, CA 93009-1920
Phone: (805) 654-2251
FAX: (805) 677-8711

RICHARD D. DEAN
COUNTY CLERK AND RECORDER

July 18, 2000

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Amendment to Ordinance No. 3700 to Authorize Five Alternate Assessment Appeals Board Members

Recommendation:
It is recommended that the Board of Supervisors on July 18, 2000 introduce the attached ordinance amending the Ventura County Ordinance Code, read in title only and waive further reading; and on July 25, 2000 adopt the ordinance to amend Section 2 of Ordinance No. 3700 to increase the number of alternate assessment appeals board members to five.

Fiscal/Mandates Impact:
None. Appropriations for alternate board member fees are included in the Clerk of the Board's FY2000-01 Adopted Budget.

Discussion:
On June 6, 2000, your Board adopted a Resolution terminating Assessment Appeals Board #2 effective September 4, 2000. The number of alternate members on AAB #1 currently is four. By increasing the number of alternate members to five more flexibility will be afforded in scheduling thereby insuring that a full board is available at each hearing.

The Chief Administrative Office, County Counsel, Auditor-Controller and the Assessor have reviewed this letter.

If you have any questions regarding this matter, please call Peggy A. Higgins, Assistant Clerk of the Board, at extension 3361.

Respectfully submitted;

Richard D. Dean

RICHARD D. DEAN
County Clerk and Recorders Office

Attachment

ORDINANCE NO. 4029

An Ordinance Amending Section 2 of Ventura County Ordinance No. 3700 Increasing the Number of Alternate Members on Assessment Appeals Board Number One

The Board of Supervisors of the County of Ventura does ordain that Section 2 of Ventura County Ordinance No. 3700, Establishing Assessment Appeals Board Number One is amended as follows.

Section 2 - Members

The Assessment Appeals Board shall consist of three (3) members and up to four (4) alternate members selected in the manner prescribed by Sections 1622.1 and 1622.2 of the Revenue and Taxation Code. The terms of office shall be for three (3) years except for a member who is also a member of the County Board of Supervisors whose term shall be the same as his or her term of office as a member of the County Board of Supervisors. Upon the expiration of any term of office or the occurrence of a vacancy on the Assessment Appeals Board, the Board of Supervisors shall appoint the successor to such office, except that the Board of Supervisors may choose to keep the position of up to two (2) alternate members vacant for such period as they deem appropriate.

PASSED AND ADOPTED this 16th day of March, 1993, by the following vote.

AYES: SUPERVISORS LACEY, VANDERKOLK, KILDEE, HOWARD and FLYNN.

NOES: NONE.

ABSENT: NONE.

Susan K. Lacey
CHAIR, BOARD OF SUPERVISORS

ATTEST:

RICHARD D. DEAN, County Clerk, County of Ventura, State of California, and ex-officio Clerk of the Board of Supervisors thereof.

By: Roberta Rodriguez

aab:ord

CALIFORNIA CODES
REVENUE AND **TAXATION CODE**
SECTION 1636-1641.5

1636. The county board of supervisors may appoint one or more assessment hearing officers or contract with the Office of Administrative Hearings for the services of an administrative law judge pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government **Code** to conduct hearings on any assessment protests filed under Article 1 (commencing with Section **1601**) of this chapter and to make recommendations to the county board of equalization or assessment appeals board concerning the protests. Only persons meeting the qualifications prescribed by Section 1624 may be appointed as an assessment hearing officer.

1636.2. No current hearing officer may represent an applicant for compensation on any application for equalization filed pursuant to Section 1603 in the county in which the hearing officer serves.

1636.5. (a) An assessment hearing officer shall notify the clerk immediately upon filing an application on his or her own behalf, or upon his or her decision to represent his or her spouse, parent, or child in an assessment appeal.

(b) When the application described in subdivision (a) is scheduled for hearing, the clerk shall schedule the matter before an alternate assessment appeals board pursuant to the provisions of Section 1622.6.

1637. (a) Hearings before an assessment hearing officer shall be conducted pursuant to the provisions of Article 1 (commencing with Section **1601**) governing equalization proceedings by a county board of equalization or an assessment appeals board. The assessment hearing officer may conduct hearings on applications where all of the

following apply:

(1) The applicant is the assessee and has filed an application under Section 1603.

(2) For counties in which the board of supervisors has not adopted the provisions of Section 1641.1, the total assessed value of the property under consideration, as shown on the current assessment roll, does not exceed five hundred thousand dollars ($500,000); or the property under consideration is a single-family dwelling, condominium or cooperative, or a multiple-family dwelling of four units or less regardless of value.

(3) The applicant has requested that the hearing be held before an assessment hearing officer.

(b) In addition to subdivision (a), the board of supervisors may, by resolution, require the assent of the assessor to hearings before an assessment hearing officer in all cases in which the total assessed value on the current roll of the property under consideration exceeds a sum set by the resolution. However, that requirement shall not apply in cases involving owner-occupied residential property.

1638. The applicant may be represented in the hearing of the application and shall have the right to offer evidence. The assessor may be represented in the hearing by an attorney if the applicant is represented by an attorney and one or more members of his staff, and the assessor and members of his staff shall have the right to offer evidence. The hearing shall be conducted in accordance with Section 1609. The hearing and disposition of applications shall be conducted in an informal manner.

1639. The hearing officer shall conduct the hearing and shall prepare a summary report of the proceedings together with his recommendation on the assessment protest. The hearing officer shall transmit his report and recommendation to the clerk of the board of supervisors. The report and recommendation shall not constitute precedent for future proceedings initiated by the applicant or other applicants.

1640. The clerk shall transmit in writing at the conclusion of the hearing or by mail to the protesting party or his or her agent and shall transmit to the county board of equalization or assessment appeals board the hearing officer's report and recommendation on the assessment protest. The protesting party shall be informed that the county board of equalization is bound by the recommendation of the assessment hearing officer.

1640.1. (a) The clerk shall transmit in writing at the conclusion of the hearing or by mail to the protesting party or his or her agent and shall transmit to the county board of equalization or assessment appeals board, the hearing officer's report and recommendation on the assessment protest. The protesting party shall be informed that the county board of equalization or the assessment appeals board is not bound by the recommendation of the assessment hearing officer and that he or she or the assessor is entitled to a full hearing before the county board or the assessment appeals board.

(b) The provision of this section shall supersede the provisions of Section 1640 in those counties in which the board of supervisors by resolution adopts the provisions of this section.

1641. Upon the recommendation of an assessment hearing officer the county board of equalization or assessment appeals board shall establish the assessed value for the property at the value recommended by the hearing officer.

1641.1. (a) Upon being notified of the recommendation of an assessment hearing officer, the protesting party or the assessor may request the county board of equalization or assessment appeals board to accept or reject the recommendation of the assessment hearing officer. The assessor may request the board to reject the recommendation of the assessment hearing officer. The county board of equalization or assessment appeals board shall, without further testimony, do either of the following:

(1) Accept the recommendation and change the assessed value in accordance with Section 1610.8.

(2) Reject the recommendation and set the application for

reduction for hearing by the local board of equalization.

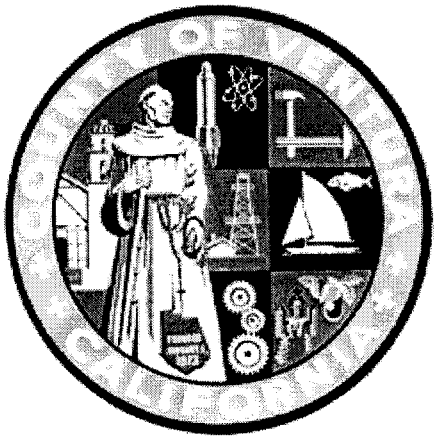
If a request is not filed with the county board of equalization or assessment appeals board, the protesting party or the assessor may, within 14 days after mailing of the hearing officer's report and recommendation, make application for a hearing before the county board or the assessment appeals board, and the application shall be set for hearing by the county board or the assessment appeals board. The board may consider, but shall not be bound by, the recommendation of the assessment hearing officer.

(b) The provisions of this section shall supersede the provisions of Section 1641 in those counties in which the board of supervisors by resolution adopts the provisions of this section.

1641.2. Notwithstanding the provisions of Section 1604, if within 90 days of the expiration of the two-year period specified in Section 1604 within which a county board is required to hear evidence and make a final determination on an application for reduction in assessment, a taxpayer or his or her agent objects to an assessment appeals board member pursuant to Section 1624.4 or makes application for a hearing officer's recommendation to be heard before the county board pursuant to Section 1641.1, the two-year period shall be extended by 90 days.

1641.5. (a) Notwithstanding any other provision of law, the board of supervisors of a county in which a hearing officer exercises jurisdiction pursuant to subdivision (a) of Section 1637 may, by a resolution enacted by a majority of the entire membership of that board, provide that the decision of a hearing officer on an assessment appeal application constitutes the final administrative decision of the county board of equalization or county assessment appeals board on that application without any further action by the county board of equalization or county assessment appeals board.

(b) In a county that adopts the resolution described in subdivision (a), that resolution supersedes Sections 1640 and 1641.



Ordinance Number

4030

Date Adopted

3/16/1993

Subject

VENTURA COUNTY ORDINANCE ESTABLISHING AN ASSESSMENT HEARING OFFICER IN VENTURA COUNTY

Comments

ORDINANCE NO. 4030

An Ordinance Establishing an Assessment Hearing Officer in Ventura County

The Board of Supervisors of the County of Ventura does ordain as follows.

Section 1 - Establishment of Assessment Hearing Officer

There is hereby established in the County of Ventura, pursuant to Sections 1636 through 1641, but excluding Section 1640.1, of the Revenue and Taxation Code of the State of California, the position of Assessment Hearing Officer. A previous Ordinance No. 3096 and Resolutions by this Board regarding the Assessment Hearing Officer are hereby revoked.

Section 2 - Appointment; Term

The Board of Supervisors shall make direct appointment of one or more Assessment Hearing Officers as well as an alternate Hearing Officer. The Board of Supervisors may direct the Personnel Department of Ventura County to publish notices seeking qualified applicants and conduct appropriate oral and/or written examinations in selection of one or more Assessment Hearing Officers and alternate Hearing Officers and make recommendations to the Board of Supervisors as to appointment.

Each Assessment Hearing Officer shall be appointed to serve for a term of one year beginning on the first Monday in September.

Section 3 - Procedure

Hearings before the Assessment Hearing Officer shall be conducted in accordance with applicable provisions of the Constitution and laws of this State, and the rules of procedures adopted by the Board of Supervisors and the Assessment Appeals Board of the County of Ventura.

Section 4 - Compensation

Each Assessment Hearing Officer shall be compensated in the manner prescribed in Ordinance 3889.

Section 5 - Clerk

The Clerk of the Board of Supervisors shall be Clerk of Assessment Hearing Officers and shall keep a record of all proceedings and receive and transmit reports and recommendations as required by law.

Section 6 - Assessed Value Limits

The Assessment Hearing Officer may conduct hearings on applications when the total assessed value of the property under consideration, as shown on the current assessment roll, does not exceed one hundred thousand dollars ($100,000) or the property under consideration is a single-family dwelling, condominium or cooperative, or a multiple-family dwelling of four units or less regardless of value.

Section 6 (a) - Assessed Value Limits With Assessor Waiver

When the total assessed value, as shown on the current roll, exceeds one hundred thousand dollars ($100,000) for property other than a single-family dwelling, condominium or cooperative, or a multiple-family dwelling of four units or less, the Assessment Hearing Officer may conduct a hearing on the application with the assent of the County Assessor.

Section 7 - Meeting

Meetings of the Assessment Hearing Officer shall be held at a place, time, and date designated by the Clerk of the Board.

PASSED AND ADOPTED this 16th day of March, 1993, by the following vote.

AYES: SUPERVISORS LACEY, VANDERKOLK, KILDEE, HOWARD and FLYNN.

NOES: NONE.

ABSENT: NONE.

Susan K. Lacey
CHAIR, BOARD OF SUPERVISORS

ATTEST:

RICHARD D. DEAN, County Clerk, County of Ventura, State of California, and ex-officio Clerk of the Board of Supervisors thereof.

By Roberta Rodriguez
Deputy Clerk

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, MARCH 16, 1993, AT 8:30 A.M.

ORD. #4030/205.10/208.103

ADOPTING ORDINANCE NO. 4030 -

ESTABLISHING AN ASSESSMENT HEARING OFFICER

An Ordinance Establishing an Assessment Hearing Officer in Ventura County, is presented to the Board at this time, and upon motion of Supervisor Kildee, seconded by Supervisor VanderKolk, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4030.

Board members vote as follows:

Ayes: Supervisors Lacey, VanderKolk, Kildee, Howard and Flynn.

Noes: None.

Absent: None.

All members of the Board present voting on the passage and adoption of said ordinance, it is hereby declared and ordered that said ordinance is hereby passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4030.

It is further ordered that said ordinance shall take effect and be in force at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Press Courier, a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:
Assessor (2)
CC & R
Clerk of Board (2)
Auditor
Files (4)
Item 6
3/16/93 rr

In the Superior Court of the State of California
In and for the County of Ventura

AFFIDAVIT OF PUBLICATION

No. GI8209

County of Ventura

County Clerk

STATE OF CALIFORNIA
COUNTY OF VENTURA

The undersigned, being first duly sworn, deposes and says: That I am over the age of eighteen and not interested in the above entitled matter; that I am now, and at all times embraced in the publication herein mentioned, was the clerk of The Press-Courier, a newspaper of general circulation, printed and published daily, at the City of Oxnard in the above-named county and state; that

Ordinance 4030

of which the annexed clipping is a true printed copy, was published in the above-named newspaper on the following dates, to wit:

March 25, 1993

that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of Ventura County, State of California, on April 10, 1952, under the provisions of Chapter 1, Division 7, Title 1 of the Government Code of the State of California.

L Donovan
(Signature of Clerk)

Subscribed and sworn to before me this 25th

day of March 19 93

Lourdes Alvidrez
Notary Public in and for said County and State

OFFICIAL
LOUR
Notary P
VENTU
My Com
Septem

COUNTY OF VENTURA * CALIFORNIA *

I hereby certify that the Affidavit of Publication to which this stamp is affixed attests to the publication of the Ventura County Ordinance duly adopted by the Board of Supervisors as set out in said affidavit.

RICHARD D. DEAN, County Clerk and Ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

By _____ Deputy 12-16-93

ORDINANCE NO. 4030
An Ordinance Establishing an Assessment Hearing Officer in Ventura County

The Board of Supervisors of the County of Ventura does ordain as follows:

Section 1-Establishment of assessment Hearing Officer

There is hereby established in the County of Ventura, PURSUANT TO Sections 1636 through 1641, but excluding Section 1640.1, of the Revenue and Taxation Code of the State of California, the position of Assessment Hearing Officer. A previous Ordinance No. 3096 and Resolutions by this Board regarding the Assessment Hearing Officer are hereby revoked.

Section 2 - Appointment; Term

The Board of Supervisors shall make direct appointment of one or more Assessment Hearing Officers as well as an alternate Hearing Officer. The Board of Supervisors may direct the Personnel Department of Ventura County to publish notices seeking qualified applied applicants and conduct appropriate oral and/or written examinations in selection of one or more Assessment Hearing Officers and alternate Hearing Officers and make recommendations to the Board of Supervisors as to appointment.

Each Assessment Hearing Officer shall be appointed to serve for a term of one year beginning on the first Monday in September.

Section 3 - Procedure

Hearings before the Assessment Hearing Officer shall be conducted in accordance with applicable provisions of the Constitution and laws of this State, and the rules of procedures adopted by the Board of Supervisors and the Assessment Appeals Board of the County of Ventura.

Section 4 - Compensation

Each Assessment Hearing Officer shall be compensated in the manner prescribed in Ordinance 3889.

Section 5 - Clerk



BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, MARCH 9, 1993, AT 8:30 A.M.

205.10/ORD. #3700/ORD. # / ALL MEMBERS PRESENT
ORD. # (ORD. #4030) 208.103 EXCEPT SUPERVISOR KILDEE

Upon motion of Supervisor Flynn, seconded by Supervisor VanderKolk, and duly carried, the Board hereby approves the following staff recommendations; and reads ordinances (3) in title only and continues final adoptions to March 16, 1993:

county of ventura

R.J. Sanford
Assessor

Glenn E. Gray
Assistant Assessor

March 9, 1993

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

SUBJECT: ORDINANCES ESTABLISHING A SECOND ASSESSMENT APPEALS BOARD, AMENDING ORDINANCE NO. 3700, ESTABLISHING AN ASSESSMENT APPEALS HEARING OFFICER AND REQUEST FOR ADDITIONAL STAFFING (REQUIRES 4/5THS VOTE)

RECOMMENDATIONS:

1. It is recommended that your Board adopt the attached Ordinance establishing Assessment Appeals Board Number Two, at an estimated annual cost of $21,600 ($150 per Board member, per meeting, at 48 meetings), to become operative on the first Monday of October 1993, and automatically terminate three years thereafter.

2. It is recommended that your Board adopt the attached Ordinance amending Section 2 of Ordinance No. 3700 to allow up to four alternate members.

3. It is recommended that your Board adopt the attached Ordinance establishing an Assessment Hearing Officer at an estimated annual cost of $3,600 ($150 per meeting at 24 meetings).

4. Read Ordinances in title only and continue final adoption to March 16, 1993.

5. Approve the addition of one full time fixed term Technical Specialist IV position (class code 00521) for three years, with a salary range of $26,780-$33,669, in the Clerk of the Board Division (budget unit 03030).

6. Authorize the Auditor-Controller to process the accounting transactions necessary to establish appropriations as follows: (requires 4/5ths vote)

Increase Salaries/Benefits (Budget Unit 03030)	$ 7,100
Increase Services/Supplies (Budget Unit 03030)	$ 500
Increase Services/Supplies (Budget Unit 03010)	$ 6,600
Decrease General Fund Contingency	$14,200

DISCUSSION:

During the past two years, assessment appeal filings have increased

145%. As of this date, approximately 2,440 applications have been received for the 1992-93 assessment filing year (July 2, 1992 through July 1, 1993), and approximately 666 applications for the 1991-92 year require disposition. Many of these applications are commercial or industrial cases that will require substantially more hearing time than residential appeals.

The Assessment Appeals Board calendar is full through March 29, 1993. Due to a computerized process in the Assessor's Office, we expect to have 300 to 400 applications ready for hearing by March 1, 1993. The Clerk has an additional 95 applications ready to schedule.

Many of the applications received during the 1993-94 filing period will be disposed of through stipulations and withdrawals. However, the sheer volume of filed applications, along with an anticipated 500 new applications that will be filed by July 1, 1993, (based on last year's filing) will severely impact the Assessment Appeals Board's backlog of cases this year and throughout 1994.

If applications are not disposed of within two years of the filing date, the applicant's opinion of value becomes the enrolled value, which results in tremendous revenue losses for the County. The public's image of the County will also suffer if there are long delays in resolving taxpayer appeals. Consequently, we believe it is imperative that there not be a large carryover of 1992-93 cases to the 1993-94 assessment appeal year.

With two Boards meeting six hours per week each, the current backlog of cases would take just over a year to eliminate at a rate of 40 meetings per year each. Clearly, the backlog is staggering and could take even more resources if the number of cases continue to climb in 1993 and 1994.

Pursuant to Revenue & Taxation Code Section 1626.1, the second Appeals Board cannot become operative until October 4, 1993. It is, therefore, suggested that the current board extend its meetings to twice a week at 6 hours per meeting. Increasing the number of alternate members on the current Board from two to four will assist the current Board in extending its meetings.

On June 28, 1983, your Board adopted a Resolution adopting Revenue & Taxation Code Sections 1640.1 and 1641.1 relating to Assessment Appeals Hearing Officers. The proposed ordinance will repeal this resolution and adopt, in its place, Revenue & Taxation Code Sections 1640 and 1641, making the decision of the Hearing Officer final. This change will eliminate the redundant hearings of the past wherein applicants appealed the Hearing Officer's decision to the Assessment Appeals Board.

The Clerk of the Board Division currently has one staff person devoted full time to duties related to the current Assessment Appeals Board. The addition of a full time fixed term position for three years is necessary to handle the increased workload generated by a second Board and two weekly meetings. The salary cost for the remainder of FY 1992-93, not including fringe benefits and based on a hire date of April 26, 1993, is $5,150. An increase of $500 in services and supplies is required for the remainder of FY 1992-93 to cover additional postage, auditron costs, and office supplies. An additional $6,600 is requested in the Board of Supervisors' budget, services and supplies, to pay the members of the Board and the Hearing Officer for the remainder of FY 1992-93.

This letter has been reviewed by the Auditor-Controller, Chief Administrative Office, County Counsel, and Personnel. If you have any questions regarding this matter, please call Jerry Sanford at extension 2161 or Richard Dean at extension 2266.

R. J. Sanford,
County Assessor

Richard D. Dean, County
Clerk and Recorder

John K. Flynn, Supervisor

aab:bdltr

COPIES TO:

Assessor
CC & R
Clerk of the Board
CAO
Personnel
ISD
Auditor
Files (7)
Item 13
03/9/93 rr

Ordinance Number

3480

Date Adopted

2/26/1980

Subject

VENTURA COUNTY ORDINANCE REPEALING ARTICLE 10 OF CHAPTER 5 OF DIVISION 6 OF ORINANCE CODE CONCERNING THE BY-LAWS OF THE VENTURA COUNTY AVIATION ADVISORY COMMISSION

Comments

ORDINANCE NO. 3480

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, REPEALING ARTICLE 10 OF CHAPTER 5 OF DIVISION 6 OF THE VENTURA COUNTY ORDINANCE CODE CONCERNING THE BY-LAWS OF THE VENTURA COUNTY AVIATION ADVISORY COMMISSION

The Board of Supervisors of the County of Ventura do ordain as follows:

Article 10 (Sections 6510.1 through 6510.9) of Chapter 5 of Division 6 of the Ventura County Ordinance Code is hereby repealed.

ADOPTED this 26th day of February, 1980 by the following vote:

AYES: Supervisors Eaton, Jones, MacDonald, Dougherty, Laubacher

NOES: None

ABSENT: None

Thomas Laubacher
Chairman, Board of Supervisors

ATTEST:

ROBERT L. HAMM, County Clerk, County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof.

By Faye Willard
Deputy Clerk



BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, FEBRUARY 26, 1980, AT 8:30 O'CLOCK A. M.

* * * * * * *

ORD. 3480 / 202

ADOPTING ORDINANCE NO. 3480; DELETING FROM CODE AVIATION ADVISORY COMMISSION BY-LAWS ; DIRECTING PUBLICATION

An ordinance repealing Article 10 of Chapter 5 of Division 6 of the Ventura County Ordinance Code concerning the By-laws of the Ventura County Aviation Advisory Commission

is presented to the Board at this time, and upon motion of Supervisor MacDonald, seconded by Supervisor Dougherty, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 3480.

Upon the roll being called, the members of the Board vote as follows:

Ayes: Supervisors Eaton, Jones, MacDonald, Dougherty, Laubacher

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said ordinance, it is hereby declared and ordered that said ordinance is hereby passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 3480.

It is further ordered that said ordinance shall take effect and be in force at the expiration of thirty (30) days from the date hereof and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Santa Paula Chronicle, a newspaper of general circulation printed and published in the County of Ventura, State of California.

* * * * * * *

COPIES TO:

PAA
Aviation Adv. Comm.
Airports (2)
Auditor
County Counsel
Files (3)
Item 26
2/26/80 fw

BS 29 (rev. 10/65)

PROOF OF PUBLICATION

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,

County of Ventura,

City of Santa Paula

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer

of the Daily Chronicle

a newspaper of general circulation, printed and published

in the City of Santa Paula

County of Ventura, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Ventura, State of California, under the date of Nov., 19 51

Case Number ord. 3480; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 7

all in the year 19 80

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Santa Paula

California, this 7 day of March, 19 80

Sheryl Willard

Signature

Free copies of this blank form may be secured from:

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COUNTY CLERK
Clerk, Board of Supervisors

Proof of Publication of

ORDINANCE NO. 3480

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA REPEALING ARTICLE 10 OF CHAPTER 5 OF DIVISION 6 OF THE VENTURA COUNTY ORDINANCE CODE CONCERNING THE BY-LAWS OF THE VENTURA COUNTY AVIATION ADIVSORY COMMISSION

The Board of Supervisors of the County of Ventura do ordain as follows:

Article 10 (Sections 6510.1 through 6510.9) of Chapter 5 of Division 6 of the Ventura County Ordinance Code is hereby repealed.

ADOPTED this 26th day of February, 1980 by the following vote:

AYES: Supervisors Eaton, Jones, MacDonald, Dougherty, Laubacher
NOES: None
ABSENT: None

Thomas Laubacher
Chairman, Board of Supervisors

ATTEST:
ROBERT L. HAMM, County Clerk, County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof.

By Faye Willard
Deputy Clerk

To be published in the Daily Chronicle March 7, 1980

Publication No. 80-064

G16392

A 12.19

3/7/80

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, CONCERNING THE AMENDED BY-LAWS OF THE VENTURA COUNTY AVIATION ADVISORY COMMISSION

WHEREAS, in 1974 the Ventura County Board of Supervisors adopted an ordinance establishing the by-laws of the Ventura County Aviation Advisory Commission; and

WHEREAS, the Board of Supervisors finds it is appropriate to amend the by-laws of the Ventura County Aviation Advisory Commission; and

WHEREAS, the Board of Supervisors desires to repeal Article 10 of Chapter 5 of Division 6 of the Ventura County Ordinance Code which established the Aviation Advisory Commission's by-laws and adopt amended by-laws for the Commission by resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Ventura, State of California, as follows:

1. The following provisions shall constitute the by-laws of the Ventura County Aviation Advisory Commission:

ARTICLE 1. NAME - The Commission shall be called "The Ventura County Aviation Advisory Commission" hereinafter referred to as "Commission". The Commission shall be subordinate to, and directly accountable to, the Ventura County Board of Supervisors, hereinafter referred to as "Board".

ARTICLE 2. PURPOSE - The Commission shall advise the Board on matters pertaining to the County owned airports, and on matters of promotion and advancement of the orderly development of air transportation in Ventura County. The Commission shall advise the Property Administration Agency, Department of Airports, on technical

and operational matters pertaining to the airports. The Commission from time to time may seek information from airport lessees, the general public, and agencies of the Federal, State, and local government on County airport operational and administrative matters and on air transportation concerns in general for the purpose of formulating recommendations to the Board. It shall be the purpose of the Commission to act in an unbiased manner, representing the people of Ventura County, the users of County airport facilities, and all those directly concerned with aviation activities. The Commission in its deliberation shall consider in all matters the socio-economic-environmental effects of its actions, decisions, and recommendations.

ARTICLE 3. DUTIES AND RESPONSIBILITIES - The Commission's primary duty is to act in an advisory capacity to the Board. The Commission shall have the responsibility to review and research information and to formulate recommendations to be sent to the Board for consideration and action. The Commission shall not take any action or conduct any activity which is inconsistent with these by-laws. Except for urgency and emergency matters, and any other matters requiring immediate action by the Board, all matters concerning the County airports, or the air transportation system within Ventura County requiring Board action shall first be referred to the Commission for its study and consideration prior to submission to the Board for action. Department of Airports staff shall provide assistance, including obtaining legal and other technical assistance, necessary in the development of information required by the Commission in formulating its recommendations. The Property Administration

Agency, Department of Airports, may request the Commission to review and to make recommendations on matters under its jurisdiction which would normally not require Board action or approval. All disputes with the Commission's decisions, or recommendations counter to the Commission's by County staff, the public, or other parties of interest may be referred to the Board for consideration. The Commission shall, at all of its meetings, set aside time for public comment and input on the matters at hand. It shall hear all complaints, suggestions, and viewpoints from airport users, lessees, and parties of interest. The Commission shall give fair, open-minded consideration to public comment and make its dispositions public in all matters brought before it. The Commission may hold public hearings when necessary to serve the public interest. Correspondence containing representations and/or recommendations of the Commission being sent to the Board, individuals of the public, or other agencies of the County shall first be approved by a majority vote of the Commission, and such materials shall be transmitted under the signature of the Chairman of the Commission or his designee. Correspondence containing County policy or representations being sent to Federal, State or other non-county agencies shall be sent to the Board for approval and signature.

ARTICLE 4. MEMBERSHIP - The Commission shall be composed of ten (10) members. Each supervisor will nominate two candidates who reside within his supervisorial district. Approval of each candidate for membership shall be by a majority vote of the Board. Members of the Commission shall possess a knowledge of aviation matters, and have some experience in administrative proceedings.

Members must be reasonably free to attend the regular meetings, and on occasion to serve on committees requiring additional time. In the event a member of the Commission has been absent for three consecutive meetings without an excused absence, the Chairman may request the Board to remove the member and to appoint a replacement to fill the vacancy.

ARTICLE 5. COMPENSATION - No compensation shall be paid for serving as a member of the Commission. Members of the Commission may be reimbursed out-of-pocket costs for expenses incurred on Commission business when previously approved by the Commission and the Board and when funds for expense reimbursement have been approved by the Board of Supervisors in the operational budget or otherwise.

ARTICLE 6. OFFICERS - The Commission shall select from its membership a Chairman, and a Vice-Chairman. Each shall serve for one calendar year beginning on the first meeting in January. The Chairman shall be responsible for conducting the meetings and shall be guided by Roberts' Rules of Order, Revised. The Director of the Property Administration Agency, Department of Airports, shall act as the Commission's Administrative Secretary. The Administrative Secretary shall be directly responsible to the Chairman and the Commission for the administrative and secretarial needs of the Commission. From time to time the Chairman will assign members to committees for purposes of special studies and pursuits. Each committee will be headed by a committee chairman. The committee chairman shall be responsible to the Commission for carrying out its assigned task.

ARTICLE 7. TERM - Commissioners shall be appointed to serve on the Commission for a term which is concurrent with the nominating supervisor's term of office. The term of a Commissioner shall immediately terminate at the end of the nominating supervisor's term of office.

ARTICLE 8. MEETINGS - The Commission shall hold meetings once each month at a time and place selected by the Commission. Meetings shall be open to the public. The Administrative Secretary shall prepare and publish the agenda for each meeting and have it distributed to Commission members and all interested parties after it has been approved by the Chairman or his designee. Meetings may be cancelled only on approval of the Chairman. Special meetings may be called by the Chairman. In the absence or unavailability of the Chairman, the Vice-Chairman shall assume all duties and responsibilities of the Chairman. In the absence of both officers, the next most senior member shall assume the duties and responsibilities of the Chairman. No action shall be taken except by a majority of a quorum of the Commission. A quorum shall exist when at least five (5) Commissioners are present, if at least three (3) supervisorial districts are represented within the five (5) or more Commissioners present. Voting shall normally take place by voice vote unless ballot vote is requested by any one member. The secretary shall poll each member and record his or her vote on all motions acted upon by voice vote, and record the results of all ballot votes. An accurate record of each regular and special meeting shall be kept and published for all interested parties.

ARTICLE 9. AMENDMENTS - Recommendations for amendments to these by-laws may be made by the Commission at any time by a majority vote of the full Commission. The number of members appointed at the time shall constitute the full Commission. Recommended amendments adopted by the Commission shall be sent to the Board for approval and enactment.

ARTICLE 10. EFFECTIVE DATE - These by-laws shall take effect upon the repeal of Article 10 of Chapter 5 of Division 6 of the Ventura County Ordinance Code.

Upon motion of Supervisor MacDonald, seconded by Supervisor Dougherty, and duly carried, the foregoing resolution was approved on February 26, 1980.

Chairman, Board of Supervisors

ATTEST:

ROBERT L. HAMM, County Clerk, County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof

By _____ Deputy Clerk

COPIES TO:

PAA
Aviation Adv. Comm.
Airports (2)
Auditor
County Counsel
Files (3)
Item 26A
2/26/80 fw

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, FEBRUARY 19, 1980, AT 8:30 O'CLOCK A.M.

* * * * * * * * * * * *

202 / ORD. #

The Board considers recommendations of the Property Administration Agency concerning proposed amendments to the Ventura County Aviation Advisory Commission By-laws, and repeal of Article 10 of Chapter 5 of Division 6 of the Ventura County Ordinance Code, and upon motion of Supervisor Jones, seconded by Supervisor MacDonald, with Supervisor Eaton abstaining, the Board approves the recommendations, introduces the proposed ordinance in title only, and continues the matter for one week for final adoption.

COPIES TO:

PAA
Files (3)
Item 19 -
2/19/80 sw

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, CONCERNING THE AMENDED BY-LAWS OF THE VENTURA COUNTY AVIATION ADVISORY COMMISSION

WHEREAS, the Ventura County Board of Supervisors has adopted by-laws for the Ventura County Aviation Advisory Commission; and

WHEREAS, the Board of Supervisors wishes to amend those by-laws;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Ventura, State of California, as follows:

1. The following provisions shall constitute the by-laws of the Ventura County Aviation Advisory Commission:

ARTICLE 1. NAME - The Commission shall be called "The Ventura County Aviation Advisory Commission" hereinafter referred to as "Commission". The Commission shall be subordinate to, and directly accountable to, the Ventura County Board of Supervisors, hereinafter referred to as "Board".

ARTICLE 2. PURPOSE - The Commission shall advise the Board on matters pertaining to the County owned airports, and on matters of promotion and advancement of the orderly development of air transportation in Ventura County. The Commission shall advise the Department of Airports on technical and operational matters pertaining to the airports. The Commission from time to time may seek information from airport users, lessees, the general public, and agencies of the Federal, State, and local government on County airport operational and administrative

matters and on air transportation concerns in general for the purpose of formulating recommendations to the Board. It shall be the purpose of the Commission to act in an unbiased manner, representing the people of Ventura County, the users of County airport facilities, and all those directly concerned with aviation activities. The Commission in its deliberation shall consider in all matters the socio-economic-environmental effects of its actions, decisions, and recommendations.

ARTICLE 3. DUTIES AND RESPONSIBILITIES - The Commission's primary duty is to act in an advisory capacity to the Board. The Commission shall have the responsibility to review and research information and to formulate recommendations to be sent to the Board for consideration and action. The Commission shall not take any action or conduct any activity which is inconsistent with these by-laws. Except for urgency and emergency matters and any other matters requiring immediate action by the Board, all matters concerning the County airports or the air transportation system within Ventura County requiring Board action shall first be referred to the Commission for its study and consideration prior to submission to the Board for action. Department of Airports staff shall provide assistance, including obtaining legal and other technical assistance, necessary in the development of information required by the Commission in formulating its recommendations. The Administrator, Department of Airports, may request the Commission to review and to make recommendations on matters under its jurisdiction which would normally not require Board action or approval. All disputes

with the Commission's decisions, or recommendations counter to those of the Commission by County staff, the public, or other parties of interest shall be referred to the Board for consideration. The Commission shall, at all of its meetings, set aside time for public comment and input on the matters at hand. It shall hear all complaints, suggestions, and viewpoints from airport users, lessees, and parties of interest. The Commission shall give fair, open-minded consideration to public comment and make its dispositions public in all matters brought before it. The Commission may hold public hearings when necessary to serve the public interest. Correspondence containing representations and/or recommendations of the Commission being sent to the Board, individuals of the public, or other agencies of the County shall first be approved by a majority vote of the Commission, and such materials shall be transmitted under the signature of the Chairman of the Commission or his designee. Correspondence containing County policy or representations being sent to Federal, State or other non-county agencies shall be sent to the Board for approval and signature.

ARTICLE 4. MEMBERSHIP - The Commission shall be composed of ten (10) members. Each supervisor will nominate two candidates who reside within his supervisorial district. Approval of each candidate for membership shall be by a majority vote of the Board. Members of the Commission shall possess a knowledge of aviation matters, and have some experience in administrative proceedings. Members must be reasonably free to attend the regular meetings, and on occasion to serve on committees

requiring additional time. In the event a member of the Commission has been absent for three consecutive meetings without an excused absence, the Chairman may request the Board to remove the member and to appoint a replacement to fill the vacancy.

ARTICLE 5. COMPENSATION - No compensation shall be paid for serving as a member of the Commission. Members of the Commission may be reimbursed out-of-pocket costs for expenses incurred on Commission business when previously approved by the Commission and the Board and when funds for expense reimbursement have been approved by the Board of Supervisors in the operational budget or otherwise.

ARTICLE 6. OFFICERS - The Commission shall select from its membership a Chairman, and a Vice-Chairman. Each shall serve for one calendar year beginning on the first meeting in January. The Chairman shall be responsible for conducting the meetings and may be guided by Robert's Rules of Order, Revised. The Administrator of the Department of Airports shall act as the Commission's Administrative Secretary. The Administrative Secretary shall be directly responsible to the Chairman and the Commission for the administrative and secretarial needs of the Commission. From time to time the Chairman will assign members to committees for purposes of special studies and pursuits. Each committee will be headed by a committee chairman. The committee chairman shall be responsible to the Commission for carrying out its assigned task.

ARTICLE 7. TERM - Commissioners shall be appointed to serve on the Commission for a term which is concurrent with the nominating supervisor's term of office. The term of a Commissioner shall immediately terminate at the end of the nominating supervisor's term of office.

ARTICLE 8. MEETINGS - The Commission shall hold meetings once each month at a time and place selected by the Commission. Meetings shall be open to the public. The Administrative Secretary shall prepare and publish the agenda for each meeting and have it distributed to Commission members and all interested parties after it has been approved by the Chairman or his designee. Meetings may be cancelled only on approval of the Chairman. Special meetings may be called by the Chairman. In the absence or unavailability of the Chairman, the Vice-Chairman shall assume all duties and responsibilities of the Chairman. In the absence of both officers, the next most senior member in terms of service on the Commission shall assume the duties and responsibilities of the Chairman. No action shall be taken except by a majority of a quorum of the Commission. A quorum shall exist when at least five (5) Commissioners are present. Voting shall normally take place by voice vote unless ballot vote is requested by any one member. The secretary shall poll each member and record his or her vote on all motions acted upon by voice vote, and record the results of all ballot votes. An accurate record of each regular and special meeting shall be kept and published as appropriate.

ARTICLE 9. AMENDMENTS - Recommendations for amendments to these by-laws may be made by the Commission at any time by a majority vote of the full Commission. The number of members appointed at the time shall constitute the full Commission. Recommended amendments adopted by the Commission shall be sent to the Board for approval and enactment.

ARTICLE 10. EFFECTIVE DATE - These by-laws shall take effect upon approval. All prior versions of these by-laws are hereby repealed.

Upon motion of Supervisor Erickson, seconded by Supervisor Lacey, and duly carried, the foregoing resolution was approved on April 2, 1986.

Chairman, Board of Supervisors

ATTEST:

RICHARD D. DEAN, County Clerk,
County of Ventura, State of California, and ex officio Clerk of
The Board of Supervisors thereof

By Lou Willard
Deputy Clerk



BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, APRIL 29, 1986, AT 8:30 O'CLOCK A. M.

202 ALL MEMBERS PRESENT

Upon motion of Supervisor Flynn, seconded by Supervisor Erickson, and duly carried, the Board hereby approves the following matter:

county of ventura

DEPARTMENT OF AIRPORTS

JAMES G. O'NEILL
Administrator

April 22, 1986

Board of Supervisors
County Government Center
800 South Victoria Avenue
Ventura, CA 93009

AVIATION ADVISORY COMMISSION
AMENDED BY-LAWS

RECOMMENDATION:

1) That your Board adopt the attached resolution amending the Aviation Advisory Commission by-laws.

2) Authorize your Chairman to execute on behalf of County the attached resolution.

DISCUSSION:

In recognition of the need to amend the by-laws for the Aviation Advisory Commission its Chairman set in motion a plan to thoroughly review the principles governing the procedures and actions of the Commission, and to then make recommendations for change as appropriate.

This action is consistent with ARTICLE 9. AMENDMENTS of the Commission by-laws which allows for the revision of the by-laws through recommendations submitted to and adopted by your Board.

To that end, the Commission has recommended that your Board adopt the attached resolution concerning the amended by-laws of the Commission.

Finally, it should be noted that most changes to the by-laws were necessitated because of the separation of the Department of Airports from the Property Administration Agency. Other minor editing changes only made the material more suitable for publication.

This matter has been reviewed by County Counsel and approved as to form and legal sufficiency.

229 DURLEY AVENUE • CAMARILLO, CALIFORNIA 93010 • (805) 388-4202

If you have any questions regarding this subject please do not hesitate to call me at 388-4200.

JAMES G. O'NEILL
Airports Administrator

JGO/bss
Attachment

cc: Richard Wittenberg, CAO

COPIES TO:

Airports (2)
Files (2)
Item 10
4/29/86 fw

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION **9000**-9007

9000. This part shall be known and may be cited as the Public Cemetery District Law.

9001. (a) The Legislature finds and declares all of the following:

(1) There is a continuing need to provide for the respectful and cost-effective interment of human remains to meet the cultural, economic, religious, and social needs of California's diverse communities.

(2) The Legislature authorized the creation of public cemetery districts in 1909 to assume responsibility for the ownership, improvement, expansion, and operation of cemeteries and the provision of interment services from fraternal, pioneer, religious, social, and other organizations that were unable to provide for those cemeteries.

(3) For nearly a century, public cemetery districts have provided communities with the means to publicly finance the ownership, improvement, expansion, and operation of public cemeteries and the provision of interment services, particularly in rural and formerly rural communities.

(4) Interment customs and practices have changed since the creation of the public cemetery districts but communities continue to need the means to own, improve, expand, and operate public cemeteries that provide respectful and cost-effective interments.

(b) In enacting this part, it is the intent of the Legislature to create and continue a broad statutory authority for a class of special districts that can own, improve, expand, and operate public cemeteries that provide respectful and cost-effective interments.

(c) It is also the intent of the Legislature that local officials adapt the powers and procedures provided by this part to meet the diversity of local conditions and circumstances.

9002. The definitions in Chapter 1 (commencing with Section 7000) of Part 1 of Division 7 apply to this part. Further, as used in this part, the following terms have the following meanings:

(a) "Active militia" means the active militia as defined by Section 120 of the Military and Veterans **Code**.

(b) "Armed services" means the armed services as defined by Section 18540 of the Government **Code**.

(c) "Board of trustees" means the legislative body of a district.

(d) "District" means a public cemetery district created pursuant to this part or any of its statutory predecessors.

(e) "Family member" means any spouse, by marriage or otherwise, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of these persons.

(f) "Firefighter" means a firefighter as defined by Section 1797.182.

(g) "Nonresident" means a person who does not reside within a district or does not pay property taxes on property located in a district.

(h) "Peace officer" means a peace officer as defined by Section 830 of the Penal **Code**.

(i) "Principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district.

(j) "Voter" means a voter as defined by Section 359 of the Elections **Code**.

9003. (a) This part provides the authority for the organization and powers of public cemetery districts. This part succeeds the former Part 4 (commencing with Section 8890), as added by Chapter 60 of the Statutes of 1939, as subsequently amended, and any of its statutory predecessors.

(b) Any public cemetery district formed pursuant to the former Part 4 or any of its statutory predecessors that was in existence on January 1, 2004, shall remain in existence as if it has been organized pursuant to this part.

(c) Any indebtedness, special tax, benefit assessment, fee,

election, ordinance, resolution, regulation, rule, or any other action of a district taken pursuant to the former Part 4 or of any of its statutory predecessors which was taken before January 1, 2004, shall not be voided solely because of any error, omission, informality, misnomer, or failure to comply strictly with this part.

9004. This part is necessary to protect the public health, **safety**, and welfare, and shall be liberally construed to effectuate its purposes.

9005. If any provision of this part or the application of any provision of this part in any circumstance or to any person, city, county, special district, school district, the state, or any agency or subdivision of the state is held invalid, that invalidity shall not affect other provisions or applications of this part that can be given effect without the invalid provision or application of the invalid provision, and to this end the provisions of this part are severable.

9006. (a) Any action brought to determine the validity of the organization or of any action of a district shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the **Code** of Civil Procedure.

(b) Any judicial review of an action taken pursuant to this part shall be conducted pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the **Code** of Civil Procedure.

9007. (a) Except as provided in this section, territory, whether incorporated or unincorporated, whether contiguous or noncontiguous, may be included in a district. Territory that is already within a public cemetery district or another type of special district that provides cemetery facilities and services shall not be included within a public cemetery district.

(b) Except as provided in this part, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government **Code**, shall govern any change of organization or reorganization of a district. In the

case of any conflict between that division and this part, the provisions of this part shall prevail.

(c) A district shall be deemed an "independent special district," as defined by Section 56044 of the Government **Code**, except when a county board of supervisors has appointed itself as the board of trustees.

CALIFORNIA CODES
EDUCATION CODE
SECTION 18700-18703

18700. This chapter shall be known as the California Library Services Act.

18701. The Legislature finds and declares that it is in the interest of the people of the state to insure that all people have free and convenient access to all library resources and services that might enrich their lives, regardless of where they live or of the tax base of their local government.

This finding is based on the recognition that:

(a) The public library is a primary source of information, recreation, and **education** to persons of all ages, any location or any economic circumstance.

(b) The expansion of knowledge and the increasing complexity of our society create needs for materials and information which go beyond the ability of any one library to provide.

(c) The public libraries of California are supported primarily by local taxes. The ability of local governments to provide adequate service is dependent on the taxable wealth of each local jurisdiction and varies widely throughout the state.

(d) Public libraries are unable to bear the greater costs of meeting the exceptional needs of many residents, including the handicapped, non-English and limited English-speaking persons, those who are confined to home or in an institution, and those who are economically disadvantaged.

(e) The effective sharing of resources and services among the libraries of California requires an ongoing commitment by the state to compensate libraries for services beyond their clientele.

(f) The sharing of services and resources is most efficient when a common data base is available to provide information on where materials can be found.

18702. It is the intent of the Legislature to provide all residents with the opportunity to obtain from their public libraries needed

materials and informational services by facilitating access to the resources of all libraries in this state.

This policy shall be accomplished by assisting public libraries to improve service to the underserved of all ages, and by enabling public libraries to provide their users with the services and resources of all libraries in this state.

18703. In adopting this chapter, the Legislature declares that its policy shall be:

(a) To reaffirm the principle of local control of the government and administration of public libraries, and to affirm that the provisions of this chapter apply only to libraries authorized by their jurisdictions to apply to participate in the programs authorized by this act.

(b) To require no library, as a condition for receiving funds or services under this chapter, to acquire or exclude any specific book, periodical, film, recording, picture, or other material, or any specific equipment, or to acquire or exclude any classification of books or other material by author, subject matter, or type.

(c) To encourage adequate financing of libraries from local sources, with state aid to be furnished to supplement, not supplant, local funds.

(d) To encourage service to the underserved of all ages.

(e) To encourage and enable the sharing of resources between libraries.

(f) To reimburse equitably any participating library for services it provides beyond its jurisdiction if a public library, or, if not a public library, beyond its normal clientele.

(g) To ensure public participation in carrying out the intent of this act.

CALIFORNIA CODES
EDUCATION CODE
SECTION 18740-18751

18740. A library system, eligible for funds under this article, may consist of the following systems:
(a) A cooperative library system that, as of the effective date of this act, was designated a system under the Public Library Services Act of 1963.
(b) A library system in which two or more systems consolidate to form a library system.
(c) A library system that is formed by adding independent public library jurisdictions to an existing system.
(d) A library system formed by any combination of the above.

18741. (a) Each system described in Section 18740 shall receive an annual allowance for the improvement and maintenance of coordinated reference service support to the members of the system. Following the effective date of this chapter, if there occurs a consolidation among individual public libraries that, as of the effective date of this chapter, are members of a system, the per member allowance to the system shall continue at the same level as if the consolidation had not taken place.
(b) After identifying the needs of the underserved, each system shall use a fair and equitable portion of its reference allowance to improve the system's reference service to its underserved population through appropriate collection development, provision of reference specialists, and staff training. Funds for the reference grant may also be used for general and specialized reference collection development, employment of reference specialists, and system-wide reference training.

18742. Any system may apply to the state board for funds for Special Service Programs on a system-wide basis. Proposals shall identify the needs of the target service group, assess the capacity

of the applicant system to respond to those needs, and shall identify the activities and timelines necessary to achieve those objectives. Systems may also apply for funds for other system-wide programs, but such programs shall include a component for serving the underserved on a system-wide basis.

18743. Each member library of a system shall provide equal access to all residents of the area served by the system. Member libraries that incur a net imbalance shall be reimbursed through the system for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (f) of Section 18724.

18744. Each member library of a system shall be reimbursed through the system to cover handling costs, excluding communication and delivery costs, of each interlibrary loan between member libraries of the system according to the allocation formula developed pursuant to subdivision (f) of Section 18724.

18745. Each system shall annually apply to the state board for funds for intrasystem communications and delivery. Proposals shall be based upon the most cost-effective methods of exchanging materials and information among the member libraries.

18746. Each system shall annually apply to the state board for funds for planning, coordination, and evaluation of the overall systemwide services authorized by this chapter.

18747. (a) Each system shall establish an administrative council whose membership consists of the head librarians of each jurisdiction in the system. Duties of the administrative council shall include general administrative responsibility for the system, adopting a

system plan of service, and submitting annual proposals to the state board for implementation of the provisions of this article.

(b) Each system shall establish an advisory board consisting of as many members as there are member jurisdictions of the system. The governing body of each member jurisdiction shall appoint one member to the advisory board from among its residents.

18749. The term of any member of a system advisory board shall be for two years, and each member shall serve no more than two consecutive terms. Staggered terms shall be established by drawing of lots at the first meeting of the advisory board so that a simple majority of the members shall initially serve a two-year term, and the remainder initially a one-year term.

The appointing jurisdiction shall ensure that members of a system advisory board are representative of the public-at-large and of the underserved residents in the system service area.

18750. The duties of each system advisory board shall include, but are not limited to, the following:

(a) Assisting the Administrative Council in the development of the system plan of service.

(b) Advising the Administrative Council on the need for services and programs.

(c) Assisting in the evaluation of the services provided by the system.

18751. When any system or systems consolidate, a grant of ten thousand dollars ($10,000) for each of the two years following the consolidation shall be made to the newly consolidated system.

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, OCTOBER 2, 1984 AT 8:30 O'CLOCK A.M.

217 (ALL MEMBERS PRESENT)

Upon motion of Supervisor Jones, seconded by Supervisor Dougherty, and duly carried, the Board hereby approves the following matter:

county of ventura

LIBRARY SERVICES AGENCY
Dixie D. Adeniran
Director

October 2, 1984

Board of Supervisors
County Government Center
800 S. Victoria Ave.
Ventura, CA 93009

SERVICE AGREEMENT WITH
BLACK GOLD COOPERATIVE SYSTEM

RECOMMENDATION

That your Board approve and authorize the Chair to sign the attached "Agreement for Services" with the Black Gold Cooperative Library System and return two (2) originally-signed copies to the Library Services Agency for further processing.

DISCUSSION

The Black Gold Cooperative Library System was established in 1964 to promote resource sharing among tri-county public library jurisdictions to achieve better service to library users. Members include Blanchard Community Library in Santa Paula, the cities of Lompoc, Paso Robles, Santa Barbara, Santa Maria and Thousand Oaks, and the counties of San Luis Obispo and Ventura.

On September 18, 1984, your Board approved the "Amended Joint Powers Agreement Creating as a Separate Legal Entity the Black Gold Cooperative Library System," which is to be effective October 1, 1984. Currently, several Ventura County employees are assigned to perform work for Black Gold. The full cost of these employees is paid to the County by Black Gold. Black Gold has requested that the arrangements with these employees be continued when the amended joint powers agreement goes into effect. The proposed Agreement for Services would be effective October 1, 1984, and would authorize continuance of the current arrangements for employees with Black Gold.

The proposed Agreement has been reviewed by County Counsel as to form and content. It has been reviewed and is supported by the Chief Administrative Office.

651 East Main Street, Ventura, CA 93001 (805) 654-2627

Black Gold Cooperative System Agrmnt.

If you require information, please contact me at ext. 7500.

Dixie D. Adeniran

DIXIE D. ADENIRAN
Director of Library Services

COPIES TO:

LSA
Auditor
Files (2)
Item 16
10/2/84 ko

AGREEMENT FOR SERVICES

This Agreement is made by and between the BLACK GOLD COOPERATIVE LIBRARY SYSTEM as created by the agreement titled "Amended Joint Powers Agreement Creating As a Separate Legal Entity the Black Gold Cooperative System" dated October 1, 1984 (hereinafter called "System") and the COUNTY OF VENTURA (hereinafter called "County").

1. The County shall provide to the System staffing and personnel support services of the type and at the level currently being provided by the County to the System's predecessor organization. The County shall provide such different level of services, and shall provide such other types of services, as the System may request from time to time provided that such request is in writing and is received by the County no later than April 1 of the fiscal year preceding the fiscal year in which such services are to be provided.

2. The System shall pay to the County the full cost to the County of providing such services. Such costs shall include the salaries, wages and benefits of all County officers and employees engaged in providing such services, and all other costs and expenses incidental to the performance of such services, as determined by the County in accordance with the County's cost accounting procedures. Following each biweekly pay period in which such services are provided, the County shall deliver to the System documentation of the cost to the County

of the salaries, wages and benefits of employees providing such services during such period, and the System shall, promptly upon receipt of such documentation, reimburse the County for such cost. At the end of each calendar quarter in which such services are provided, the County shall deliver to the System an itemized statement of all costs to the County of providing such services other than costs for salaries, wages and benefits, and, the System shall, within 30 days after receipt of such statement, reimburse the County for such other costs.

3. The System shall indemnify and hold harmless the County, and its officers, agents and employees, from all claims, demands or liability arising out of or encountered in connection with this Agreement or the activities conducted hereunder (including such liability arising as a result of the active negligence of the County or its officers, agents and employees), and shall defend the County and its officers, agents and employees against any claim, cause of action, or damage resulting therefrom.

4. The System shall secure and keep in effect during the term of this Agreement the following described insurance with the minimum limits provided.

a. Comprehensive general liability insurance, naming the County as additional primary insured without offset against its existing insurance, with a limit of not less than ten million dollars ($10,000,000) for each occurrence.

b. Comprehensive automobile liability insurance, including owned, hired, and non-owned automobiles, naming the County as additional primary insured without offset against its existing insurance, with a bodily injury or death limit of ten million dollars ($10,000,000) per occurrence combined single limit.

A certificate of insurance for the insurance required under this article shall be furnished to the County within 30 days of the effective date of this Agreement. Each policy of insurance shall provide for a 30-day written notice of cancellation, reduction of coverage or nonrenewal to the County by certified mail return receipt requested.

5. The term of this Agreement shall commence on October 1, 1984, and continue indefinitely until terminated as herein provided.

6. This Agreement may be terminated at any time by either party by giving the other party 90 days' written notice of such termination.

7. All notices specified in paragraphs 4 and 6 of this Agreement shall be deemed given when deposited in the United States mail, postage prepaid, and addressed as follows:

To the County:

Director
Ventura County Library Services Agency
P.O. Box 771
Ventura, CA 93002

To the System:

Director
Black Gold Cooperative Library System
651 E. Main St.
Ventura, CA 93001

IN WITNESS WHEREOF the parties have executed this Agreement on the dates set forth below next to their respective signatures.

COUNTY OF VENTURA

Dated: 10/2/84

Susa K. Lacey
CHAIR, BOARD OF SUPERVISORS

ATTEST:

RICHARD D. DEAN, County Clerk, County of Ventura, State of California, and ex officio Clerk of the Bord of Supervisors thereof

By Kathryne M. Aler
Deputy Clerk

BLACK GOLD COOPERATIVE LIBRARY SYSTEM

Dated: 12/1/84

Dale W Thurber
CHAIRMAN, ADMINISTRATIVE COUNCIL

1 A-1 thru A-50

Black Gold Library System

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day November 6, 19 84

PRESENT: Supervisors Bill Coy, Kurt P. Kupper, Ruth Brackett, Jeff Jorgens Chairman Jerry Diefenderfer

ABSENT: None

In the matter of Consent Agenda:

Consent Agenda Item A-49 is withdrawn. Item A-35 is withdrawn for separate action. Item A-19-C is amended to read Tract 1111 not 111. On motion of Supervisor Jorgensen, seconded by Supervisor Kupper, and on the following roll call vote, to wit:

AYES: Supervisors Jorgensen, Kupper, Coy, Brackett, Chairman Diefenderfer
NOES: None
ABSENT: None

Consent Agenda Items A-1 through A-50 are approved as recommended by the County Administrative Officer and as amended by this Board. Item A-11 is RESOLUTION NO. 84-433. Item A-15 is RESOLUTION NO. 84-434. Item A-17 is RESOLUTION NO. 84-435. Item A-19-A is RESOLUTION NOS. 84-436 and 84-437. Item A-19-B is RESOLUTION NO. 84-438. Item A-19-E is RESOLUTION NO. 84-439. Item A-23 is RESOLUTION NO. 84-440. Item A-24 is RESOLUTION NO. 84-441. Item A-25 is RESOLUTION NO. 84-442. Item A-31 is RESOLUTION NO. 84-443. Item A-40 is RESOLUTION NO. 84-444. Item A-41 is RESOLUTION NO. 84-445. Item A-43 is RESOLUTION NO. 84-446. Item A-44 is RESOLUTION NO. 84-447. Said Consent Agenda Items A-1 through A-50, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

cc: Administration
11/19/84 vml

STATE OF CALIFORNIA, County of San Luis Obispo, } ss.

I, FRANCIS M. COONEY, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 19th day of November, 19 84.

(SEAL)

FRANCIS M. COONEY
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By Vicki M. Dilgenhard Deputy Clerk.

CD-33

A-48
11-6-84

A-39 Notice of partial nonrenewal of Land Conservation Contract on 148 acres pursuant to the Land Conservation Act of 1965 by Wilson Ranches, Inc., El Pomar Agricultural Preserve No. 1, Amendment No. 8; 1st District (Clerk's file). (RECOMMEND APPROVAL AND INSTRUCT CHAIRMAN TO SIGN.)

Other Items:

A-40 Resolution establishing Management Peace Officers compensation for Fiscal Year 1984-85. (RECOMMEND APPROVAL.)

A-41 Resolution amending the salary resolution for Fiscal Year 1984-85 for B.U. 2530 - Jury Commissioner. (RECOMMEND APPROVAL.)

A-42 Request for approval of Memorandum of Understanding regarding Black Gold Cooperative Library System. (RECOMMEND APPROVAL AND INSTRUCT CHAIRMAN TO SIGN.)

A-43 Resolution amending the Position Allocation Resolution for B.U. 2070 - Assessor, eliminating an Appraiser Aide and adding a Senior Account Clerk. (RECOMMEND APPROVAL.)

A-44 Submittal of agreement with the California Department of Justice to provide reimbursement for cost of witness protection services; and resolution delegating authority to agree to terms for grant. (RECOMMEND APPROVAL AND INSTRUCT CHAIRMAN TO SIGN.)

A-45 Request of Department of Social Services for approval of modification of contract and sublease agreement with Transitions, Inc. to deliver Emergency Shelter Care Services. (RECOMMEND APPROVAL AND INSTRUCT CHAIRMAN TO SIGN.)

A-46 Resolution amending the Position Allocation Resolution for B.U. 2250 - Technical Services, which modifies their Computer Systems Technician Aide position. (RECOMMEND APPROVAL.)

A-47 Request of Agricultural Commissioner for approval of appropriation transfer request, Position Allocation adjustment and vehicle purchase, to facilitate the insect detection trapping program. (RECOMMEND APPROVAL.)

A-48 Resolution commending Dorothy Brunson, R.N. upon her retirement from San Luis Obispo County. (RECOMMEND APPROVAL.)

A-49 Resolution commending Betty Lou Cockrum upon her retirement from the County of San Luis Obispo. (RECOMMEND APPROVAL.)

A-50 Request for approval of minutes of Board of Supervisors meeting of October 16, and 17, 1984. (RECOMMEND APPROVAL.)

NOTE: ENVIRONMENTAL DETERMINATIONS, COUNTY OF SAN LUIS OBISPO

The County of San Luis Obispo's Environmental Coordinator has determined that the following proposed projects will NOT have a significant adverse impact on the environment. A "Negative Declaration" will be filed with the County Clerk for each of them.

These actions will become final 14 calendar days from October 26, 1984, unless appealed in writing to the Environmental Coordinator, Administrative Office, Room 370, County Government Center, San Luis Obispo, CA 93408. The appellant must include specific environmental concerns and define areas which deserve further study.

San Luis Obispo Area

Madonna Plot Plan and Grading Permit. A request to allow site preparation for and construction of a 20,000 square foot equipment barn. The project site is located on the west side of U.S. Highway 101 just north of the site of the Madonna Inn immediately west of the City of San Luis Obispo. ED84-162 (Permit Nos. 48019 and 48020)

THE FOLLOWING ACTIONS WILL BECOME FINAL 14 CALENDAR DAYS FROM NOVEMBER 2, 1984, UNLESS APPEALED IN WRITING TO THE ENVIRONMENTAL COORDINATOR:

DATED: _____

CITY OF EL PASO DE ROBLES

_____

ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

DATED: _____

COUNTY OF SAN LUIS OBISPO

_____
Chairman of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

APPROVED:

_____
Deputy County Counsel

October 1, 1984

AMENDED JOINT POWERS AGREEMENT CREATING AS A SEPARATE LEGAL ENTITY THE BLACK GOLD COOPERATIVE LIBRARY SYSTEM

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October 1, 1984

AMENDED JOINT POWERS AGREEMENT CREATING
AS A SEPARATE LEGAL ENTITY
THE BLACK GOLD COOPERATIVE LIBRARY SYSTEM

This Agreement is entered into by and among the County of Ventura, Santa Paula Union High School Public Library District, City of Santa Barbara, City of Lompoc, City of Santa Maria, County of San Luis Obispo, City of El Paso De Robles, and City of Thousand Oaks (hereinafter collectively "the parties"). This Agreement shall be effective October 1, 1984, provided that by said date it has been executed by not less than six of the agencies identified above.

WITNESSETH

WHEREAS, in accordance with the California Library Services Act (Education Code Sections 18700, et seq., hereinafter "Library Services Act"), the parties have established and operated a Cooperative Library System pursuant to a Joint Powers Agreement dated July 1, 1975, and prior agreements;

WHEREAS, the parties desire to continue in effect the Cooperative Library System heretofore established through the procedure of creating a public entity separate from the parties in accordance with Article 1, Chapter 5, Division 7, Title 1 of the California Government Code, and in particular Section 6507 thereof; and

WHEREAS, the parties intend that this Amended Joint Powers Agreement shall supersede and be a novation of the

Agreement of July 1, 1975;

NOW, THEREFORE, the parties do agree as follows:

1. Effect of Agreement.

This Agreement shall supersede and be a novation of the Agreement among the parties dated July 1, 1975, and entitled Joint Powers Agreement for Black Gold Cooperative Library System.

2. Purpose.

The purpose of this Amended Joint Powers Agreement is to provide for the exercise of the common power of each of the parties to provide public library services. This power shall be exercised in a manner consistent with and in furtherance of the objectives of the Library Services Act. The System shall perform cooperative library functions as necessary to fulfill this objective including, but not limited to, the following:

(a) Receipt of monies under the Library Services Act as the same may be amended from time to time;

(b) Receipt of such other monies and benefits as the System is eligible to receive;

(c) Making applications and contracts for grants from public or private entities to carry out the purposes of the System;

(d) Undertaking cooperative library projects which may be recommended by the Administrative Council of the System.

The foregoing, however, shall not be deemed to limit the extent of the powers conferred on the System. The System shall possess all the powers, preogatives and authority necessary to plan, operate, and administer a Cooperative Library System, and

those powers necessary to establish, improve, and extend library services.

Nothing contained herein shall be deemed to limit the right of the parties to administer, manage, direct, and control their own public libraries and library resources independently, select their own books and other library materials, hire their own personnel, and operate according to the policies and rules established by their own governing bodies, Boards of Trustees, or City Managers.

3. Creation of the Black Gold Cooperative Library System as a Separate Public Entity.

Pursuant to the provisions of Section 6507 of the California Government Code, the Black Gold Cooperative Library System (heretofore and hereinafter "System") is hereby established as a public entity separate from the parties to this Agreement.

4. Governing Body of System.

A. Composition of Administrative Council. The System will be governed by an Administrative Council (hereinafter "Council") consisting of the head librarian of each of the parties hereto.

B. Authority of Council. The Council is authorized in accordance with Section 6508 of the Government Code in the name of the System to do any or all of the following in furtherance of the purpose expressed in Article 2 hereof:

(1) To make and enter into contracts;

(2) To employ agents and employees;

(3) To acquire, construct, manage, maintain or

operate any building, works, or improvements;

(4) To acquire, hold, or dispose of property;

(5) To incur debts, liabilities or obligations, which debts, liabilities and obligations shall not constitute the debts, liabilities and obligations of any party hereto;

(6) To solicit and receive funds from any source;

The Council shall have such further powers as are common to the parties and are reasonable and necessary to effectuate the purpose of this Amended Agreement.

The Council shall have general administrative responsibility with respect to the Cooperative Library System provided for by the Library Services Act, shall adopt a System plan of services, submit annual proposals to the California Library Services Board and otherwise comply with the provisions of the Library Services Act.

C. Council Meetings.

(1) The Council shall fix the time and place for its meetings and shall hold at least one annual meeting.

(2) All meetings of the Council shall be open to the public and shall be called, conducted and adjourned according to the provisions of the Ralph M. Brown Act (Government Code Sections 54950, et seq.) as that Act may from time to time be amended or as other acts regulating the conduct of public meetings may from time to time provide.

(3) The Council shall adopt by-laws or other

rules for conducting its meetings, for the establishment of offices of the System, and for other business. Any action taken by the Council shall be taken by a majority in attendance provided a quorum exists. A majority of the members of the Council shall constitute a quorum.

5. Director - Custodian of Property.

The Council shall appoint a Director under whose direction and control the library system provided for hereby shall be carried out and who shall have such further duties as the Council may prescribe. The Director shall have charge of, handle and have access to any property of the System and shall file an official bond in the sum of one hundred thousand dollars ($100,000) or such other amount as may from time to time be prescribed by the Council.

6. Advisory Board.

In accordance with Education Code Section 18747(b) the System shall establish an Advisory Board consisting of as many members as there are parties to this Agreement. The governing body of each party hereto shall appoint one member, from among its residents, to the Advisory Board.

Except to the extent that the law may otherwise provide, the future existence and composition of an Advisory Board shall be determined by the Council.

7. Manner of Exercising Power.

The manner of exercising the common power provided for herein shall be subject to the restrictions upon the manner of exercising such powers of the Santa Paula Union High School Public

Library District as set forth in Chapter 8, Part 11, Division 1, Title 1, Sections 19400, et seq., of the Education Code.

In the event of the withdrawal of the Santa Paula Union High School Public Library District from the System the Council shall, or in the event that said District's enabling legislation is significantly altered, the Council may select another member of the System in lieu of said District, provided that two-thirds of the remaining members of the System have consented thereto. Such consent shall be presumed in the event that a member has failed to object within thirty days of its receipt of written notice of the Council's proposed designation.

8. Funding.

Those assets identified in Exhibit "A" hereto together with a cash balance as of June 30, 1984 of $344,877.20 in Ventura County Account No. 01620-0010 and a separate cash fund of $100 have been acquired by the parties pursuant to the Joint Powers Agreement of July 1, 1975. Said assets, including cash, as they may be modified prior to October 1, 1984, in the ordinary course of conducting the cooperative library system provided for by said agreement are hereby transferred to the System, subject to such liens and encumbrances as may exist with respect thereto.

Contributions, payments and advances may be made in the manner provided for in Section 6504 of the Government Code; any advances made to the System to be repaid in such manner as may be agreed upon between the Council and the advancing agency. The parties may provide for an exchange of services in accordance with Government Code Section 6506 under such arrangement as may be

agreed upon between the Council and the agency whose services are to be utilized.

On or before April 1st of each year the Council shall determine the total contribution that will be required from all member agencies in order to function in the manner prescribed by the Council for the forthcoming fiscal year considering all other anticipated sources of revenue.

The Council shall determine the share of the total that shall be contributed by each member agency according to a formula or formulas which it determines to be fair and equitable, considering such factors as population, number of titles added during the prior fiscal year by each party, number of volumes owned by each party, the value of services rendered, the costs of providing services and other related matters.

Said contribution shall be made in cash unless otherwise provided by the Council and agreed to by the contributing agency. Contributions shall be payable in equal installments quarterly, the first installment being due August 1 of the year for which contribution is made, or alternatively in such other manner or at such other time or times as the Council shall determine to be appropriate.

In addition the System may borrow money and incur indebtedness in accordance with any authority therefore provided by the laws of the State of California to local agencies including without limitation, Chapter 4, Part 1, Division 2, Title 5, Sections 53600, et seq., of the Government Code.

9. Treasurer or Depository; and Auditor

a. The Treasurer of the System shall be the Director, who shall have custody of all the money of the System from whatever source.

b. The Council shall appoint one of the officers or employees of the System as Auditor of the System. In the event of the failure of the Council to act, the Director shall be Auditor of the System. The System shall be strictly accountable of all funds and shall report all receipts and disbursements. The Auditor shall contract with a certified public accountant to make an annual audit of the accounts and records of the System.

The audit report prepared by the certified public accountant shall be filed as a public record with each member agency and also with the auditor of the county in which each of the member agencies is located. Said report shall be unqualified as to its accuracy.

c. The Council may from time to time change the designation of the Treasurer or Auditor.

10. Fiscal Year.

The System fiscal year shall be from July 1 through June 30.

11. Indemnification and Insurance.

The System shall indemnify and hold harmless each member agency, and its officers, agents and employees, from all claims, demands or liability arising out of, or encountered in connection with this Agreement and the activities conducted hereunder, and shall defend them and each of them against any claim, cause of

action, or damage resulting therefrom.

The System shall secure and keep in effect during the term of this Agreement the following described insurance with the minumum limits provided.

a. Workers' compensation insurance in compliance with law.

b. Comprehensive general liability insurance, naming each member agency as additional primary insureds without offset against their existing insurance, with a limit of not less than ten million dollars ($10,000,000) for each occurrence.

c. Comprehensive automobile liability insurance, including owned, hired, and non-owned automobiles, naming each member agency as additional primary insureds without offset against their existing insurance, with a bodily injury or death limit of ten million dollars ($10,000,000) per occurrence combined single limit.

Certificates of insurance for the insurance required under this article shall be furnished to each member agency within 30 days of the effective date of this Agreement. Each policy of insurance shall provide for a 30 day written notice of cancellation, reduction of coverage or nonrenewal, to each member agency by certified mail return receipt requested.

The Council shall appoint, and continue in effect during the term of this Agreement, an insurance committee consisting of not less than three individuals whose repsonsibility it shall be to review and report to the Council annually on the adequacy of the System's insurance coverage.

If, notwithstanding the provisions set forth above, any party to this Agreement suffers any loss because of an injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement such loss shall be allocated among the member agencies according to the following formula:

$$L = \frac{A}{B}$$

where:

L = the fraction such loss to be borne by the party in question.

A = the population of the geographic area in which the party in question is providing library services independently of this Agreement; and

B = the population of the entire geographic area in which the System is providing library services pursuant to this Agreement.

Population and geographic areas served by a party shall be deemed to include areas served by such party pursuant to contract with a public entity not a party to this Agreement and shall be determined annually as of the commencement of the System's fiscal year in which the debt, liability, or obligation becomes due. Population shall be based upon the latest figures available from the California Department of Finance or the United States Census Bureau.

12. Additional Members.

Other public agencies may be admitted into the System provided they meet the requirements of System membership as

established by the Council and by the laws of the State of California. All such applications must be approved by all members of the Council. The governing body of any admittee shall, as a condition precedent to admission, agree to become a party to this Agreement, including such amendments as may exist at the time of admission.

13. Obligation to Accept Service.

It is understood and agreed among the parties that System-wide programs shall be accepted by each party. Each party shall have an affirmative obligation to cooperate in the performance and execution of all System-wide programs and System policies.

14. Term, Withdrawal, and Termination of Agreement.

The term hereof is indefinite and this Amended Joint Powers Agreement shall remain in effect until terminated as hereafter provided.

Any member agency may withdraw from the System by resolution of its governing body. Written notice of such withdrawal shall be given to the Council prior to February 1 of the calendar year in which it is to become effective and shall become effective only as of July 1 of the calendar year in which the withdrawal is made. No party shall be entitled, by virtue of such withdrawal, to receive any payment of money or share of assets of the System except as may be agreed upon by all of the member agencies.

This Amended Joint Powers Agreement shall remain in effect until terminated by all of the remaining parties or until the withdrawal of all parties except one. In the event of ter-

mination of this Agreement the members of the Council remaining at the date of such termination shall continue as the governing board of the System for the purpose of winding up its affairs and during the course of such winding up shall exercise all powers granted by this Agreement as may be necessary or convenient in the accomplishment of its duties. When all affairs of the System have finally been settled then this Joint Powers Agreement shall terminate and be of no further force or effect.

15. Disposition of Property.

In the event of the termination of this Agreement any and all property, funds, assets and interests therein of the System shall become the property of and be distributed to such member agencies as are then members of the System. Distribution shall be made among the then member agencies in such proportion as the Council determines fairly represents each agency's financial contribution to the System.

16. Notice

Within 30 days after the effective date hereof notice of this Agreement shall be filed with the office of the Secretary of State as required by section 6503.5 of the Government Code. Within 70 days after the effective date hereof statements shall be filed with the Secretary of State and with the Clerk of the Counties of Ventura, Santa Barbara, and San Luis Obispo in compliance with Government Code Section 53051.

17. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original.

October 1, 1984

IN WITNESS WHEREOF the parties have executed this Agreement on the dates set forth below their respective signatures.

DATED: 11/20/84

SANTA PAULA UNION HIGH SCHOOL PUBLIC LIBRARY DISTRICT

Donna Mae Nelson

ATTEST:

William Tuckey
Secretary

APPROVED:

Counsel

DATED: _____

CITY OF LOMPOC

_____

ATTEST:

_____
Secretary

APPROVED:

_____
City Attorney

IN WITNESS WHEREOF the parties have executed this Agreement on the dates set forth below their respective signatures.

DATED: _____

SANTA PAULA UNION HIGH SCHOOL PUBLIC LIBRARY DISTRICT

_____

ATTEST:

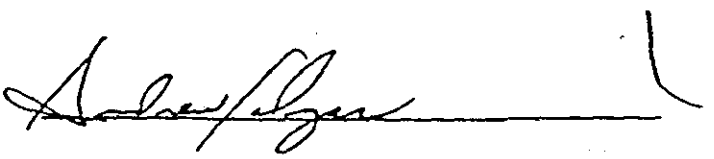
_____
Secretary

APPROVED:

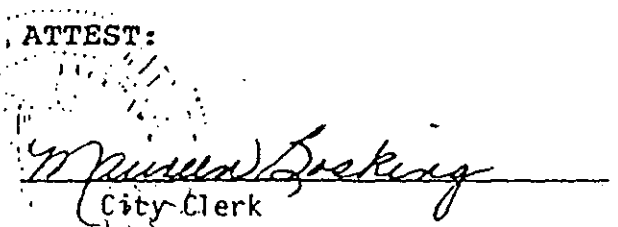
_____
Counsel

DATED: September 24, 1984

CITY OF LOMPOC

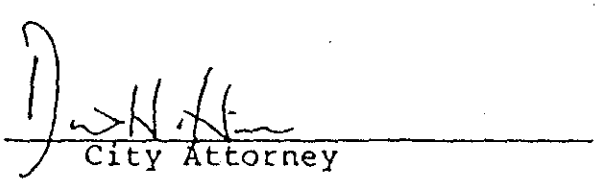


ATTEST:



City Clerk

APPROVED:



City Attorney

DATED: 8-21-84

CITY OF EL PASO DE ROBLES

ATTEST:

City Clerk

APPROVED:

City Attorney

DATED: _____

COUNTY OF SAN LUIS OBISPO

Chairman of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED:

County Counsel

Library

1 A-1 through A-28

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day September 4, 19*84

PRESENT: Supervisors Bill Coy, Ruth Brackett, Jeff Jorgensen and Chairman Jerry Diefenderfer

ABSENT: Kurt P. Kupper

In the matter of Consent Agenda:

Consent Agenda Item A-16 is continued one week. Item A-4 is amended to read bid opening date of October 1, 1984, not October 15. On motion of Supervisor Jorgensen, seconded by Supervisor Brackett and on the following roll call vote, to wit:

AYES: Supervisors Jorgensen, Brackett, Coy, Chairman Diefenderfer
NOES: None
ABSENT: Supervisor Kupper

A26 lib.

Consent Agenda Items A-1 through A-28 are approved as recommended by the County Administrative Officer and as amended by this Board. Item A-9 is RESOLUTION NO. 84-372. Item A-15 is RESOLUTION NO. 84-372A. Item A-21 is RESOLUTION NO. 84-373. Item A-22 is RESOLUTION NO. 84-374. Said Consent Agenda Items A-1 through A-28, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

cc: Administration
9/14/84 vml

STATE OF CALIFORNIA, County of San Luis Obispo, } ss.

I, FRANCIS M. COONEY, County Clerk and ex-officio Clerk

October 1, 1984

DATED: _____

CITY OF EL PASO DE ROBLES

ATTEST:

_____

City Clerk

APPROVED:

_____

City Attorney

DATED: _____

COUNTY OF SAN LUIS OBISPO

Jerry Harkens

Chairman of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED:

Bruce A. Roberts, Deputy

County Counsel

A 26

DATED: 10/5/84

CITY OF SANTA BARBARA

Sheila Lodge
MAYOR

ATTEST:

Joyce Gregory
City Clerk

APPROVED AS TO FORM:

Steven A. Amerl
City Attorney

APPROVED AS TO CONTENT:

Robert A. Hart
Library Director

DATED: _____

CITY OF SANTA MARIA

_____

ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

DATED: _____

CITY OF SANTA BARBARA

_____

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

APPROVED AS TO CONTENT:

_____
Library Director

DATED: September 18, 1984

CITY OF SANTA MARIA

George Abbott Jr.
MAYOR

ATTEST:

Mary W. O'Brien
City Clerk

APPROVED:

Allen Brimes
City Attorney

CONTENTS:

BY: Jack Buchanan
DEPARTMENT HEAD

BY: _____
CITY ADMINISTRATOR

DATED: October 2, 1984

CITY OF THOUSAND OAKS

Lee Laxdal, Mayor

ATTEST:

City Clerk

APPROVED:

City Attorney #1226

APPROVED:

City Manager

DATED: _____

COUNTY OF VENTURA

_____
Chairman of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

APPROVED:

_____
County Counsel

DATED: _____

CITY OF THOUSAND OAKS

_____

ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

DATED: Sept - 18, 1984

COUNTY OF VENTURA

Ed Jones
_____
Chairman of the Board of Supervisors

CHAIRMAN PRO TEMPORE

ATTEST: RICHARD D. DEAN, County Clerk
By Kathryne M. Olen
Deputy County Clerk

_____
Clerk of the Board of Supervisors

APPROVED:

_____
County Counsel

BLACK GOLD COOPERATIVE LIBRARY SYSTEM

BYLAWS

Reviewed and Adopted August 26, 1988
Reviewed and Adopted July 28, 1989
Revised December 15, 1989
Revised July 26, 1991
Reviewed and Adopted October 23, 1992
Revised April 24, 1998
Revised and Adopted August 26, 2005

BYLAWS

OF THE

BLACK GOLD COOPERATIVE LIBRARY SYSTEM

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BYLAWS
OF THE
BLACK GOLD COOPERATIVE LIBRARY SYSTEM

PREAMBLE

These several independent public libraries, having formed the Black Gold Cooperative Library System under terms of the California Library Services Act, do hereby accept the following Bylaws for governing the structure, operation and management of the System.

ARTICLE I
NAME

The name of this organization shall be the "Black Gold Cooperative Library System ."

ARTICLE II
OBJECTIVES

The objectives of this organization shall be to implement and achieve the Plan of Service agreed upon by the member libraries consistent with the provisions of the California Government Code, sections 6500-6579 (Joint Exercise of Powers). A further objective is to engage in other agreed upon programs that extend and enhance the resource sharing capabilities of the individual libraries in the System.

ARTICLE III
MEMBERSHIP

The membership of the Black Gold Cooperative Library System shall be limited to those libraries that are officially accepted and recognized as members by the California Library Service Board, having met the requirements set forth in the California Education Code, Sections 18700-18766 (California Library Services Act), and the California Administrative Code (Chapter 2, Public Library Services). Additional membership requirements may be established by the Administrative Council.

ARTICLE IV
SYSTEM ADMINISTRATIVE COUNCIL

Section 1.
The Black Gold Cooperative Library System shall be governed by an Administrative Council composed of one voting representative from each member jurisdiction.

Section 2.

a. Each member library shall have one vote.
b. In case of unavoidable absence from a meeting, the voting representative may designate an alternate to attend the meeting who shall have full voting power for the member jurisdiction.

ARTICLE IV, SYSTEM ADMINISTRATIVE COUNCIL, continued.

Section 3.

The System Administrative Council shall serve the System as defined in Article 5, Section 18747, Paragraph (a), of the California Library Services Act.

Section 4.

The Administrative Council shall have all powers necessary to determine the short and long range objectives and policies of the System and to implement the Plan of Service agreed upon and the further objectives of the System.

ARTICLE V
OFFICERS AND DUTIES

Section 1.

OFFICERS

a. The officers shall be a Chairperson and a Vice-Chairperson. The Chairperson of the Administrative Council is established according to a rotation schedule which automatically moves the Chairpersonship northward geographically throughout the System. The Vice-Chairperson is established according to the same rotation schedule and is designated as the next person on the list. The schedule is as follows:

Santa Paula
Ventura
Santa Barbara
Lompoc
Santa Maria
San Luis Obispo
Paso Robles

b. The System Director shall be the Secretary of the Administrative Council.

c. These officers shall perform all duties prescribed by these Bylaws, the Amended Joint Powers Agreement and by the parliamentary authority adopted by the System.

Section 2.

DUTIES.

a. The Chairperson shall preside at all meetings of the Administrative Council.
b. The Chairperson shall appoint members to committees authorized by the Administrative Council.
c. The Chairperson shall serve as the representative of the Administrative Council, to the Gold Coast Library Network and the System Advisory Board.
d. Vice-Chairperson shall serve as Chairperson in the absence of the Chairperson.
e. The Secretary shall be responsible for the minutes of the meeting, reports and correspondence.

ARTICLE V, OFFICERS AND DUTIES, continued.

Section 3.
The System Director, as Treasurer of the System, shall keep proper financial records, make and account for all receipts and disbursements as approved by the Administrative Council, make financial reports and perform all other duties set forth in the Bylaws and as required in the implementation of the California Library Services Act of the State of California.

Section 4.
The Chairperson and Vice-Chairperson of the System shall assume office at the first meeting of each fiscal year and shall serve for one (1) fiscal year.

Section 5.
If the office of Chairperson becomes vacant, the Vice-Chairperson shall serve for the unexpired term. If the office of Vice-Chairperson becomes vacant, the office shall be rotated according to the schedule set out in Section 1 of this Article.

ARTICLE VI
MEETINGS AND QUORUM

Section 1.
The System Administrative Council shall meet no fewer than 10 times throughout the fiscal year.

Section 2.
The Administrative Council may also meet upon call of the Chairperson or upon petition of a majority of the members.

Section 3.
A majority of the members of the Administrative Council shall constitute a quorum.

Section 4.
Notice and agenda of each meeting of the Administrative Council shall be in writing and transmitted at least five (5) days prior to each meeting.

Section 5.
The affirmative vote of the majority of the voting members present shall be necessary for all action taken with three exceptions:

a. For approval of the budget there must be an affirmative vote of a majority of the entire Administrative Council
b. For amendment of the Bylaws there must be an affirmative vote of a majority of the entire Administrative Council.
c. For addition of a System member there must be an affirmative, unanimous vote of the entire Administrative Council.

ARTICLE VII
COMMITTEES

Section 1.
The Administrative Council shall establish the following standing committees, indicating their objectives and responsibilities.

a. Budget/Finance/Insurance Committee
b. Long Range Planning Committee
c. Personnel Committee

Section 2.
The Administrative Council shall establish the following standing member libraries staff committees, indicating their objectives and responsibilities.

a. Children's Services Committee
b. ATS Operations Committee
c. Interlibrary Loan Committee
d. Reference Services Committee

Section 3.
The Administrative Council shall authorize such ad hoc committees and task force groups as it deems necessary.

ARTICLE VIII
SYSTEM STRUCTURE AND ORGANIZATION

Section 1.
HEADQUARTERS
The Administrative Council shall designate a location as the official headquarters of the Black Gold Cooperative Library System.

Section 2.
SYSTEM DIRECTOR
The System Director shall be Secretary and Treasurer of the Administrative Council and shall be responsible for the planning, organizing, coordinating, reporting and budgeting functions of System Administration. The Director shall report and be responsible to Administrative Council. The System Director shall serve as an ex officio member on all Council and member staff committees.

ARTICLE IX
PARLIAMENTARY AUTHORITY

Except as otherwise provided herein and by State Law, the latest edition of Robert's Rules of Order shall govern the conduct of business at meetings of this Council.

ARTICLE X
AMENDMENTS

These Bylaws may be amended at any meeting of the Administrative Council by a majority of the entire Administrative Council, providing that the amendment has been submitted to the members at least five (5) working days in advance and is part of the call for the meeting.

ARTICLE XI
SYSTEM ADVISORY BOARD

The System Advisory Board shall be established and serve according to the law established by the State of California in Education Code Part II, Chapter 4, Sections 18747 (b), 18748, 18749 and 18750.

ARTICLE XII
ADMINISTRATION OF THE SYSTEM

Subject to the supervision, policies and advice of the Administrative Council, the System shall be administered in the following manner:

Second level reference services shall be provided by agreements between Black Gold and a third party. This party, under the terms of the Letter of Agreement, shall provide library reference, research and information services for the member libraries.

Itemized billings shall be submitted and records shall be subject to review and audit as provided in the Amended Joint Powers Agreement.

The administrative staff shall be under the supervision of the System Director. All records shall be subject to review and audit as provided in the Amended Joint Powers Agreement. The Administrative Office shall be responsible for those duties outlined in Article VIII, Section 2, of these Bylaws.

An Automation and Technical Services department (ATS) shall be maintained. The purpose of Automation and Technical Services shall be to coordinate a system-wide program of automated services including, but not limited to, circulation control, public catalogs, interlibrary loan online, microcomputer support and other online services for use by the member libraries.

The Bibliographic Unit shall be a unit of Automation & Technical Services (ATS). The Bibliographic Unit shall have the responsibility of creating and maintaining the Black Gold Data Base.

The employees of ATS, as authorized in the budget, shall be employed by the Black Gold Cooperative Library System. The employees of Black Gold Automation & Technical Services (ATS), as authorized in the budget shall be supervised by the System Director.

ARTICLE XIII
BUDGET

Prior to January 30 of each year the Administrative Council shall adopt a tentative budget for the expenditures of the System during the succeeding fiscal year and shall make the tentative budget available to local jurisdictions for budget review. After March 1, but prior to April 1 of each year, acting upon the results of the review, the Administrative Council shall adopt a preliminary budget for the expenditures of the System during the succeeding fiscal year. Prior to July 1 of each year the Administrative Council shall adopt a final budget for the expenditures of the System during the fiscal year. The final budget shall be based on the preliminary budget and the total contribution required from all member agencies shall not exceed the amount specified in the preliminary budget; provided, however, that the final budget may be augmented for monies received after its adoption. When significant funding changes take place after adoption of the final budget, an adjusted final budget shall be adopted by the Administrative Council.

ARTICLE XIV
HANDLING OF FUNDS

The System shall maintain a separate interest bearing trust account or accounts for all funds received for the System.

Separate ledger accounts shall be maintained for the funds submitted by the member libraries participating in Automation and Technical Services (ATS). Interest earned by the System shall be prorated and a portion of said interest shall be credited to the ATS ledger accounts in accordance with ATS revenue. ATS revenue shall be expended only on ATS costs and in furtherance of the purposes of the ATS program. System funds shall be expended only in furtherance of the purposes of the System. There shall be no crossover between the General and the Special (ATS) funds.

Standard accounting practices shall be used to account for funds received and disbursed for the System and account books shall be open at all times during normal business hours to the inspection of any authorized representative of any party to this agreement, the authorized representative of any official of a government agency that grants or disburses funds to the System for the purposes of this agreement. The System shall be operated on a fiscal year basis beginning July 1 of each calendar year and continuing through June 30 of the succeeding calendar year. A qualified certified public accountant shall be selected by the Administrative Council to conduct the annual audit. The certified public accountant selected shall perform an annual audit of the operations of the System and shall prepare a statement of assets and liabilities, a statement of receipts and disbursements, and such other statements and reports as may be required by the Administrative Council. All parties shall cooperate in supplying the information necessary for the audit. A copy of the audit shall be distributed to the parties to this agreement.

ARTICLE XV
PROTECTION OF PROPERTY

Any party who is entrusted with System property or System funds shall provide an official bond or a public employees' fidelity bond in an amount satisfactory to the Administrative Council, unless this requirement for such bond is waived by the Administrative Council. The System carries Public Employee Dishonesty insurance coverage. Each party entrusted with System property shall be charged with the duty of its day-to-day maintenance. The decision to repair or replace seriously damaged or destroyed property shall be left to the discretion of the Administrative Council, and such repair and replacement shall be at System's expense.

ARTICLE XVI
CONTRIBUTIONS

Contributions are of three types. They are:

1. **PRO RATA CONTRIBUTION** supports the system-wide costs of the automated circulation system program and, as needed, local augmentation of state and federally funded system programs. The portion payable by each member library shall be determined by the following formula.

   Proportionate share of the total contribution payable by each member library:

$$\frac{\frac{A}{B} + \frac{C}{D} + \frac{E}{F}}{3}$$

   A = Population of the service area of the member library for which proportionate share is being calculated.

   B = Total Population of the System.

   C = The number of borrowers registered by the member library for which the proportional share is being calculated.

   D = The combined total of borrowers registered by all member libraries during the previous fiscal year of each member library.

   E = The total volumes held by the member library for which the proportionate contribution is being calculated.

   F = The combined total of volumes held by all member libraries in the System.

   Note: Population, borrowers and total volumes held are the figures reported by member libraries in the annual report sent to the State Library as published in the annual pre-print of the California Library Statistics.

2. **CONSOLIDATION CONTRIBUTION**

   Should consolidation occur, the county's contribution for the fiscal year next following the consolidation and each succeeding year shall be computed by altering the components of the formula contained in (a) above, as follows:

   (a) Component A shall be the sum of city's and county's population;

   (b) Component C shall be the sum of borrowers registered by city and county during the fiscal year;

   (c) Component E shall be the sum of the total number of volumes held by city and county.

ARTICLE XVI, CONTRIBUTIONS, continued.

3. AUTOMATION & TECHNICAL SERVICES (ATS) CONTRIBUTION

This contribution is for the support and operation of Automation & Technical Services (ATS). System members who share in the benefits of Automation & Technical Services (ATS), contribute to the expenses of the program. The determination of which libraries are participants in the program in a given fiscal year shall be made at the time of the tentative budget. The cost of operating ATS includes the hardware, software, maintenance, communication lines, staff and supplies associated with ATS services. Costs are contributed according to the following formula.

$$\frac{\%C + \%V + \%P + \%U}{4} = \text{Average } \%$$

%C= The circulation reported at the end of the last fiscal year divided by the combined total circulation of the participating member parties.

%V= The number of holdings reported for the individual member at the end of the last fiscal year divided by the combined total number of holdings of the participating member parties.

%P= The patron count of each participating member library divided by the combined total patron count of the participating member parties.

%U= The number of ports in use at the time of adoption of the final budget on the automated circulation system network divided by the combined total number of ports in use by the participating member parties.

Average % = The Average Percentage of the costs for ATS payable by each participating member.

Upon the adoption of any tentative budget for the System, the Administrative Council shall determine what contribution amounts appear necessary. The estimated amount shall be computed and apportioned according to the formulas given above and each party shall be informed of its estimated share at the time the tentative budget is submitted for adoption. Upon adoption of the final budget, contributions shall be made payable. Contributions shall be payable in equal installments quarterly, the first installment being due August 1 of the year for which contributions shall be placed in the System's interest bearing trust account(s).

ARTICLE XVII

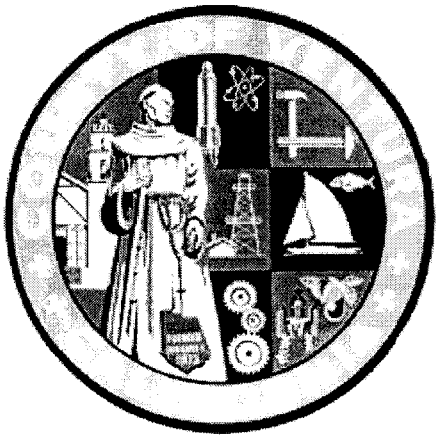
BLACK GOLD DATA BASE, CATALOGS AND SERVICES

It is agreed that the System will maintain a data base containing titles possessed by members of ATS. In addition the System will maintain a link with the online public library catalog of Ventura County. Black Gold system members have access to the network of online services provided by the System subject to the rules and guidelines adopted by the Administration Council.

Any ATS member library may obtain copies of the data base by paying the cost of such copies. Upon approval of the Administrative Council, copies of the Black Gold data base may be obtained by non ATS members by paying additional cost to the System for producing the data base copies. Upon approval of the Administrative Council, updates to the Black Gold data base may be obtained by purchasers of the data base by paying the additional cost to the System of producing copies of the updates.

Any member library that establishes a Home Page on the World Wide Web may include a link between the library's Home Page and the Black Gold Online Public Access Catalog (OPAC).

Approved by Administrative Council, April 24, 1998.



Ordinance Number

4274

Date Adopted

11/5/2002

Subject

VENTURA COUNTY ORDINANCE AMENDING THE COUNTY BUILDING CODE AND ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN MODEL CODES AS FOLLOWS: CALIFORNIA BUILDING CODE, 2001 EDITION AND UNIFORM HOUSING CODE, 1997 EDITION

Comments

VENTURA COUNTY

BUILDING CODE

2001 EDITION

Ventura County Ordinance

Compiled by

THE RESOURCE MANAGEMENT AGENCY
DIVISION OF BUILDING AND SAFETY

Ventura

800 South Victoria Avenue, Ventura, CA 93009
(805) 654-2771

East County

3855-F Alamo, Rm. 2019-A
Simi Valley, CA 93065
(805) 582-8064

4i9-1.02

ATTACHMENT "A"

The Ventura County Building Code, as shown herewith, is a compilation of the following ordinances adopted by the Ventura County Board of Supervisors.

Ordinance no.	Effective date
3773	June 19, 1986
3778	July 31, 1986
3904	August 11, 1989
4002	August 14, 1992
4130	June 12, 1997
4188	July 15, 1999

VENTURA COUNTY BUILDING CODE

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Section 102 Administration 2
Section 103 Filing with the Clerk of the Board 2
Section 104 Copies of Code for Sale to the Public 2

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Chapter 3 - Adoption of the "California Electrical Code", 2001 Edition 4

Chapter 4 - Adoption of the "California Mechanical Code", 2001 Edition 5

Chapter 5 - Adoption of the "California Plumbing Code", 2001 Edition 6

Chapter 6 - Adoption of the "Uniform Housing Code", 1997 Edition 7

Chapter 7 - Adoption of the "Uniform Code for the Abatement of Dangerous Buildings", 1997 Edition 8

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ORDINANCE NO. 4274

AN ORDINANCE OF THE COUNTY OF VENTURA AMENDING THE VENTURA COUNTY BUILDING CODE AND ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN MODEL CODES AS FOLLOWS: CALIFORNIA BUILDING CODE, 2001 EDITION; UNIFORM HOUSING CODE, 1997 EDITION; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; CALIFORNIA ELECTRIC CODE, 2001 EDITION; CALIFORNIA PLUMBING CODE, 2001 EDITION; THE CALIFORNIA MECHANICAL CODE, 2001 EDITION; AND APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE, 2001 EDITION, TOGETHER WITH AMENDMENTS THERETO.

The Board of Supervisors of the County of Ventura ordains as follows:

The Ventura County Building Code (VCBC) is hereby amended to read as follows:

ARTICLE 1 - ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND OTHER MODEL CODES BY REFERENCE

CHAPTER 1 - ADOPTION INTO THE VENTURA COUNTY BUILDING CODE

Section 101 VENTURA COUNTY BUILDING CODE DEFINED.

101.1 ELEMENTS. The Ventura County Building Code contained herein is comprised of the following elements:

a) The specified portions of the California Building Standards Codes known as Title 24, Parts 2, 3, 4, 5, 6, 8 and 10; and

b) The model codes referenced by the California Building Standards Code and the model codes herein adopted by reference being:

1) The Uniform Building Code, 1997 Edition.
2) The National Electrical Code, 1999 Edition.
3) The Uniform Mechanical Code, 2000 Edition.
4) The Uniform Plumbing Code, 2000 Edition.
5) The Uniform Code for Building Conservation, 1997 Edition.
6) The Uniform Housing Code, 1997 Edition.
7) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition; and

c) The Ventura County Amendments contained in this ordinance to the above referenced codes.

Taken together, the codes and amendments described above constitute the Ventura County Building Code.

101.2 AMENDMENTS. Ventura County amendments to the California Building Standards Code and the other adopted model codes are found in Articles 3 through 9 of this code.

Section 102 ADMINISTRATION. The administrative provisions referenced in Article 2 - General Application Amendments are applicable to all portions of the Ventura County Building Code.

Section 103. FILING WITH THE CLERK OF THE BOARD. Not less than one (1) certified copy of this Code and of each of the codes adopted by reference herein are on file in the office of the Clerk of the Board of Supervisors, and all such certified copies of the codes shall be kept at that office for public inspection while this Code is in force.

Section 104. COPIES OF CODE FOR SALE TO THE PUBLIC. Copies of the Ventura County Building Code shall be made available in the office of the Division of Building and Safety for examination. Purchase of the codes by the public at a price not to exceed the actual cost thereof to the County plus a reasonable handling charge as established by the Building Official may be available depending on the stock on hand.

CHAPTER 2 - ADOPTION OF THE CALIFORNIA BUILDING CODE (CBC)

Section 101. ADOPTION. That building code known as the "California Building Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 2 - a portion of the "California Building Standards Code", which incorporates by reference the 1997 edition of the Uniform Building Code with adopted California amendments, together with Appendices Chapter 3, Division I; Chapter 3, Division II; Chapter 4, Division II; Chapter 12, Division I; Chapter 12, Division IIA; Chapter 15; Chapter 16, Division IV; Chapter 18; Chapter 29; Chapter 30; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33 promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose and subject matter of which, among other things, is to protect the public health and safety as set out in Section 101.2 of the Uniform Building Code, is hereby adopted and enacted as the primary building code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this Ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Building Code are found in Article 3 of this Code.

CHAPTER 3 - ADOPTION OF THE CALIFORNIA ELECTRICAL CODE (CEC)

Section 101. ADOPTION - That Electrical Code known as the "California Electrical Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 3 - a portion of the "California Building Standards Code", which incorporates by reference the 1999 edition of the National Electrical Code with necessary California amendments, promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269; the purpose of which, among other things is to provide minimum standards for the design, installation, maintenance, and use of electrical wiring and electrical apparatus in order to safeguard persons and property from electrical hazards, is hereby adopted and enacted as the primary Electrical Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein, with specific modifications as indicated in Article 4:

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Electrical Code are found in Article 4 of this code.

CHAPTER 4 - ADOPTION OF THE CALIFORNIA MECHANICAL CODE (CMC)

Section 101. ADOPTION. That mechanical code known as the California Mechanical Code," 2001 Edition and also known as the California Code of Regulations (C.C.R.), Title 24, Part 4 - a portion of the "California Building Standards Code", which incorporates by reference the 2000 edition of the Uniform Mechanical Code with necessary California amendments, and Appendices A, B, C, and D promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, and as amended herein, the purpose and subject matter of which, among other things, is to protect public health and safety as stated in Section 102 of said code, is hereby adopted and enacted as the primary mechanical code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Mechanical Code are found in Article 5 of this code.

CHAPTER 5 - ADOPTION OF THE CALIFORNIA PLUMBING CODE (CPC)

Sec. 101 ADOPTION. That plumbing code known as the "California Plumbing Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 5 - a portion of the "California Building Standards Code", which incorporates by reference the 2000 edition of the Uniform Plumbing Code with necessary California amendments, together with Uniform Plumbing Code Appendices A, B, C, D, E, G-A, H, I, J, K and L promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, the purpose and subject matter of which is to protect public health and safety by establishing minimum regulations for the installation, alteration, or repair or plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Plumbing Code are found in Article 6 of this code.

CHAPTER 6 - ADOPTION OF THE UNIFORM HOUSING CODE (UHC)

Section 101. ADOPTION - That Housing Code known as the "Uniform Housing Code," 1997 Edition which was promulgated and published by the International Conference of Building Officials, 5360 South Workingman Mill Road, Whittier, California 90601, the purposes and subject matter of which among other things is to protect the public health and safety as set out in Section 102 of said Code, is hereby adopted and enacted as the primary Housing Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herewith with specific modifications as indicated below.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the Uniform Housing Code are found in Article 7 of this code.

CHAPTER 7 - ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

Section 101 ADOPTION. That code known as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose of which, among other things, is to protect the public health and safety as set out in Section 102 of this Code, is hereby adopted and enacted as the Code for Abatement of Dangerous Buildings in the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein with specific modifications as indicated below. This Code will be referred to herein as the Dangerous Buildings Code.

Sec. 102 AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments Ventura County amendments to the Dangerous Buildings Code are found in Article 8 of this code.

CHAPTER 8 - ADOPTION OF APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE (CCC)

Sec. 101 ADOPTION: That building conservation code known as the "California Conservation Code", 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 10 - a portion of the "California Building Standards Code" which incorporates by reference Appendix Chapter 1 of the 1997 edition of the Uniform Code for Building Conservation, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as amended herein, the purpose and subject matter of which, among other things, is to promote public safety and welfare by reducing the risk of death or injury from the effects of earthquakes on existing unreinforced masonry bearing wall buildings as stated in Section A101 of said code, is hereby adopted as the primary unreinforced masonry building conservation code of the County and made a part of this code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Sec. 102 AMENDMENTS: Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to Appendix Chapter 1 of the Uniform Code for Building Conservation are found in Article 9 of this code.

ARTICLE 2 - AMENDMENTS OF GENERAL APPLICATION TO ALL OF THE ADOPTED STATE AND MODEL CODES

CHAPTER 1 - ADMINISTRATION

Section 101 TITLE, PURPOSE AND SCOPE

101.1 TITLE. This ordinance shall be known as the "Ventura County Building Code," may be cited as such, and will be referred to herein as "this Code."

This ordinance shall adopt certain State and model codes by reference, together with amendments thereto, as published herein. These referenced codes and amendments shall have the same force and effect as if fully set forth herein.

101.2 PURPOSE. The Board of Supervisors expressly finds that the purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, relocation, and maintenance of all buildings and structures within the County and certain equipment specifically regulated herein.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this code.

101.18 AUTHORITY. This code is adopted pursuant to the statutory authority of Health and Safety Code Section 17910 et seq., known as the "State Housing Law." It is further adopted in conformity with the provisions of Sections 50022.1 to 50022.10, inclusive of the Government Code relating to the adoption of codes by reference.

101.19 APPLICABILITY. This code shall apply within all of the unincorporated territory of Ventura County.

101.20 INTENT. It is the intent of this Article to provide administrative control over all of the applicable sections of the adopted State and model codes even if these sections are not specifically identified in each of the adopted codes.

101.21 CONFLICTS. Wherever conflicts occur between the provisions of this Code and the separate codes adopted by reference hereby, or between different sections within such individual code or codes, the provisions which are more strict or which set the highest standard of health and safety shall govern.

Where conflicts occur between provisions of this code and other duly enacted County codes and ordinances, those provisions becoming law last in time shall govern.

Wherever in this code reference is made to the Appendix, the Appendix shall not apply unless specifically adopted.

101.22 SEVERABILITY. If any article, chapter, section, sub-section, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations. The Board of Supervisors hereby declares that it would have passed this ordinance, and each article, chapter, section, sub-

section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, chapters, sections, sub-sections, sentences, clauses, and phrases be declared unconstitutional or invalid.

101.23 SECTION NUMBERING AND CROSS-REFERENCING SYSTEM FOR CODE AMENDMENTS. To facilitate cross-referencing between the adopted codes as published and the amendments contained herein, amendments are numbered to correspond to the uniform and model code sections which are affected. Thus, "Article 3, Chapter 18 Section 1804" in this ordinance is an amendment to, and supersedes Chapter 18, Section 1804 as published in the California Building Code.

Generally, each numbered sub-section of the adopted codes, for example, UBC subsection 1804.2, is deemed to be separate and distinct from others for the purpose of amendment. An amendment to one sub-section changes only that portion and does not by omission of reference amend or delete any other part of the Section such as UBC Section 1804.7.

Sec. 103 VIOLATIONS.

103.1 GENERAL. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, building service equipment, machine or equipment or cause or permit the same to be done in violation of this Code or to violate any provision of this Code.

103.3 INFRACTIONS. It shall be an infraction of law for any person to remove, deface, or alter a posted notice of the Building Official or duly appointed representative when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this code.

103.4 MISDEMEANORS. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, misdemeanor/infraction, or infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Each and every violation of any provision of this Code is a misdemeanor unless designated by this Code to be an infraction or a misdemeanor/infraction.

103.5 MISDEMEANORS/INFRACTIONS. Every violation of this Code designated a misdemeanor/infraction shall be a misdemeanor; provided that, where the District Attorney has determined that such action would be in the best interests of justice, the District Attorney may specify in the accusatory pleading that the violation shall be an infraction and the violation shall then be prosecuted as an infraction.

103.6 PUNISHMENTS. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both such fine and imprisonment. Any person convicted of an infraction, the penalty for which is not otherwise prescribed, shall be punished by (a) a fine not exceeding one hundred dollars ($100) for the first violation; (b) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance provision within one year; and (c) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance provision within one year.

Sec. 104 - ORGANIZATION AND ENFORCEMENT

104.1 CONTINUANCE OF DIVISION. There is hereby continued within the County the "Division of Building and Safety" of the Resource Management Agency, which division shall be under the administrative and operational control of the Building Official designated by the appointing authority.

104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.2.1 ENFORCEMENT OF CODES. The Building Official is hereby authorized and directed to enforce all the provisions of this Code and of the codes adopted by reference hereby. The decision of the Building Official in enforcing the provisions of this Code or of the codes adopted by reference, or in interpreting the provisions thereof, or in exercising the authority delegated thereby shall be final, subject to appeal as provided in this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Whenever in this Code or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards, or rules or regulations as part of this Code or of any of the codes adopted by reference hereby unless set out in full herein, but they shall be considered and may be used by the Building Official as guides to assist in determining whether or not there has been compliance with the provisions of this Code. The Building Official shall not be bound by the provisions of any such other codes, standards, interpretations, or rules or regulations not expressly adopted by reference in this Code in determining such compliance.

104.2.2 DEPUTIES. In accordance with the prescribed procedures and with the approval of the appointing authority of the County, the Building Official may, from time to time, appoint such number of officers, inspectors, assistants and other employees as shall be necessary to carry out the functions of the Division of Building and Safety and act as duly authorized representatives of the Building Official.

104.2.3 RIGHT OF ENTRY. Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, hazardous, or insanitary, the Building Official or his authorized representative may enter such building, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons having charge or control of the building, structure, or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

104.2.4 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code, or in violation of applicable ordinances of other County agencies, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Whenever the Building Official finds that a building or structure for which a permit has been issued may be flooded or is subject to erosion hazard if the work is completed in the manner proposed, or that the completion of such work will cause the flooding of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of the Ventura

County Flood Control District (P.W.A.), or other qualified County officer for a determination as to such danger. If the Director of the aforementioned District or other qualified County officer reports that substantial danger exists, the Building Official shall order work stopped until plans to alleviate such danger have been reviewed and approved by said Director or County officer.

Failure to order work stopped or to make such referral or both shall not be construed as a representation that danger of flooding or erosion does not or will not exist if the work is completed in the manner proposed.

104.2.5 OCCUPANCY VIOLATIONS. Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that in the event of an unsafe building Section 102 in the Uniform Building Code shall apply.

104.2.6 LIABILITY. The Building Official or his authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the legal department of the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this code.

104.2.11 REPORTS AND RECORDS. The Building Official shall submit a report to the proper County official not less than once a year covering the work of the department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this Code.

The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

104.2.12 POWER OF CITATION. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code section 836.5, the Building Official and certain of his authorized subordinates as hereinafter provided shall have the power of arrest without warrant whenever they have reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a

violation of the provisions of this Code or any other ordinance or statute which the Building Official has a duty to enforce.

The persons who are authorized to make arrests as herein provided shall consist of the Building Official and those of his subordinates as he may from time to time designate, whose duties include inspection and enforcement activities for Ventura County.

In any case in which a person is arrested pursuant to this section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C (commencing with section 853.6) of the California Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this section.

104.2.13 NOTICE OF INTENT TO RECORD NOTICE OF NONCOMPLIANCE AND RECORDATION OF NOTICE OF NONCOMPLIANCE. Whenever the Building Official determines that work has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Building Official shall post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall described the property, shall set forth the noncomplying conditions, and shall inform the owner(s) that the Building Official shall record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeal.

A. If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeal, the Building Official shall record a Notice of Noncompliance.

B. If a timely appeal is filed with the Board of Appeal and the Board finds that the noncomplying conditions have not been corrected and need to be corrected, the Building Official shall record a Notice of Noncompliance.

Under either A or B above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall described the property, shall set forth the noncomplying conditions, and shall state that the property owner(s) have been notified.

If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or removed, the Building Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the noncomplying conditions have been corrected or removed. A fee as set forth in the Ventura County Building Code Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

104.2.14 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT. Whenever the Building Official ascertains that any building service equipment regulated in the referenced technical codes has become hazardous to life, health or property, or becomes insanitary, he shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written order itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When any building service equipment is maintained in violation of this code and in a violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

104.2.15 AUTHORITY TO DISCONNECT UTILITIES. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to a building, structure or building service therein regulated by this code, or the referenced technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupants of the building or structure of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupants of the building or structure, in writing, of such disconnection immediately thereafter.

104.2.16 RECONNECTION AFTER ORDER OF DISCONNECTION. No person shall make connections from any energy, power or fuel supply, nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24 (CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

Sec. 106 PERMITS

106.1 PERMITS REQUIRED. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, building service equipment, machine, equipment, or cause the same to be done, without first obtaining the necessary permit for each such building or structure from the Building Official. The terms "erect, construct, enlarge, alter, repair," etc. as used above shall be deemed to include any and all electrical, plumbing, mechanical, grading, or other work regulated by this Code.

106.1.1 STREAMLINED PERMITS FOR CERTAIN AGRICULTURAL BUILDINGS, GREENHOUSES AND SHADE STRUCTURES. The provisions of this code with respect to plan review and inspection shall not apply to certain agricultural buildings, greenhouses and shade structures as specified herein, provided that all of the following conditions are met:

1. The building or structure is used exclusively as an agricultural building as defined in the Uniform Building Code (U.B.C.), and is not designed, equipped or intended for human occupancy or any use other than as an agricultural building, and

2. The building or structure is detached, single story, not over 15 feet in height as defined in the U.B.C., and is of conventional wood frame (Type V-N) construction, and

3. The floor area of the building or structure does not exceed the following limits:

   a. On sites of 10 acres or more in size: 3,000 square feet.

   b. On sites 2 acres or more but less than 10 acres in size: 1,500 square feet, except for nurseries.

   c. On sites 2 acres or more but less than 10 acres in size: 3,000 square feet for nurseries licensed by the Agricultural Commissioner.

   d. On sites less than 2 acres in size: none.

   e. Shade cloth structures without permanently affixed sides: 12,000 square feet, and

4. The building is determined to be exempt from requirements for preparation of plans by a professional engineer or architect as set forth in the California Professional Engineer's or Architect Act, and

5. A Zoning Clearance as an agricultural building, greenhouse or shade structure for the building or structure is approved by the Planning Division, and

6. Approval from the Environmental Health Division is obtained for properties with septic systems, and

7. Approval from the Flood Control Department of the Public Works Agency is obtained as required, and

8. Approval from the Ventura County Fire Department is obtained relative to access, water supply, fire sprinkler, brush clearance and high fire hazard area requirements for any barn or storage structure designed and constructed to house farm implements, hay, grain, poultry or livestock in excess of 1,500 square feet in area; and where a review for other types of agricultural buildings up to 3,000 square feet in area in not required; and

9. Approval from the Development and Inspection Services Division of the Public Works Agency is obtained when a grading permit is required, and

10. A code complying exit is provided from the building or structure, and

11. There is no plumbing, mechanical or electrical work proposed for the building or structure.

106.1.1.1 FEES FOR STREAMLINED AGRICULTURAL BUILDING PERMITS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to agricultural buildings, greenhouses and shade structures qualifying for the above procedure under the provisions of that subsection.

106.1.1.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.1.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

106.1.2 PERMITS FOR SMALL AGRICULTURAL PRODUCE STANDS. The provisions of this Code with respect to plan review and inspection shall not apply to agricultural produce stands, as specified herein, provided that all of the following conditions are met:

1. A Zoning Clearance for the produce stand is approved by the Planning Division.
2. Approval for the sale of agricultural products is obtained from the Environmental Health Division.
3. Approval from the Environmental Health Division is obtained for properties with septic systems.
4. The produce stand is used exclusively for the sale of agricultural produce only.
5. The floor area of the building does not exceed 400 square feet and is a single story, conventional wood frame structure of type V-N construction.
6. An area equivalent to at least 65% of the area of the longest side is left open and unobstructed during business hours.
7. A code complying exit is provided from the structure.

106.1.2.1 FEES FOR SMALL AGRICULTURAL PRODUCE STANDS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to produce stands qualifying for exemption under the provisions of this subsection.

106.1.2.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.2.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

106.1.3 WAIVER OF PERMIT. The Building Official may, by administrative order, waive permit requirements for work which is not inimical to the public health, safety or welfare, or which because of its temporary nature or special purpose, does not fall within the purview or intention of this Code.

106.1.4 EMERGENCY BUILDING PERMITS. The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

Emergency repairs to plumbing, electrical, and mechanical installations may be initiated prior to obtaining the required permits, provided that such work was urgently necessary and it was impractical to obtain the permits prior to commencement of the work. Permits for all such work shall be obtained as soon as it is practical to do so.

Sec. 106.2 EXEMPTED WORK. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, patio covers, playhouses, playground or athletic equipment and similar uses provided the floor area does not exceed 120 square feet.

2. Fences not over 6 feet high measured from highest point of grade, unless supporting a surcharge or structural element.

3. Oil derricks.

4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

5. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and wood decks not more than 30 inches above grade at any point and not over any basement or story below, nor supporting any structure above.

8. Painting, papering, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported completely by an exterior wall of Group R, Division 3 or Group U, Division 1 Occupancies when projecting not more than 54 inches nor encroaching into required yards.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

13. Freestanding signs not more than 10 feet in height and not more than 72 square feet in area and wall signs not more than 200 square feet in area.

14. Residential television and radio antennas and dish antennas not more than 3 feet in diameter with an approved zone clearance.

15. Commercial antennas not over 15 feet in height when in compliance with the County Zoning Ordinance.

16. Electrolier standards and flag poles not over 35 feet in height when in compliance with the County Zoning Ordinance.

17. Readily removable plastic covered hoop structures without in-ground footings or foundations that are not more than 8' in height.

18. Agricultural wind generating machines except that an electrical or gas permit is required if they are connected to a commercial utility.

19. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade and not more than 1,000 square feet of roof area.

Unless otherwise exempted, separate plumbing, mechanical and electrical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Sec. 106.3 - APPLICATION

106.3.1 APPLICATION FOR PERMIT. To obtain a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

1. Give such information as may be required by the Building Official, County Agencies, or State Law.

2. Be accompanied by such plans, diagrams, computations, schedules, specifications and other data as may be necessary to determine compliance with this Code and other applicable codes, laws, ordinances, rules and regulations.

106.3.2 SUBMITTAL DOCUMENTS.

Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal

documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Computations, diagrams, schedules, soil reports, geological or geotechnical reports, and other data sufficient to show the correctness and adequacy of the plans shall be submitted when required by the Building Official.

A Survey of a lot may be required by the Building Official to assure that a structure is located in accordance with requirements, and/or is situated with respect to Mean Sea Level such that it complies with regulations governing construction in flood-prone areas.

Sec. 106.4 - PERMITS ISSUANCE

106.4.1 PERMIT ISSUANCE AND DENIAL. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees have been paid, he shall issue a permit therefor to the applicant.

Except where special building designs or other mitigating measures have been approved by the Building Official and cooperating officials of other County agencies, a building permit may be denied where physical features of a building site are such that a denial of the building permit is deemed necessary to safeguard life or limb, health, property, or public welfare. Physical features which justify the denial of a permit shall include but shall not be limited to:

1. Precipitous cliffs or other nearby vertical land masses of unknown stability.
2. Unstable soils or geologic conditions.
3. Terrain which is subject to flooding, inundation, or sever soil erosion.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been found complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building or structure will be granted.

106.4.1.1 PERMIT ISSUANCE: RESTRICTIONS. The issuance of permits shall be restricted to those applicants or their authorized representatives who are entitled by the regulations and the exemptions in the State Contractor's License Law, Business and Professions Code, and other applicable statutes to perform work regulated by this Code.

1. Owner-Builder permits may be issued to a property owner building or improving his/her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

(a) The residence is not intended or offered for sale.

(b) The homeowner has actually resided in the residence for the 12 month period prior to the completion of the work for which the permits is issued.

2. Owner-Builder permits may be issued to a property owner building or improving structures thereon who contract for such projects with licensed contractors pursuant to Division 3, Chapter 9, of the California Business and Professions Code.

3. Tenant Improvement permits may be issued to tenants when authorized by the building owner for work within the tenant space.

106.4.4 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days after the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the work authorized by such permit does not receive final inspection approval within 3 years from the issuance date of the permit. Before such work may be recommenced, a new or renewed permit shall first be obtained to do so. The fee therefor shall be based upon the valuation and extent of work remaining to complete the project, but such fee shall not exceed one-half the current permit fee providing no changes have been made or will be made in the original plan and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may perform work under that permit when he is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may, without requiring payment of an additional permit fee, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Demolition permits issued for the correction of violations shall expire after 30 days.

For the purpose of this Section "suspended or abandoned" shall be measured as elapsed time between approved REQUIRED INSPECTIONS as delineated in UBC Sections 108.5 through 108.7.

106.4.5 SUSPENSION OR REVOCATION OF PERMIT. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code or for just cause.

106.4.6 PERMITS TRANSFERABLE. Permits required by this Code may be transferred from the original permittee to second parties when legal requirements have been satisfied, when approved by the Building Official, and when applicable fees have been paid.

106.4.7 ANNUAL MAINTENANCE PERMITS. The Building Official may, upon receipt of the required fee, issue an annual maintenance permit to any authorized person, firm, or corporation regularly engaged in the repair, replacement, or facility maintenance of electrical, plumbing, or mechanical systems regulated by this Code. The annual maintenance permit shall cover maintenance work which is performed on the specific premises of a person, firm or corporation and shall entitle the holder to be issued permits for said work on a monthly basis in lieu of obtaining individual permits prior to each installation or alteration of electrical wiring, plumbing, or mechanical equipment.

The holder of an annual maintenance permit shall report all work done under the permit on a form furnished for the purpose not more than fifteen (15) days following the end of each calendar

month, or as otherwise approved by the Building Official. Each such report shall be accompanied by required fees.

Annual Maintenance Permits shall only be applicable to commercial and industrial facilities.

Sec. 107 - FEES

107.1 GENERAL. Fees for permits and services rendered pursuant to this Code shall be assessed as set forth in this Code, and in accordance with the Ventura County Building Code Fee Schedule as established by the Board of Supervisors.

107.2 BUILDING PERMIT FEES. The fee for each building permit shall be as set forth in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.2.1 ELECTRICAL PERMIT FEES. The fee for each electrical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.2 MECHANICAL PERMIT FEES. The fee for each mechanical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.3 PLUMBING PERMIT FEES. The fee for each plumbing permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.4 OTHER FEES. Other fees charged for services by the Division of Building and Safety shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.3 PLAN REVIEW FEES. When a plan or other data are required to be submitted by Sec. 106.3.2, a plan review fee shall be paid at the time of submitting plans and data for plan review. Said plan review fee shall be 75 percent of the building permit fee as shown in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The plan review fees specified in this subsection are separate fees from the permit fees, and are in addition to the permit fees.

The amount of the plan review fee for the initial submittal of a "Standard Plan" as defined herein shall be the full plan review fee as specified above. The plan review fee for subsequent submittals of a plan which qualifies as a "Standard Plan" shall be one-half of the initial plan review fee. "Standard Plan is hereby defined as a prototype plan for a building or structure which is to be utilized at more than one site, and which incorporates the same essential structural features, design, dimensions and calculations as the original approved plan. A "Standard Plan" shall be void three years after its original approval or upon revision of the applicable codes under which it was initially reviewed, or at the discretion of the Building Official."

When plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged but such fee shall not exceed one-half the initial plan review fee. Corrected plans which are resubmitted to the Division of Building and Safety for approval subsequent to initial plan review shall not be subject to an additional plan review fee. The fee for

additional plan review may be waived by the Building Official when the time consumed in the performance of such service totals less than one-half hour.

107.4 EXPIRATION OF PLAN REVIEW. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When plans are resubmitted for checking after expiration of plan review and no changes have been made or will be made in the original plans and specifications for the work, and no code changes have occurred, the plan review may be renewed for 180 days and the plan review fee may be one-half the current plan review fee provided the re-submittal has not exceeded one year from the expiration date.

107.5 INVESTIGATION FEES: WORK WITHOUT PERMIT.

107.5.2 FEE. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the Ventura County Building and Safety Fee Schedule.

The payment of such investigation fee shall not exempt any person from compliance with all applicable provisions of this code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

107.6 FEE REFUNDS. The Building Official may authorize the refunding of fees upon written application by the original permittee, within the limitations set forth herein:

(a) Permit issuance fees shall be nonrefundable except as provided in subsection (c) below.

(b) Any fee totaling thirty-five dollars ($35) or less, exclusive of any issuance fee, if any, shall be nonrefundable except as specified in subsection (c) below.

(c) 100% of any fee erroneously paid or collected shall be refundable, except for that portion paid for State Seismic Fee (SMIP).

(d) 90% of any plan review fee, less a cancellation fee, shall be refundable when the permit application is withdrawn or canceled prior to commencement of plan review.

(e) 90% of any permit fee, less a cancellation fee and State of California Seismic Fee (SMIP), shall be refundable when none of the work covered by such permit has commenced.

(f) 90% of any Board of Appeals hearing fee, less a cancellation fee, shall be refundable when such hearing is canceled prior to the issuance of a Notice of Hearing pertaining to the case.

Failure of the permittee to make written application for a refund within 180 days of cancellation or expiration of a plan review, permit, hearing, or request for service for which a fee has been paid, shall constitute a waiver of entitlement to a refund. No partial refund shall be authorized nor credit be applied against other fees which may be payable to the Division of Building and Safety when a construction project is canceled or abandoned subsequent to partial completion of the building or work authorized by a permitted.

107.7 CANCELLATION FEE. Refunds of fees for permits and services associated with construction projects which are canceled or withdrawn prior to commencement of plan review, inspection, or performance of other service by the Division of Building and Safety shall be subject to a cancellation fee as set forth in the Ventura County Building and Safety Fee Schedule.

Sec. 108 - INSPECTIONS

108.1. GENERAL.

All construction or work for which a permit is required shall be subject to inspection by the building official to ensure compliance with the requirements of this Code and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701.5.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official by telephone, orally, or in writing when said work is ready for inspection. Such notification shall be given at least one working day before such inspection is desired.

No portion of any building, structure, wiring, plumbing, ductwork or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official. The Building Official shall have authority to remove, or to require the removal of, any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, ductwork, electrical, or mechanical equipment, as necessary to verify compliance with the approved drawing or codes.

108.4 APPROVALS REQUIRED. Work shall not be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required in subsection 108.5 in the UBC and by other applicable laws and ordinances.

There shall be a final inspection and approval on all buildings when completed and ready for occupancy. An approval for occupancy and the issuance of a clearance by the Building Official for the connection of utilities to any building or structure shall be contingent upon compliance with provisions of this Code and any other applicable laws and ordinances.

When, in the judgment of the Building Official, unusual conditions exist which justify the connection of utilities prior to completion of a building or structure, a temporary clearance may be issued for such connection.

SECTION 109 - CERTIFICATE OF OCCUPANCY

109.3 CERTIFICATE ISSUED. After the building official inspects the building or structure and finds no violations of the provisions of this code, including type of occupancy and use of the building, or other laws or regulations enforced by the code enforcement agency, the building official shall issue a Certificate of Occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and mailing address of the owner.
4. The name and mailing address of the tenant.
5. A description of that portion of the building, including floor area (in square feet) for which the certificate is issued.

6. A statement that the described portion of the building has been inspected for compliance with this code for the group and division of occupancy and the use for which the designated occupancy is classified.

7. The name of the building official.

8. The date that the Certificate of Occupancy was issued.

The Certificate of Occupancy shall run concurrently with the tenancy of the building. Subsequent tenants shall be required to obtain a Certificate of Occupancy in their name.

109.4 TEMPORARY OR PARTIAL CERTIFICATE. Upon application by the owner, and for reasonable cause, if the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the entire building is completed, a Temporary or Partial Certificate of Occupancy may be issued for a portion or portions of the building. Such Temporary or Partial Certificate must include compliance with this code for all required access and exiting systems, toilet facilities and fire protection equipment and systems.

Upon completion of the entire structure all Temporary or Partial Certificates shall be surrendered to the building official in exchange for a final Certificate of Occupancy, as specified in UBC Section 109.3.

ARTICLE 3 - AMENDMENTS TO THE CALIFORNIA BUILDING CODE (CBC)

CHAPTER 2 - DEFINITIONS

Sec. 200 - GENERAL AMENDMENTS

See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more specific shall apply.

Sec. 201 - DEFINITIONS

201.1.1 DEFINITIONS. Whenever in this Code, or in any of the codes herein adopted, the following names or terms are used, they shall have the meanings set out herein.

Section 202-A
"APARTMENT HOUSE" shall mean any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums and townhouses.
Section 203-B
"BUILDING OFFICIAL" or **"building official"** shall mean the person appointed by the Director of the Resource Management Agency charged with the administration of the Division of Building and Safety, or a duly authorized representative.
Exceptions: 1. For the purpose of administering APPENDIX Chapter 33 - of the Uniform Building Code as amended, Excavation and Grading, the term "Building Official" shall mean the Director of Public Works Agency, or a duly authorized representative. The Director of Public Works Agency or his duly authorized representative shall assume the power of citation for enforcement of APPENDIX Chapter 33 - as said Power of Citation is described in ARTICLE II - Chapter 1, Section 104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL, subsection 104.2.12 - POWER OF CITATION, in this ordinance.

2. For the purpose of administering those requirements of Chapter 7 and APPENDIX K of the Uniform Plumbing Code pertaining to the approval, permitting and inspection of private sewage disposal systems, the term "Building Official" shall mean the Environmental Health Officer or the Director of Building and Safety, or a duly authorized representative. The Environmental Health Official or his duly authorized representative shall assume the power of citation for the enforcement of Chapter 7 and APPENDIX K of the UPC as said Powers of Citation are described in ARTICLE 2 - Chapter 1, Section 104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL, Subsection 104.2.12 - POWER OF CITATION, in this ordinance.
3. For the purposes of administering provisions of the Uniform Housing Code pertaining to the abatement of health hazards, the term "Building Official" shall mean the manager of the Division of Building and Safety and/or the Environmental Health Officer, or a duly authorized representative.

"BUILDING SERVICE EQUIPMENT" Shall mean the plumbing, mechanical, electrical, and elevator equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of a building or structure for its designated use and occupancy.

Section 204-C
"CHIEF ELECTRICAL INSPECTOR," "ADMINISTRATIVE AUTHORITY" and all other terms and designations indicating the person authorized and directed to carry out, enforce and

exercise governmental rights, privileges and duties shall, unless expressly indicated otherwise, mean the Building Official and any duly authorized deputies, assistants, and inspectors.

"CITY," "COUNTY," and other terms designating the local governmental entity having jurisdiction, shall mean the County of Ventura or the area under its jurisdiction.

Section 205-D

"DIRECTOR OF PUBLIC WORKS" shall mean the Director of Public Works except that it shall mean the Building Official for purposes of directing work of repair or demolition having an estimated cost of $4,000 or less pursuant to Section 1401.3 in the Uniform Housing Code and Section 701.3 in the Dangerous Buildings Code.

Section 206-E

"ENVIRONMENTAL HEALTH OFFICER" or **"ENVIRONMENTAL HEALTH OFFICIAL"** shall mean the duly appointed Director of the Environmental Health Department of the County or a duly authorized representative.

Section 207-F

"FIRE DEPARTMENT" shall mean the Ventura County Fire Protection District or the fire service agency having jurisdiction.

207-F **"FLOOD HAZARD AREA"** is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Control Department of the Public Works Agency.

Section 208-G

GRADE (Adjacent Ground Elevation for Structures within FLOOD HAZARD AREAS) is the point of elevation 12 inches above the highest elevation of the paved portion of the roadway adjacent to the subject lot, or the minimum height above mean sea level, whichever is the highest, as determined by the Flood Control Division of the Public Works Agency. (The Flood Control minimum elevation relates to the lowest habitable floor elevation; therefore, "GRADE" shall be established as the lowest habitable floor minus 6 inches in determining Reference Datum for measuring the maximum height of a structure.)

209-H **HABITABLE SPACE** (room) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls storage or utility space, and similar areas, are not considered habitable space.

EXCEPTION: For structures located within Flood Hazard Areas, bathrooms, toilet compartments, closets and laundry areas shall be considered as Habitable Space.

Section 217-P

"PERSON," "FIRM," or **"CORPORATION"** shall mean any and all entities of whatsoever nature or kind, including but not limited to individuals, owners, tenants, lessees, unions or organizations, cooperatives and trusts, corporations, partnerships whether general or limited, and unincorporated associations and shall include the plural as well as the singular number, the male and female gender, and all governmental entities subject in whole or in part to this Code and the codes adopted by reference herein.

Section 220-S

STORY, FIRST, is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided that such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.

EXCEPTION: For structures located within Flood Hazard Areas, see Section UBC 208 for definition of "GRADE (adjacent Ground Elevations for Structures within FLOOD HAZARD AREAS).

CHAPTER 6 - TYPES OF CONSTRUCTION

SECTION 607 - HIGH FIRE HAZARD AREAS

Sec. UBC 607.1 HIGH FIRE HAZARD AREA DEFINED. For the purpose of this code, certain areas in the unincorporated territory of the County shall be classified as the High Fire Hazard Area by the Ventura County Fire Protection District. The High Fire Hazard Area is defined as any area within 500 feet of uncultivated brush, grass, or forest-covered land wherein an authorized representative of said District determines that a potential fire hazard exists due to the presence of such flammable growth.

Sec. UBC 607.2 CONSTRUCTION REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Buildings or structures hereafter erected, constructed or moved within or into designated high fire hazard areas, including mobilehomes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section. Although their installation is encouraged, neither manual nor automatic fire extinguishing systems or similar water spraying devices may be substituted for the fire protection set forth herein.

607.2.1 ROOFS. Roof coverings shall be fire retardant Class A. as specified in Section 1504 in the UBC.

607.2.2 EXTERIOR WALLS. Fire-resistive protection of exterior walls and openings, as determined by location on property, shall be as required by Section 503 in the UBC.

EXCEPTION: No exterior wall covering of a building shall provide less fire resistance than that afforded by: 7/8-inch exterior cement plaster; 1-inch nominal thickness solid wood siding; 1/2-inch textured plywood siding having a groove depth of 1/8-inch or less; 7/16-inch hardwood siding; 5/8-inch particleboard, exterior type 2-M; or 5/8-inch exterior plywood, T1-11, having a groove depth of 1/4-inch or less. Fire-retardant treated or untreated wood shingle or shake siding shall not be permitted.

607.2.3 UNDERFLOOR AREAS. Where underfloor areas are not enclosed by fire-resistive construction conforming to the requirements of subsection 607.2.2 above, the underside of the floor system shall be fire-protected as set forth in subsection 607.2.4.

607.2.4 PROJECTIONS AND OTHER BUILDING ELEMENTS EXPOSED TO FIRE. Architectural projections such as roof overhangs and soffits, balconies and decks, and other elements of building which have combustible structural elements in the horizontal plane, shall be protected with materials approved for 1-hour fire-resistive construction on the lower, fire-exposed side and shall have 1-hour fire-resistive supporting columns unless the details of construction conform to those for heavy timber as described in Section 605 in the UBC.

EXCEPTIONS: 1. Combustible structural members in horizontal projections may be unprotected timbers of size 4 x 6 or larger when used as rafters or as stair, balcony, or deck supports or for similar purposes.

2. Patios, carports, arbors and open latticework sunshades may be constructed of any materials allowed by this Code.

3. Balconies and decks 30 inches or more above grade may have flooring of not less than 2-inch nominal thickness lumber or material of equivalent fire resistance. Such flooring may be spaced not more than 1/4-inch apart and need not be fire protected on the underside.
   Balconies and decks less than 30 inches above grade shall be solidly floored without gaps and shall be fire-protected on the underside as required by this Section. In lieu of fire protection, such balconies and decks may be enclosed from floor surface to grade in the manner prescribed for exterior walls in subsection 607.2.2 of this Section.
4. Combustible exterior columns directly supporting roofs, stairs, balconies, and decks may be size 4 x 4 or larger. Columns and beams supporting interior floor loads may be size 6 x 6 or larger.

607.2.5 VENTILATION OPENINGS. Attic or foundation ventilation opening or louvers shall not be located at or within 18", measure vertically, of eaves or rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire in adjacent hazardous grass or brush areas.

607.3 WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of UBC 607.2.1 through 607.2.5 above, in whole or in part, for specific construction projects within the High Fire Hazard Area when such waiver is approved by an authorized representative of the Ventura County Fire Protection District, based upon site conditions which justify a reduction in fire resistance.

CHAPTER 16 - DIVISION I - STRUCTURAL FORCES

Sec. 1611 OTHER MINIMUM LOADS.

1611.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1803 SOIL CLASSIFICATION - EXPANSIVE SOIL.

1803.2 EXPANSIVE SOIL. The expansive characteristics of soil shall be determined by procedures in accordance with UBC Standard Number 18-1 and the soils shall be classified according to Table Number 18-1-B of this Code. Foundations for structures bearing on soils with an expansion index greater than 20, as determined by UBC Standard Number 18-2, shall require special design consideration. In the event the soil expansion index varies with depth, the weighted index shall be determined according to Table Number 18-1-C in the UBC. The Soil Expansion Index shall be listed in all soils investigation reports.

A test to determine the soil expansion index shall be conducted for each building site except that in subdivisions the frequency of testing need not exceed one test per five contiguous lots or one test per five acres, whichever are is smaller. Such tests shall be made after rough grading is completed. Tests shall include a determination of the expansion index for the most expansive soil encountered within the top four feet at each test location whether in cut or fill or a combination thereof.

The expansion index for soil on subdivision lots which have not been individually tested shall be assumed to correspond to the highest reading determined by tests on proximate lots.

Section 1804 FOUNDATION INVESTIGATION.

1804.1. GENERAL. The classification of the soil at each building site shall be determined when required by the Building Official. Such determination shall be made by a California-licensed civil engineer experienced in soil engineering.

1804.2 INVESTIGATION. The classification of soil shall be based on observation and necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be required to evaluate soil strength, the effect of moisture variation on soil bearing capacity, compressibility, liquefaction and expansiveness.

In Seismic Zones 3 and 4, when required by the building official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

EXCEPTIONS: 1. The building official may waive this evaluation upon receipt of written opinion of a qualified geotechnical engineer or geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy with or without attached garages and single-story accessory structures thereto.

3. Group U, Division 1 Occupancies.

4. Fences.

5. Detached single-story Group U, Division 3 occupancies.

Whenever, in the opinion of the Building Official, the adequacy and stability of a building site cannot be determined by the test borings or excavations required by this Section he may require a special geologic, geotechnical, hydrologic, seismic, or other investigation and report. Geologic investigations such as those for hillside stability or seismic hazards shall be conducted by a California-certified Engineering Geologist.

1804.7 DRAINAGE AND MOISTURE PROTECTION.

1804.7.1 GENERAL. Provisions shall be made for the control and drainage of surface water around buildings. Concentrated drainage such as rainwater from gutters and downspouts, scuppers, and roof valleys shall be diverted away from building foundations by means of concrete splash blocks and/or other approved non-erosive devices. Underfloor access crawl holes, vents, and similar

openings below grade shall be provided with curbs extending not less than six (6) inches above adjacent grade to prevent surface water from entering the underfloor area.

1804.7.2 ROOF GUTTERS AND DOWNSPOUTS. When buildings are located on expansive soil having an expansion index greater than 50, gutters, downspouts, piping, and/or other non-erosive devices shall be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.

1804.7.3 VAPOR BARRIER. An approved vapor barrier shall be installed below concrete slab-on-grade floors of all residential occupancies in such a manner as to form an effective barrier against the migration of moisture into the slab. When sheet plastic material is employed for this purpose it shall be not less than 6 mils (.006 inch) in thickness. The installation of a vapor barrier shall not impair the effectiveness of required anchor bolts or other structural parts of a building.

Foundations at the perimeter of concrete floor slabs shall form a continuous moisture barrier of portland cement concrete or solid grouted masonry to the depths required by Table UBC 18-1-D in the ordinance.

1804.7.4 GROUNDWATER. Where the probability of groundwater intrusion into underfloor areas is found to exist, foundations and crawl spaces shall be designed to mitigate ponding, excess moisture conditions, and settlement of footings. (Refer to APPENDIX CHAPTER 18 for waterproofing and dampproofing of foundations.)

1806 FOOTINGS.

Section 1806.1. GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with Chapter 18, Division II and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings, foundations, and concrete slab floors at or below grade shall be constructed to comply with Table UBC 18-1-D (Rev.) and footnotes thereto in this ordinance, except when an approved alternative design is provided based on a foundation investigation. UBC Table 18-1-D and footnotes thereto in the UBC is hereby deleted in its entirety, and is replaced by VCBC Table UBC 18-1-D (Rev.) and footnotes thereto, published herewith.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind or wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards. See Section 3302 for subsoil preparation and wood form removal.

1806.11 HOLD-DOWN CONNECTORS.

1. All bolt-holes shall be 1/16" (max) over-sized at the connection of hold-downs to posts.

2. Hold-down connection bolts/nuts shall be torqued ½ turn beyond finger tight or as required by manufacturer.

3. Approved plate washers, in-lieu of cut washers, shall be provided for all plywood shearwall sill plate anchor bolts. See Table "A" below.

4. Approved plate washers, in-lieu of cut washers, shall be provided for hold-down connector bolts at shearwall wood flanges. See Table "A" below.

TABLE - A

MINIMUM SIZE FOR SQUARE PLATE WASHERS

BOLT SIZE	PLATE SIZE
1/2"	3/16" x 2" x 2"
5/8"	1/4" x 2 1/2" x 2 1/2"
3/4"	5/16" x 2 3/4" x 2 3/4"
7/8"	5/16" x 3" x 3"
1"	3/8" x 3 1/2" x 3 1/2"

1806.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Where additional foundation plate anchor bolts are required after foundations are completed, drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

1806.13 GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table UBC 18-1-D (Rev.), whichever is deeper, reinforced as specified for continuous foundations in Table UBC 18-1-D, shall be provided at garage door openings.

1806.14 FIREPLACE FOOTINGS. Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table UBC 18-1-D (Rev.).

TABLE 18-1-D (REV.)
MINIMUM FOUNDATION REQUIREMENTS*

WEIGHTED EXPANSION INDEX	FOUNDATION FOR SLAB & RAISED FLOOR SYSTEM (4) (8)							CONCRETE SLABS (8)		PREMOISTENING OF SOILS UNDER FOOTINGS, PIERS AND SLABS (4) (5)	RESTRICTION ON PIERS UNDER RAISED FLOORS
	NUMBER OF STORIES	STEM THICKNESS	FOOTING WIDTH	FOOTING THICKNESS	ALL PERIMETER FOOTINGS (5)	INTERIOR FOOTINGS FOR SLAB AND RAISED FLOORS (5)	REINFORCEMENT FOR CONTINUOUS FOUNDATIONS (2) (6)	3-1/2" MINIMUM THICKNESS			
					DEPTH BELOW NATURAL SURFACE OF GROUND AND FINISH GRADE			REINFORCEMENT (3)	TOTAL THICKNESS OF SAND (10)		
		(INCHES)									
0 - 20 Very Low (non-expansive)	1 2 3	6 8 10	12 15 18	6 7 8	12 18 24	12 18 24	1-#4 top and bottom	#4 @ 48" o.c. each way, or #3 @ 36" o.c. each way	2"	Moistening of ground recommended prior to placing concrete	Piers allowed for single floor loads only
21-50 Low	1 2 3	6 8 10	12 15 18	6 7 8	15 18 24	12 18 24	1-#4 top and bottom	#4 @ 48" o.c. each way, or #3 @ 36" o.c. each way	4"	120% of optimum moisture required to a depth of 21" below lowest adjacent grade. Testing required.	Piers allowed for single floor loads only
51-90 Medium	1 2	6 8	12 12	6 8	21 21	12 18	1-#4 top and bottom	#3 @ 24" o.c. each way	4"	130% of optimum moisture required to a depth of 27" below lowest adjacent grade. Testing required	Piers not allowed
	3	10	15	8	24	24	#3 bars @ 24" in ext. footing Bend 3' into slab (7)				
91-130 High	1 2	6 8	12 12	8 8	27 27	12 18	2-#4 Top and Bottom	#3 @ 24" o.c. each way	4"	140% of optimum moisture required to a depth of 33" below lowest adjacent grade. Testing required.	Piers not allowed
	3	10	15	8	27	24	#3 bars @ 24" in ext. footing Bend 3' into slab (7)				
Above 130 Very High	Special design by licensed engineer/architect										

*Refer to next page for footnotes (1) through (11).

FOOTNOTES TO TABLE UBC 18-1-D (Rev)

1. Premoistening is required where specified in Table UBC 18-1-D in order to achieve maximum and uniform expansion of the soil prior to construction and thus limit structural distress caused by uneven expansion and shrinkage. Other systems which do not include premoistening may be approved by the Building Official when such alternatives are shown to provide equivalent safeguards against the adverse effects of expansive soil.

2. Reinforcement for continuous foundations shall be placed not less that 3" above the bottom of the footing and not less than 3" below the top of the stem.

3. Reinforcement shall be placed at mid-depth of slab.

4. After premoistening, the specified moisture content of soils shall be maintained until concrete is placed. Required moisture content shall be verified by an approved testing laboratory not more than 24 hours prior to placement of concrete.

5. Crawl spaces under raised floors need not be premoistened except under interior footings. Interior footings which are not enclosed by a continuous perimeter foundation system or equivalent concrete or masonry moisture barrier complying with UBC 1804.7.3 in this ordinance shall be designed and constructed as specified for perimeter footings in Table UBC 18-1-D (Rev.).

6. Foundation stem walls which exceed a height of three times the stem thickness above lowest adjacent grade shall be reinforced in accordance with Chapter 21 and Sec. 1914 in the UBC, or as required by engineering design, whichever is more restrictive.

7. Bent reinforcing bars between exterior footing and slab shall be omitted when floor is designed as an independent, "floating' slab.

8. Where frost conditions or unusual conditions beyond the scope of this table are found, design shall be in accordance with recommendations of a foundation investigation. Concrete slabs shall have a minimum thickness of 4 inches when the expansion index exceeds 50.

9. The ground under a raised floor system may be excavated to the elevation of the top of the perimeter footing, except where otherwise required by engineering design or to mitigate groundwater conditions.

10. When subsoil drainage is required by the building official, refer to Sec. UBC APPENDIX 18.

11. Where a post-tensioning slab system is used, the width and depth of the perimeter footings shall meet the requirements of this table.

CHAPTER 23 - WOOD

TABLE 23-II-G MAXIMUM DIAPHRAGM DIMENSION RATIOS

MATERIAL	HORIZONTAL DIAPHRAGMS	VERTICAL DIAPHRAGMS
	Maximum Span-Width Ratios	Maximum Height-Width Ratios
1. Diagonal sheathing, conventional	3:1	1:1
2. Diagonal sheathing, special	4:1	2:1
3. Wood structural panels and particleboard, nailed all edges	4:1	2:1
4. Wood structural panels and particleboard, blocking omitted at intermediate joints	4:1	NP

TABLE 23-II-1-1 — ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES IN POUNDS PER FOOT FOR WOOD STRUCTURAL PANEL SHEAR WALLS WITH FRAMING OF DOUGLAS FIR-LARCH OR SOUTHERN PINE.[1, 2, 3, 4]

PANEL GRADE	MINIMUM NOMINAL PANEL THICKNESS (INCHES)	MINIMUM NAIL PENETRATION IN FRAMING (INCHES)	PANELS APPLIED DIRECTLY TO FRAMING					PANELS APPLIED OVER ½-INCH (13 mm) OR ⅝-INCH (16 mm) GYPSUM SHEATHING				
			Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm				Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm			
				6	4	3	2		6	4	3	2
	x 25.4 for mm			x 0.0146 for N/mm					x 0.0146 for N/mm			
Structural I	5/16	1 1/4	6d	150	225	293	383	8d	150	225	293	383
	3/8	1 1/2	8d	173[5]	270[5]	345[5]	458[5]	10d[6]	210	323	413	548
	7/16			191[5]	296[5]	379[5]	503[5]					
	15/32			210	323	413	548					
	15/32	1⅝	10d[6]	255	383	499	653	–	–	–	–	–
C-D, C-C Sheathing, plywood panel siding and other grades covered in U.B.C. Standard 23-2 or 23-3	5/16	1¼	6d	135	203	263	338	8d	135	203	263	338
	3/8			150	225	293	383		150	225	293	383
	3/8	1½	8d	165[5]	240[5]	308[5]	398[5]	10d[6]	195	368	368	480
	7/16			180[5]	263[5]	338[5]	439[5]					
	15/32			195	285	368	480					
	15/32	1⅝	10d[6]	233	345	450	578	–	–	–	–	–
	19/32			255	383	499	653					
			Nail Size (Galvanized Casing)					Nail Size (Galvanized Casing)				
Plywood panel siding in grades covered in U.B.C. Standard 23-2	5/16	1¼	6d	105	158	206	270	8d	105	158	206	270
	3/8	1½	8d	120	180	233	308	10d[6]	120	180	233	308

1 All panel edges backed with 2-inch (51 mm) nominal or wider framing. Panels installed either horizontally or vertically. Space nails at 6 inches (152 mm) on center along framing members for ⅜-inch (9.5 mm) and 7/16-inch (11 mm) panels installed on studs spaced 24 inches (610 mm) on center and 12 inches (305 mm) on center for other conditions and panel thicknesses. These values are for short-time loads due to wind or earthquake and must be reduced 25 percent for normal loading.

Allowable shear values for nails in framing members of other species set forth in Table 23-III-FF of Division III shall be calculated for all other grades by multiplying the shear capacities for nails in Structural I by the following factors: 0.82 for species with specific gravity greater than or equal to 0.42 but less than 0.49, and 0.65 for species with a specific gravity less than 0.42.

2 Where panels are applied on both faces of a wall and nail spacing is less than 6 inches (152 mm) on center on either side, panels joints shall be offset to fall on different framing members or framing shall be 3-inch (76 mm) nominal or thicker and nails on each side shall be staggered.

3 Framing at boundary and panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered for all plywood shear walls with shear values exceeding 300#/ft. Nailing edge distance for 3x boundary and panel edge members shall be ½-inch minimum.

4 The maximum allowable shear for 3-ply plywood, less than ⅝-inch thickness, shall not exceed 200#/ft. when used in shearwalls and framing of Douglas Fir-Larch or Southern Pine.

5 The values for ⅜-inch (9.5 mm) and 7/16-inch (11 mm) panels applied direct to framing may be increased to values shown for 15/32-inch (12 mm) panels, provided studs are spaced a maximum of 16 inches (406 mm) on center or panels are applied with long dimension across studs.

6 Fr[illegible]g at adjoining panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered where 10d nails having penetration into framing of more than 1⅝ inches (4[illegible]) are spaced 3 inches (76 mm) or less on center.

CHAPTER 25 - GYPSUM BOARD AND PLASTER

Section 2513 - SHEAR-RESISTING CONSTRUCTION WITH WOOD FRAME.

2513.4 HEIGHT TO LENGTH RATIO. The maximum allowable height-to length ratio for the construction in this section shall be 1 to 1. Wall sections have height-to-length ratios in excess of 1½ to 1 shall be blocked.

TABLE 25-I - ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES
IN POUNDS PER FOOT FOR VERTICAL DIAPHRAGMS OF
LATH AND PLASTER OR GYPSUM BOARD FRAME WALL ASSEMBLIES[1]

	TYPE OF MATERIAL	THICKNESS OF MATERIAL	WALL CONSTRUCTION	NAIL SPACING[2] MAXIMUM (inches)	SHEAR VALUE	MINIMUM NAIL SIZE[3]
		x 25.4 for mm		x 25.4 for mm	x 14.6 for N/m	x 25.4 for mm
1.	Expanded metal, or woven wire lath and portland cement plaster	7/8"	Unblocked	7	90	No. 11 gage 1 1/2" long, 7/16" head[4]
2.	Gypsum lath	3/8" lath and 1/2" plaster	Unblocked	7	30	No. 13 gage, 1 1/8" long, 19/64" head, plasterboard blued nail
3.	Gypsum sheathing board[5]	1/2" x 2' x 8'	Unblocked	7	30	No. 11 gage, 1 3/4" long, 7/16" head, diamond-point, galvanized
		1/2" x 4' 1/2" x 4'	Blocked Unblocked	7 7	30 30	
4.	Gypsum wallboard or veneer base[5]	1/2"	Unblocked	7	30	5d cooler (0.086" dia., 1 5/8" long 15/64" head) or wallboard (0.086" dia., 1 5/8" long, 9/32" head)
				7	30	
			Blocked	7	30	
				7	30	
		5/8"	Unblocked	7	30	6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head)
				7	30	
			Blocked	7	30	
				7	30	
			Blocked Two ply	Base ply: 7 Face ply: 7	60	Base ply - 6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head) Face ply - 8d cooler (0.113" dia., 2 3/8 long, 9/32" head) or wallboard (0.113" dia., 2 3/8" long, 3/8" head

[1]These vertical diaphragms shall not be used to resist loads imposed by masonry or concrete construction. See Section 2513.2. Values shown are for short-term loading due to wind or due to seismic loading in Seismic Zones 0, 1, 2A and 2B. Values shown must be reduced 25 percent for normal loading. The values shown in Items 2, 3 and 4 shall be reduced 50 percent for lading due to earthquake in Seismic Zones 3 and 4.

[2]Applies to nailing at all studs, top and bottom plates and blocking.

[3]Alternate nails may be used if their dimensions are not less than the specified dimensions.

[4]Required minimum nailing shall be No. 11 gage x 1 1/2" long galvanized nails with lath burred to 1/4" from the face of the building paper. Staples and self-barring lath shall not be permitted.

[5]Frame wall assemblies constructed of Portland cement plaster, gypsum sheathing board or gypsum wall board are not permitted to carry shear loads at ground floor of multi-level buildings.

CHAPTER 40

RELOCATED BUILDINGS AND TEMPORARY STRUCTURES

Sec. 40.1. GENERAL REQUIREMENTS. Buildings or structures moved into or within the County shall comply with the provisions of this Code for new buildings or structures except when otherwise permitted by this Code or by State law.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Sec. 40.2. PERMIT(S) REQUIRED. It shall be unlawful for any person, firm, or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office, or similar structure which is relocated as construction requires, into or within the County without first obtaining a permit to do so from the Building Official.

EXCEPTION: Buildings moved to the business premises of a house mover for the purpose of temporary storage.

Sec. 40.2.1 NOTIFICATION OF RELOCATED BUILDING. Prior to issuance of relocation permit for any structure and as a part of the application therefor, a Notice of Relocated Building, on a form furnished by the Building Official, shall be posted at the site of the building proposed to be relocated and at the proposed new site location. This public notice shall be maintained for a minimum of 15 days from the date of the application for relocation permit. During this period, interested parties may submit written comments to the Building Official regarding said proposed relocation. (refer to Sec. 40.5 DENIAL OF PERMIT.)

Sec. 40.3. APPLICATION AND INVESTIGATION FEE. To obtain a permit to relocate a building or structure the applicant shall first file an application therefor as required by Section 106.3 in this ordinance. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by the required investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be non-refundable. If the building to be moved is located outside the County, the applicant shall pay an additional fee as set forth in the Ventura County Building and Safety Fee Schedule to cover increased costs of inspection and mileage.

40.3.1 The Building Official shall make the following findings prior to issuing the permit:

1. That there is evidence of full compliance with the zoning provisions of Ventura County Ordinance Code, Division 8 - PLANNING AND DEVELOPMENT.
2. That the building shall comply, or shall be altered to comply, with current building, electrical, heating and air conditioning, and plumbing code requirements.
3. That all necessary and required documentation has been submitted for review, including, but not limited to, plans and specifications for all required or proposed improvements at the new location, a soils investigation report, a current termite inspection report, a water "will serve" letter from a recognized water provider or an approved water well certificate, a sewer "will serve" letter from a recognized sanitation district or an approved septic system certificate, and a surety bond in the amount determined by the Building Official as set forth in Sec. 11-16 of this Code.

Sec. 40.4. INVESTIGATION AND REPORT. The Building Official shall cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report shall list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions, or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety, or welfare.

The investigation report shall remain valid for a period of 180 days after the building or structure has been inspected, after which time a new investigation and report may be required by the Building Official.

Sec. 40.5. DENIAL OF PERMIT. The Building Official may deny the issuance of a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous.
2. Is infested with pests or is insanitary.
3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair.
4. Is so dilapidated, defective, or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated.
5. Because of age, size design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

Sec. 40.6. SECURITY REQUIRED. The Building Official shall not issue a permit to relocate a building or structure unless the applicant therefor shall first post with the Building Official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the State as surety; a cash bond naming the County of Ventura as payee; or an assignment of certificates or shares issued by a lending institution doing business in this state and insured by the FDIC. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this Section shall:

1. Be in form joint and several.
2. Name the County of Ventura as obligee.
3. Guarantee that the required work will be completed or, when ordered by the Building Official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition.
4. Be in an amount equal to the estimated cost, plus 10 percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official.
5. State therein the legal description or address of the property to which the building or structure is to be relocated.

Sec. 40.7. CONDITIONS OF SECURITY. Every performance bond, cash bond, or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within 180 days from the date of issuance of the permit.

2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety.
3. The term of each bond posted pursuant to this Article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.
4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.
5. Upon default by the principal, the surety shall cause all required work to be performed as set forth in the conditions of the investigation report and relocation permit.
6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean, and restore the site.

Sec. 40.8. PERMIT ISSUANCE AND FEES. Before a permit is issued for the relocation of a building and its reconstruction, repair, and completion at a new site, all required plan review and permit fees shall be paid. The required permits, together with the investigation report, shall comprise the "relocation permit" for the purposes of this Article.
The value to be used in computing the relocation building permit and plan review fees shall be as set forth in Sec. 107.2 in this Code, based upon the estimated cost of all construction necessary to complete the structure.

Sec. 40.9. EXPIRATION OF PERMIT. Permits for the relocation, reconstruction, and repair of a building or structure shall be null and void in accordance with the provisions of Section 106.4.4 in this Code if the building or structure is not relocated to the proposed site and/or the required work commenced within 6 months of the date of issuance of such permits.

Sec. 40.10. PROCEDURE UPON DEFAULT.

40.10.1 PERFORMANCE BOND. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond.
The notice of default shall state the conditions of the bond which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work.
Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified.
The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned, and restored to the satisfaction of the Building Official.

EXCEPTION: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided:

1. A written agreement is executed between Surety and the Division of Building and Safety under which the Division assumes responsibility for causing completion of required work or demolition of the structure; and
2. A cash bond is posted by the Surety in the amount of the performance bond, payable to the County of Ventura, to enable the Building official to cause the required work of repair or demolition to be performed in accordance with Section 40.10.2 in this ordinance.

40.10.2 CASH BOND. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

40.10.3 ASSIGNMENT OF SHARES. When an assignment of share has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or shares or any portion thereof by the lending institution and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contract or otherwise.

Sec. 40.11 RELEASE OF SECURITY.

40.11.1 PERFORMANCE BOND. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.

40.11.2 CASH BOND. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successors or assigns, except any portion thereof that may have been used, cashed, or deducted as provided elsewhere in this Article.

40.11.3 ASSIGNMENT OF SHARES. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the Building Official shall notify the lending institution and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this Article.

CHAPTER 41 - SWIMMING POOLS, ORNAMENTAL POOLS, AND APPURTENANT FENCING

SECTION 41.1 - GENERAL

41.1.1 SCOPE. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

4.1.2 STANDARDS OF QUALITY. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard list below is a recognized standard. (See Section 3504.)

- ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

SECTION 41.1.3 - DEFINITIONS.

For the purpose of this Article certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "swimming pool."

Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346.

Barrier (enclosure) is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

Grade is the underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "spa, nonself-contained" and "spa, self-contained."

In-Ground Pool. See definition of "swimming pool."

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the rounds of a private single-family home.

Separation Fence is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually have a filter, heater and a motor-driven blower. It may be installed indoors or outdoors , on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Spa, Self-Contained, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Swimming Pool, is any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. The term "swimming pool," does not apply to plumbing fixtures such as bathtubs or hydro-therapy tubs; nor does it apply to man-made lakes, reservoirs or farm ponds used primarily for public park purposes, ornamentation, water conservation, irrigation, ground-water recharging basins, or watering of livestock. It shall apply to any water-filled excavation, lined or unlined, within three (3) feet of any structure or property line. (Public pools shall comply also with CCR Title 24).

Swimming Pool, Indoor, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor, is a swimming pool that is not an indoor pool.

Sec. 41.2. POOL DESIGN AND CONSTRUCTION

41.2.1 GENERAL. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, and mechanical codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.

41.2.2 EXPANSIVE SOIL DESIGN. Pools constructed below grade shall be designed on the assumption that their construction is to be in an area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 p.c.f.).

> EXCEPTION: Where tests indicate that soils at a pool site are non-expansive or have low expansion characteristics from the ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less that 30 p.c.f.

In highly expansive soils having an expansion index of 91-130, pools shall be designed for not less than 60 p.c.f. equivalent fluid pressure.

In very highly expansive soils having an expansion index over 130, pool design shall be subject to special requirements based on a site investigation, soil testing, and engineering analysis by a registered civil engineer to determine appropriate design parameters for the site.

41.2.3 HYDROSTATIC UPLIFT. In areas of anticipated high water table or moderate to highly expansive soil an approved hydrostatic relief system or device shall be installed.

41.2.4 THERMAL PROTECTION FOR PLASTIC PIPING. Between the inlet of pool water heating equipment and any plastic water piping connected thereto, a check valve shall be installed to prevent thermal damage to such piping due to backflow.

> EXCEPTION: When rapid or high-rate filters are employed a check valve may be omitted.

Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than five feet of approved metal pipe shall be installed for the purpose of dissipating heat.

41.2.5 SAFEGUARDING SUCTION DRAINS. Bottom drains and suction intakes in pools and spas shall be covered with grates or other protective devices which cannot be removed except with tools. The slots or openings in these covers shall be of such area, shape, and arrangement as to prevent bathers from being drawn thereto with such force as to constitute a safety hazard.

41.2.6 GRAB BARS. Wherever egress from a pool is restricted by the presence of a vertical wall or other barrier which extends more than 12" above the water surface at the pool edge, permanent continuous grab bars, handrails, or other approved equivalent devices shall be installed within 12 inches above the water surface. Such devices shall be capable of being securely grasped, and shall be adequate to support the weight of a user of the pool.

Sec. 41.3. DECKS

41.3.1 GENERAL. A deck shall be provided around below-grade swimming pools except when special engineering design is furnished which indicates that such deck is not necessary for the purpose of maintaining the structural integrity of the pool and/or for controlling surface water and moisture content in the soil adjacent to the pool. Decks shall not be required for spas and hot tubs.

41.3.2 DECK DESIGN AND CONSTRUCTION. Required decks shall be constructed of concrete or other approved impervious material and shall be sloped to provide positive drainage away from the perimeter of the pool. Except as provided below, decks shall have a minimum width of four feet and shall be at least 3-1/2 inches in thickness. Reinforcement shall be #3 bars spaced not over 24 inches o.c. each way, or equivalent reinforcing.

Approved joints shall be provided in the deck at corners, at maximum 10-foot intervals, and wherever necessary in order to control cracking, to allow for differential movement, and to minimize damage to the deck from such movement should it occur.

Joints in decks and coping shall be made watertight with an approved permanent resilient sealant.

41.3.3 CUTOFF WALLS. At the outer perimeter of pool decks a cutoff wall of approved material shall be installed below-grade to a depth of at least 15 inches so as to form a permanent and effective vertical moisture barrier.

EXCEPTIONS: 1. A cutoff wall may be omitted when a deck at least six feet wide is installed.

2. Decks less than four feet in width may be installed provided that the required cutoff wall is increased in depth beyond the minimum by an amount equal to the reduction in deck width.

41.3.4 PRE-SATURATION, HIGHLY EXPANSIVE SOILS. When the soil below a deck has an expansion index of 91 or greater it shall be saturated with water to a depth of at least 18 inches prior to installation of the deck.

41.3.5 DECK BONDING. When decks are to be installed, whether structurally required or not, the reinforcing installed therein shall be electrically bonded together with the pool shell reinforcing and metal parts of electrical equipment associated with the pool water recirculating system and with miscellaneous metal accessories, such as pool slides, diving boards and spring boards, in accordance with NEC Sec. 680-22.

Sec. 41.4. DRAINAGE AND DISPOSAL

41.4.1 SURFACE WATER. Surface water from pool decks shall be collected and conducted through non-erosive devices to a street, storm drain, or other approved watercourse or disposal area.

41.4.2 WASTE WATER. Pool waste water shall be disposed of in accordance with the requirements of the Environmental Health Officer.

41.4.3 DRYWELLS. Drywells shall not be employed for pool wastewater disposal except when specifically approved for the purpose and when it has been determined that such installation is not likely to have adverse effects on the structural stability of the pool or other structures on the site. The Building Official may require a percolation test, soils report, and/or geological report to make such a determination.

Sec. 41.5. SPECIAL INSPECTION. Special inspection as required by Section 1701.5.12 in the UBC shall be provided for pneumatically placed concrete (gunite) in swimming pools.

Sec. 41.6. BARRIER REQUIREMENTS.

41.6.1 OUTDOOR SWIMMING POOL. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch diameter sphere.

   Exceptions:

   1. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.

   2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3. Chain link fences used as the barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate barrier shall have no opening greater that ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 41.6.1 shall be provided.

   Exception: When approved by the building official, one of the following may be used:

   1. Self-closing and self-latching devices installed on all doors with direct access to the pool and the release mechanism located a minimum of 54 inches above the floor.

   2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

   3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 though 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. Outdoor Swimming Pools with an approved safety pool cover shall not be required to provide other barriers.

8. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 7, above, may be approved by the building official of the jurisdiction issuing the applicable building permit.

41.6.2 INDOOR SWIMMING POOL. For an indoor swimming pool, protection shall comply with the requirements of Section 41.6.1, Item 5.

41.6.3 SPAS AND HOT TUBS. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 41.6.1.

Exception: Spas or hot tubs equipped with a listed safety cover shall be exempt from the requirements of Section 41.6.1.

CHAPTER 42 - MOBILEHOMES AND COMMERCIAL COACHES

Sec. 42.1. DEFINITIONS. For the purposes of this Article the terms "mobilehome," "commercial coach," "mobilehome accessory structure," and "foundation system" shall have the meanings set forth in Title 25, California Code of Regulations, and shall also apply to "manufactured housing" and "factory-built housing".

Sec. 42.2. SCOPE. The provisions of this Article shall apply to mobilehomes and commercial coaches installed outside mobilehome parks in all locations where the County of Ventura is the primary enforcement authority for applicable provisions of the State Mobilehome Parks Act, Subchapter 1 of Chapter 2, California Code of Regulations, Title 25.

Sec. 42.3. INSTALLATION PERMIT REQUIRED. No person, firm, or corporation shall install, occupy, or use a mobilehome, mobilehome accessory structure, or commercial coach or cause the same to be done without first obtaining an installation permit therefor. Said installation permit shall be issued subject to compliance with applicable laws and ordinances, including but not limited to:

1. Terms and conditions of a zoning clearance, including time limits established thereby.
2. Requirements for an approved foundation system.
3. Requirements for approved electrical, plumbing, and sewage disposal facilities.
4. Payment of installation permit fees in addition to fees for permits, services or clearances which may otherwise be required.

Sec. 42.4. SPECIAL REQUIREMENTS, COMMERCIAL COACHES

42.4.1 ALLOWABLE AREA. The area of commercial coach units connected in multiple shall not exceed the allowable floor area for the occupancy housed therein and the Type of Construction, in accordance with Section 504 in the UBC.

42.4.2 LOCATION ON PROPERTY. Commercial coaches shall be positioned on a site with sufficient setback from property lines so as to comply with the requirements of Section 503 in the UBC for fire-resistive protection of exterior walls and openings without the necessity for altering the structure or finish materials of the exterior walls of the coach.

42.4.3 STAIRS AND EXITS. Stairs, ramps, handrails, guardrails, landings, and exits shall be provided for commercial coaches as specified in Chapter 10 in the UBC. Such coaches shall also conform to applicable standards of the State of California for making buildings accessible by physically handicapped persons.

42.4.4 SANITARY FACILITIES. Commercial coaches shall be provided with sanitary facilities in accordance with the requirements of this Code which are applicable to the particular occupancy housed therein. Sanitary facilities shall also conform to the applicable standards of the State of California for accessibility to physically handicapped persons.

Sec. 42.5. REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The requirements of Section UBC 607.2 in this ordinance shall be applicable to mobilehomes, mobilehome accessory structures, manufactured or factory-built housing, and commercial coaches installed within High Fire Hazard areas.

Sec. 42.6. SUBSTANDARD OR DANGEROUS MOBILEHOMES AND COMMERCIAL COACHES. All mobilehomes, commercial coaches, or portions thereof, whether permanently or temporarily installed, which are determined to be substandard or dangerous as defined in the Uniform Housing Code or the Dangerous Buildings Code as amended by this ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in such codes.

Sec. 42.7 RECREATIONAL VEHICLES

42.7.1 DEFINITION

See Section 18010 of the California Code of Regulations, Health and Safety Code which reads as follows:

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

(Amended by Stats. 1990, Ch. 765, Sec. 3.)

42.7.2 ALLOWABLE USE

Recreational vehicles may only be used as "temporary dwellings during construction", as long as a building permit for new residential construction or major remodeling is in full force and effect and subject to Zoning Clearance conditions.

Recreational vehicles cannot be used as permanent dwellings or permanent accessory structures on private property, except as specifically allowed under California State law.

CHAPTER 43 - POST-DISASTER RECOVERY AND RECONSTRUCTION

SECTION 43.1 POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

43.1.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Division of Building and Safety as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

43.1.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the County of Ventura following each natural or man-made disaster.

43.1.3 DEFINITIONS.

43.1.3.1 Building Official is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.1.3.2 Safety assessment is a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a natural or man-made disaster.

43.1.4 PLACARDS. The following official placards shall be used to designate the condition of buildings or structures following a disaster.

43.1.4.1 INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

43.1.4.2 RESTRICTED OR LIMITED ENTRY may be posed on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

43.1.4.3 UNSAFE - Do Not Enter or Occupy may be posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

43.1.4.5 SECURING OF UNSAFE BUILDINGS OR STRUCTURES - Buildings or structures that have been determined by the building official to pose a threat to life safety or to be unsafe due to damage may be required by the building official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures shall not be removed without authorization from the building official.

43.1.4.6 REMOVAL OF PLACARDS - Once the placard has been attached to a building or structure, it shall not be removed, altered or covered until authorized by the building official.

43.1.5 VIOLATION. Any violation of Article 3, Chapter 43 of this code is a misdemeanor and shall be subject to punishment according to the provisions of Article 2, Chapter 1, Section 103.

Section 43.2 POST DISASTER ABATEMENT

43.2.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors.

43.2.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura.

43.2.3 DEFINITIONS. For the purpose of the chapter, the following definitions apply:

43.2.3.1 EVENT shall mean any occurrence which results in the declaration of a disaster by the Board of Supervisors, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

43.2.3.2 HISTORIC BUILDING OR STRUCTURE shall be any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

43.2.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

43.2.4 ABATEMENT CRITERIA

43.2.4.1 NOTICE OF DETERMINATION. Except as provided in subsection 43.2.4.2 below, the Building Official shall serve a written Notice of Determination to each property owner as found on the latest available copy of the County Assessor's Role. Said Notice of Determination shall be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and shall also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice shall specify that within forty-eight (48) hours from the time of issuance of the Notice of Determination, the owner or other part of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by the Building Official.

43.2.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice shall be required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the County to give the owner notice prior to abatement, the Building Official may cause the nuisance to be abated by the County with County resources or County contractees.

43.2.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the Building Official within

48 hours of delivery of such notice of determination by the Building Official. Such appeal shall be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should and/or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official shall rescind in writing his former Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan, or should the Building Official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the General Board of Appeals.

43.2.4.4 GENERAL BOARD OF APPEALS HEARING. At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses, submit evidence and to cross-examine the witnesses of the County. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the General Board of Appeals shall act to either uphold, overrule or modify the determination and order of the Building Official . The determination and order of the Building Official shall be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within twenty-four (24) hours of the time the oral decision is rendered.

If the General Board of Appeals upholds the decision of the Building Official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order shall be vacated. The decision of the General Board of Appeals shall be final on the date it is rendered.

43.2.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record shall execute such plan within twenty-four (24) hours of obtaining approval of the plan from the Building Official, or his designee. Within twenty-four (24) hours of completion of the abatement work the owner or other interested party of record shall provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Hazard, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall be reviewed and approved by the Building Official before permanent repairs are performed.

43.2.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Hazard or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public

nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the Building Official.

43.2.4.7 PUBLIC NUISANCE. All structures or portions thereof which, after inspection by an unauthorized County Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be abated by the owner in accordance with the procedures specified in sections 43.2.4.4 and 43.2.4.5.

43.2.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any provisions herein to the contrary, the Building Official is authorized to suspend abatement work by the County, or the County's contractees, and to allow the property owner or other part of legal interest to complete the abatement work.

43.2.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this Chapter.

43.2.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

43.2.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

43.2.5.1 NOTIFICATION OF IMMINENT HAZARD. Within 10 days after the event, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

43.2.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right of way.

43.2.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code.

43.2.5.2 CONDEMNATION PROCEEDINGS. If, ten (10) days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code. The Building Official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

43.2.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building Official shall submit a request to demolish to the Federal Emergency Management Agency, in

accordance with the National Historic Preservation Act of 1986, as amended. Said request shall include all substantiating data.

Section 43.3 DISASTER REPAIR AND RECONSTRUCTION

43.3.1 INTENT. This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The Chapter does not allow exemptions from the Building, Fire Electrical, Mechanical, Plumbing, other codes, or County Ordinances.

43.3.2 APPLICATION OF PROVISIONS.

43.3.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura following each disaster after a local emergency has been declared by the Board of Supervisors.

43.3.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an engineering evaluation as defined in Section 43.3.3.

43.3.3 DEFINITIONS. For the purpose of this chapter, the following definitions apply:

43.3.3.1 ARCHITECT is a person licensed by the State of California to practice architecture as prescribed by the State of California Business and Professions Code.

43.3.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering as prescribed by the State of California Business and Professions Code.

43.3.3.3 CURRENT CODE shall mean the edition of the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County of Ventura in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the Board of Supervisors, County of Ventura.

43.3.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs. All engineering evaluations shall include the engineer's or architects's stamp, wet-signature and license expiration date.

43.3.3.5 ESSENTIAL SERVICE FACILITY shall mean those buildings or structures designated by the County of Ventura to house facilities necessary for emergency operations subsequent to a disaster.

43.3.3.6 REPLACEMENT VALUE is the dollar value, as determined by a Building Official, for replacing a damaged structure with a new structure of the same size, same type of construction and same occupancy, and located on the same site.

43.3.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

43.3.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

43.3.3.9 BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.3.4 REPAIR CRITERIA

43.3.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

43.3.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system shall be repaired with all bracing required by current code.

43.3.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements shall be repaired and/or brought into conformance with the structural requirements of the current codes.

43.3.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the fire and life safety and structural requirements of the current applicable codes.

43.3.4.5 CHIMNEY VALUE EXCLUSION. In group R, Division 3 occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 43.3.5.

43.3.5 REPAIR CRITERIA FOR CHIMNEYS.

43.3.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 31 of the Uniform Building Code. Damaged portions of chimneys shall be removed in accordance with the following criteria.

43.3.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney shall be braced to the roof structure using an approved method.

43.3.5.3 SINGLE STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the firebox.

43.3.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where anchorage is found.

43.3.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound

condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

43.3.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 31 of the Uniform Building Code, alternate systems may be used in accordance with the alternate methods and materials provisions of the Uniform Building Code when approved by the Building Official.

43.3.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure using an approved method.

43.3.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

43.3.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

43.3.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair shall be as included in Section 43.3.4 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code shall apply.

43.3.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

43.3.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the California Conservation Code as adopted by the County of Ventura.

APPENDIX CHAPTER 3, DIVISION II
AGRICULTURAL BUILDINGS

Section 327 - CONSTRUCTION, HEIGHT AND ALLOWABLE AREA

327.2 SPECIAL PROVISIONS FOR AGRICULTURAL BUILDINGS. The area of a Group U, Division 3 Occupancy in a one-story building shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width, regardless of the type of construction.

EXCEPTION: The area of a one-story Group U, Division 3 Occupancy which is used elusively for growing flowers, plants, fruits, vegetables, shrubs, trees, or similar horticultural products (horticultural structure) shall not be limited if the setback from all property lines to the building is not less than twenty (20) feet and if such setback area is maintained open and accessible for fire fighting purposes. In no case shall the distance from property lines be less than that required by zoning regulations. The maximum travel distance to an exit may be increased by 100 feet if the building or structure is provided with an approved fire sprinkler system.

The area of a two-story Group U, Division 3 Occupancy shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width and is provided with an approved automatic fire-extinguishing system throughout, conforming to UBC standard No. 9-1.

Buildings using plastics shall comply with Type V-N construction. Plastics shall be approved plastics as defined in Chapter 2 and regulated by Chapter 26. For foam plastic, see Section 2602.

EXCEPTIONS: 1. When used as skylights or roofs, the areas of plastic skylights shall not be limited.

2. Except where designs must consider snow loads, plastics less than 20 mil (0.51 mm) thick may be used without regard to structural considerations. The structural frame of the building, however, shall comply.

Refer to Section 106.1.1 in this ordinance for permit exceptions which apply to specified agricultural buildings.

APPENDIX CHAPTER 18 - WATERPROOFING AND DAMPPROOFING FOUNDATIONS

Section 1825 - OTHER DAMPPROOFING REQUIREMENTS

1825.1. SUBSOIL DRAINAGE. When required by the building official due to the requirements of Sec. UBC Appendix 1820 and 1821, a base material shall be installed under the floor slab and under-slab drain system shall be installed around the foundation perimeter in accordance with this section.

> EXCEPTION: When the finished ground level is below the floor slab level for more than 25 percent of the perimeter of the building, the base material required by Section 1825.2 need not be provided, and the foundation drain required by Sections 1825.1 - 1825.3 need be provided only around that portion of the building where the ground level is above the floor slab level.

1825.2 BASE MATERIAL. When subsoil drainage is required under Appendix Section 1824, the requirements of Table UBC Table 18-D-1 for a sand bed under slab-on-grade construction shall be superseded by the requirements of this subsection.

Concrete slab-on-grade floors shall be placed over base material not less than 4 inches (102 mm) in thickness consisting of gravel or crushed stone containing not more than 10 percent material that passes a No. 4 sieve, and no material that is retained on a 1½ inch sieve.

Over this base material, dampproofing material shall be installed in compliance with Section 1822. The dampproofing material shall be overlain with a protective layer of 2 inches of sand. Special care shall be taken to prevent damage to the damp proofing membrane. All punctures or tears in the membrane shall be immediately patched and sealed.

APPENDIX CHAPTER 30
ELEVATORS, DUMBWAITERS, ESCALATORS
AND MOVING WALKS

Section 3008 PURPOSE

3008.1 MINIMUM REQUIREMENTS. The purpose of this appendix is to safeguard life, limb, property and public welfare by establishing minimum requirements regulating the design, construction, alteration, operation and maintenance of elevators, dumbwaiters, escalators and moving walks, and by establishing procedures by which these requirements may be enforced.

3008.2 STATE STANDARDS This appendix is intended to supplement the State of California Elevator Codes and Standards, and is applicable only to those areas not superseded by mandate of the State Codes and Standards.

APPENDIX CHAPTER 33 EXCAVATION AND GRADING

SECTION 3305 SCOPE This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

For the purposes of this Chapter, the term **"Building Official"** shall mean the Director of Public Works, as defined in Article 3, Sec. 203-B of this ordinance.

The standards listed below are recognized standards and as such are not adopted as part of this code (see Sections 3502 and 3503).

1. Testing

1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures

1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method

1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method

1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method

1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

3305.1 MINISTERIAL AND DISCRETIONARY PERMITS. The issuance or denial of a grading permit pursuant to this Code is a ministerial act for the purposes of Section 21080, subdivision (b) (1), of the Public Resources Code except in the following four cases:

1. Where the average natural slope within the area to be graded exceeds 10% and the amount of excavation or fill exceeds 10,000 cubic yards (7645.5 m^3);
2. Where the average natural slope within the area to be graded exceeds 35% and the mount of excavation of fill exceeds 1,000 cubic yards (764.6 m^3);
3. Where the proposed graded slopes exceed 25 feet (7620 mm) in vertical height; or
4. Where the proposed grading is to occur within a waterway or wetland' within an area officially designated by the County as a Sensitive Ecological, Archaeological, Scenic, or Biologically Sensitive Area; or within a recognized severe geologically hazardous area.

In each of the four cases listed above, the issuance or denial of a grading permit is discretionary for the purposes of Section 21080, subdivision (a), of the Public Resources Code except in the following three cases in which such issuance or denial is a ministerial act:

1. Where the grading permit is required by a condition imposed upon a discretionary entitlement previously approved by the County of Ventura and the effects of the grading for which the grading permit is required were addressed in an environmental document prepared and certified with respect to that previously approved entitlement; or

2. Where the grading is related to oilfield operations, involving the exploration for or the development or production of oil, and all of the following conditions are satisfied;

(a) The grading will be restricted to an area on which such oilfield operations may lawfully take place pursuant to an outstanding use permit for such operations issued by the county;

(b) The proposed graded slopes will be less than 40 feet (12192 mm) in vertical height;

(c) Before the grading commences, grading bonds are submitted to the Building Official guaranteeing all erosion control facilities, slope planting and slope maintenance necessary to meet then existing county standards; and

(d) Within 60 days of completion of the grading, all slopes created or modified thereby are hydromulched with a native plant and an irrigation system sufficient to ensure establishment of such native plants is installed.

3. Where the grading is related to oilfield operations involving the exploration for or the development of production of oil, and is limited to one or more of the following:

(a) Routine maintenance or repair of existing drill sites or existing roads which does not materially alter the location, size or configuration of the original sites or roads;

(b) Routing dredging of waste materials for which a permit has been issued by the Environmental Health Division of Ventura County Resource Management Agency.

The only discretionary powers to be exercised in conjunction with the issuance or denial of discretionary grading permits shall be exercised by the Building Official, or by the Board of Supervisors on appeal. Those discretionary powers shall be limited to all of those discretionary powers, (i) to issue the permit subject to conditions or changes in the project needed to mitigate significant environmental effects which would otherwise result from the grading, (ii) to deny the permit in order to avoid such effects, or (iii) to issue the permit despite such effects, as are conferred upon the lead agency by the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code) and are generally described in Section 15040 through 15043 of the State CEQA Guidelines (Section 15000 et seq. of Title 14 of the California Administrative Code).

With respect to a discretionary grading permit, the Building Official shall issue or deny the permit only after holding a public hearing, considering the applicable environmental document, if any, and certifying that such document has been prepared in compliance with the California Environmental Quality Act. The Building Official shall give at least 15 days written notice of such hearing to the applicant for the permit and to any owner of real property in the vicinity of the proposed grading whose property interest might be substantially affected by issuance or denial of the permit. The notice shall specify the time, date and place of the hearing, shall give a general description of the grading to which the permit application pertains, shall give a general description of the property on which the grading would occur, and shall state that any interested person will be given an opportunity to present relevant evidence at the hearing. The hearing shall be limited to, and any decision of the Building Official shall be based upon, the environmental issues with respect to which the Building Official has been granted discretion by this section.

Any interested person may appeal the issuance or denial of a discretionary grading permit by filing with the Building Official the appeal fee prescribed by the Board of Supervisors together with a notice of appeal on a form satisfactory to the Building Official within 10 days after the issuance or denial. The hearing on appeal shall be noticed and conducted by the Board of Supervisors in the same manner as the original hearing before the Building Official, except that the notice shall also be given to the appellant. The decision of the Board of Supervisors on appeal shall be issued in writing after the hearing on appeal and shall be final and conclusive when issued. A copy of the decision shall be served upon the applicant for the permit and upon the appellant. If the decision is to order the issuance of a grading permit previously denied or to modify a grading permit previously issued by the Building Official, the written order shall constitute the permit and shall include appropriate conditions.

A ministerial grading permit shall be operative immediately upon issuance. A discretionary grading permit shall become operative on the 15th calendar day after its issuance or, in the case of an appeal, on the date the Board of Supervisors issues its decision upholding or ordering issuance.

SECTION 3306 - PERMITS REQUIRED

3306.1. PERMITS REQUIRED. Except as specified in Section 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the building official.

3306.2 EXEMPTED WORK. A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.

2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells or tunnels or utilities.

6. Mining, quarrying, excavating, processing, stockpiling of rock. sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. Exploratory excavations under the direction of soil engineers or engineering geologists. This shall not exempt grading of access roads or pads for exploration equipment.

8. An excavation which (1) is less than 2 feet (610 mm) in depth, or (2) which does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).

9. A fill less than 1 foot (305 mm)in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth not intended to support structures, which does not exceed 50 cubic yards ($38.3m^3$) on any one lot and does not obstruct a drainage course.

10. Grading under an approved hillside erosion control plan in compliance with the hillside erosion control ordinance.

11. When approved by the building official, sand and gravel backfill behind retaining walls.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

Sec. 3307 HAZARDS.

3307.1 HAZARDS DECLARED A PUBLIC NUISANCE. Any existing excavation, embankment or fill on private property which has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, or fails to comply with the provisions of this Code is hereby declared to be a public nuisance.

3307.2 NOTICE AND ORDER TO ABATE. Whenever the Building Official has determined that such a nuisance exists, he/she shall issue a notice and order to the record owner of the property upon which the nuisance is located. The notice and order shall contain:

(1) The street address, if any, and a legal description sufficient for identification of the property upon which the nuisance is located.;

(2) A statement that the Building Official has found the excavation, embankment or fill to be on a public nuisance and a concise description of the conditions which render it a public nuisance;

(3) An order requiring that all applicable permits be secured and that the nuisance be abated within a specified time determined by the Building Official to be reasonable in circumstances;

(4) A statement that, if the nuisance is not abated within the time specified, the County man cause the work to be done and charge the cost thereof against the property or its owner;

(5) A statement that any person having a legal interest in the property may appeal from the notice and order to the Board of Grading Appeals if the appeal is made in writing as provided in this Section and is filed with the Clerk of the Board of Supervisors within 30 days of service of the notice and order; and

(6) A statement that failure, neglect or refusal to abate the nuisance within the time set forth in the notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals is a misdemeanor.

3307.3 SERVICE OF NOTICE AND ORDER. The notice and order shall be served and posted by the Building Official in the manner and subject to conditions set forth in subdivisions 3307.3, 3307.4 and (e) 3307.5 of Section 401 of the Uniform Code for the Abatement of Dangerous Buildings ("DBC"), as adopted by Article VI of the Ventura County Building Code, with respect to notices and orders relating to dangerous buildings.

3307.4 RECORDATION OF CERTIFICATE RESPECTING NUISANCE. If compliance is not had with the notice and order within the time specified therein or, if an appeal has been filed pursuant to this Section, within the time specified by the Board of Grading Appeals, the Building Official shall file in the Office of the County Recorder for recordation a certificate describing the property and certifying (1) that the excavation, embankment or fill constitutes a public nuisance, and (2) that the owner has been so notified. Whenever the nuisance shall thereafter have been abated, the Building Official shall file in the office of the County Recorder for recordation a new certificate describing the property and certifying that the nuisance has been abated.

3307.5 APPEAL FROM NOTICE AND ORDER. Any person entitled to service under subdivision 3307.3 of this Section may, upon payment of the fee prescribed by the Board of Supervisors for such purposes, appeal from the notice and order to abate the filing with the Clerk of the Board of Supervisors a written appeal in the form prescribed by the Building Official. The appeal shall be filed within 30 days after the date of service of the notice and order. Upon receipt of an appeal, the Clerk shall present it at the next regular or special meeting of the Board of Supervisors which, at such meeting, shall fix a date, time and place for the hearing of the appeal by the Board of Grading Appeals. Notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Clerk either by causing a copy of such notice to be delivered personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his/her address shown on the appeal. Enforcement of a notice and order to abate shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. In connection with the hearing,

the Board of Grading Appeals, and any member thereof, may administer oaths and affirmations and issue subpoenas. The hearing shall be conducted by the Board of Grading Appeals in the manner set forth in DBC Section 604. If, after the hearing, the Board of Grading Appeals determines that the excavation, embankment or fill does not constitute a public nuisance, it shall allow the appeal and cancel the notice and order to abate. If, after the hearing, the Board of Grading Appeals determines otherwise, it shall deny the appeal and set a date by which the nuisance must be abated, which date shall be no earlier that the last day of the period set forth in original notice and order to abate. The decision of the Board of Grading Appeals is final when made.

3307.6 COMPLIANCE WITH NOTICE AND ORDER REQUIRED. It shall be unlawful for any person, firm or corporation to who or to which a notice and order to abate is directed pursuant to this Section to fail, neglect or refuse to obey such order within the time specified in such notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals.

3307.7 ABATEMENT BY COUNTY UPON FAILURE TO COMPLY WITH NOTICE AND ORDER TO ABATE. If the nuisance is not abated within the time set forth in the notice and order to abate or, in the case of an appeal. by the date set by the Board of Grading Appeals, the Board of Supervisors may, without further notice or hearing. direct that the nuisance be abated by the County. Such abatement by the County shall not excuse any prior failure, neglect or refusal to comply with the notice and order to abate and shall be in addition to whatever other remedies may be provided by this Code or other provisions of law.

3307.8 SUMMARY ABATEMENT BY COUNTY IN EMERGENCY. If the nuisance threatens substantial injury to persons or property which is, in the opinion of the Building Official, so imminent as to require immediate corrective measures, the County may summarily abate such nuisance without complying with the provisions of subdivisions 3307.2 through 3307.7 of this Section; provided, however, that the Building Official shall give such notice to the owner of the property as may be practicable in the circumstances.

3307.9 MANNER OF ABATEMENT BY COUNTY; RIGHT OF ENTRY. Abatement by the County may be done directly by County personnel or through contractors in the same manner and subject to the same restrictions as public works. The County and its contractors may enter upon private property to effect such abatement.

3307.10 DETERMINING COST OF ABATEMENT BY COUNTY. The Building Official shall keep an itemized account of the costs of abatement by the County pursuant to subdivision 3307.7 or 3307.8 of this Section and, upon completion of the abatement work, shall prepare an itemized written report showing such cost. The Building Official shall thereupon forward a copy of the report to the Clerk of the Board of Supervisors who shall set a date (at least 10 days after receipt of the report), time and place for a hearing before the Board of Supervisors respecting such report and any objections thereto. Notice of such hearing shall be served and posted at least 10 days prior to the hearing in the manner and subject to the conditions set forth in subdivision 3307.3 of this Section with respect to the notice and order to abate. Such notice of hearing shall contain:

(1) The street address, if any, an a legal description sufficient for identification of the property affected by the report;

(2) A statement that the report has been prepared and is available for inspection in the office of the Building Official;

(3) A statement that the Board of Supervisors will hold a hearing to consider the report and any timely objections thereto;

(4) The date, time and place of such hearing;

(5) A statement that any interested person wishing to object to such report must file, prior to the hearing, a written statement of the grounds for the objection.

Any interested person may file written objections prior to the hearing. Each such objection shall contain a statement of the grounds therefor. A contention that the condition abated did not constitute a public nuisance shall be a ground for objecting to the report only if the report relates to a summary abatement pursuant to subdivision 3307.8 of this Section. At the hearing, the Board of Supervisors shall receive and consider the report, any timely written objections thereto, and such other information as it may deem proper. At the conclusion of the hearing, the Board of Supervisors may make such corrections in the report as it may deem just and, when it is satisfied that the report (as submitted or corrected) is correct, it shall, by resolution, determine the total amount of such cost of abatement attributable to each parcel of land upon which the abatement attributable to each parcel of land upon which the abatement took place.

3307.11 REIMBURSEMENT OF COUNTY FOR COST OF ABATEMENT. At any time within 10 days after the Board of Supervisors has adopted a resolution pursuant to subdivision 3307.10 of this Section determining the cost of abatement by the County, the Building Official may receive payment of such amount and issue receipts therefor. If payment is not received within such period of time, the Building Official shall forward a copy of the resolution to the Auditor-Controller.

3307.11.1 SPECIAL ASSESSMENT FOR COST OF ABATEMENT BY COUNTY. For cost of abatement by the County, pursuant to subdivision 3307.7 or 3307.8 of this Section, for which payment is not made pursuant to subdivision 3307.11 of this Section, shall be a special assessment against the parcel on which the nuisance has been located. Such special assessment shall be levied for the fiscal year commencing on the July 1 next following receipt by the Auditor-Controller of the resolution of the Board of Supervisors determining the amount of such cost. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchases for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

SECTION 3308 - DEFINITIONS. Section 3308 in the Appendix is hereby amended to include in addition to all of the definitions contained therein, the definitions of "Engineering Geologist", and "Isolated and Self Contained Area" as follows:

ENGINEERING GEOLOGIST. Is a certified engineering geologist duly licensed by the state who applies the geological sciences to engineering practice for the purpose of assuring that the geological features affecting the location, design, construction, operation and maintenance of engineering works are recognized and adequately addressed.

ISOLATED, SELF-CONTAINED AREA is that portion of a parcel of land or of contiguous parcels of land under single ownership which meets any one of the following three criteria:

1. The portion is used for growing crops or raising livestock for sale, but not for building sites or for the construction of earthfills which will impound water to a depth of more than 5 feet (1524 mm).
2. The portion contains water impounding structures constructed under the direct control of the U.S. Department of Agriculture, Soil Conservation Service.
3. The portion contains oilfield operations, involving the exploration for or the development or production of oil, which are established under an existing land use entitlement and all of the following criteria are met:

(a) The portion is not visible from a publicly maintained street, road or highway within 1.0 horizontal mile (1.609 km) of such portion;

(b) The portion is not visible from a private residence located within 1.0 horizontal mile (1.609 km) of such portion unless the owner and the tenant or such residence have signed a written waiver of this criterion; and

(c) The portion is so located and configured that grading thereon cannot cause a significant increase in the volume of silt or debris deposited on downstream property owned by any person other than the owner of the portion.

SECTION 3309 - GRADING PERMIT REQUIREMENTS

3309.3 GRADING DESIGNATION. All grading in excess of 1,000 cubic yards (764.6m^3) shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 1,000 cubic yards (764.6 m^3) shall be designated "regular grading" unless the permittee, chooses to have the grading performed as engineered grading, or the Building Official determines that special conditions or unusual hazards exist in which case grading shall conform to the requirements for engineered grading.

3309.9 PERMIT ISSUANCE. The provisions of Section 106.4 as published in the UBC are applicable to grading permits, except that every grading permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the grading and other improvements authorized by such a permit are not completed within 1 year from the date of such permit. The Building Official may extend the time for completion of the grading and other improvements authorized by the grading permit in increments not exceeding 1 year if circumstances beyond the permittee's control have prevented the completion of the project, and necessary time extension fees have been paid.

The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

Sec. 3310 GRADING PERMIT FEES. Grading permits and grading plan review fees shall be as set forth in schedules enacted by the Board of Supervisors. Except as otherwise specified in such schedule, grading permit and grading plan review fees shall not be refundable.

SECTION 3314 - SETBACKS

3314.1 SETBACKS-GENERAL. Cut and fill slopes shall be set back from site boundaries in accordance with this Section. The setbacks and other restrictions specified by this Section are minimum standards and may be increased by the Building Official or by recommendation of a civil engineer, soils engineer, or engineering geologist where necessary to assure slope stability, prevent damage to adjacent properties from deposition or erosion, provide access for slope maintenance and drainage, or otherwise provide for safety of the public.

SECTION 3315 - DRAINAGE AND TERRACING

3315.1 DRAINAGE AND TERRACING-GENERAL. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this Section for cut or fill slopes steeper than 1 unit vertical in 4 units horizontal (25% slope).

ARTICLE 4 - AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE (CEC)

ARTICLE 90 - INTRODUCTION

Sec. 90.1 POWERS AND DUTIES OF THE BUILDING OFFICIAL

90.1.1 CONNECTION TO ELECTRICAL INSTALLATIONS. Except where work is done under an annual electrical maintenance permit, it shall be unlawful for any person, firm, or corporation to make connection from a source of electrical energy or to supply electrical service to any electrical wiring, device, appliance, or equipment which requires a permit for installation, or to cause or permit same to be done, or to continue or allow to continue any such connection unless such person, firm, or corporation shall have obtained evidence from the Building Official that such equipment is authorized to be energized.

90.1.2 AUTHORITY TO ABATE. Any electrical wiring or equipment regulated by this Code, which is unsafe or which constitutes a fire or health hazard or is otherwise dangerous to human life is, for the purpose of this Section, unsafe. Any use of equipment regulated by this Code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Any such unsafe electrical wiring or equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure set forth in the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedure as may be adopted by the County. As an alternative, the Building Official or an authorized representative may institute any other appropriate action to prevent, restrain, correct, or abate the violation.

90.1.3 AUTHORITY TO CONDEMN WIRING AND EQUIPMENT. Whenever the Building Official ascertains that any electrical wiring or equipment, or portion thereof, regulated by this Code has become hazardous to life, health or property, a written order shall be issued to cause such wiring or equipment to be either removed or restored to a safe condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective equipment after receiving such notice.

90.1.4 EXEMPTED WORK. An electrical permit will not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.
2. Repair or replacement of fixed motors, transformers or approved fixed appliances of same type and rating and in the same location.
3. Temporary decorative lighting energized by cord or cable having an attachment plug end to be connected to an approved receptacle.
4. Reinstallation of attachment plug receptacles but not the outlets therefor.
5. Replacement of an overcurrent device of the same capacity and in the same location.
6. Repair or replacement of electrodes or transformers of the same size and capacity for approved signs or gas tube systems.
7. Removal of abandoned electrical wiring.
8. Electrical wiring, devices, appliance or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
9. Low-energy power, control and signal circuits of Class II and III as defined in this code.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

90.1.5 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 1 - GENERAL

Sec. 110.5. CONDUCTORS. Conductors normally used to carry current shall be of copper unless otherwise provided in this Code. Where the conductor material is not specified, the sizes given in this Code shall apply to copper conductors. Where other materials are used, the size shall be changed accordingly.

For aluminum and copper-clad aluminum conductors, see Tables 310-16 through 310-84 and Notes thereto in the NEC. Aluminum wire used under the provisions of this Code shall be a minimum of #6 A.W.G. conductors.

Sec. 110.8. WIRING METHODS. Only wiring methods recognized as suitable are included in this Code. The recognized methods of wiring shall be permitted to be installed in any type of building or occupancy, except as otherwise provided in this Code.
Wiring installations and equipment in existence at the time of passage of this Code may have their existing use continued if such use was legal at the time of passage and provided such continued use is not unsafe.

CHAPTER 2 - WIRING AND PROTECTION

Sec. 250-50(e). "UFER" GROUND REQUIRED. Notwithstanding other provisions of Section 250-50 in the NEC, the electrical service grounding electrode for new construction where concrete footings in direct contact with earth are employed shall be a bare copper conductor installed as specified in Section 250-50(c) in the NEC.

CHAPTER 3 - WIRING METHODS AND MATERIALS

Sec. 336.4. USES PERMITTED. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in agricultural buildings, one-family and two-family dwellings and accessory structures, in multi-family dwellings, and other structures, except as prohibited in Section 336-5. Cables in such structures shall be protected from physical damage. Where installed in cable trays, cables shall be identified for the use.

(FPN): See Section 310-10 for temperature limitation of conductors.

(a) **Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

(b) **Type NMC.** Type NMC cable shall be permitted:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16-in. (1.59-mm) thick, and covered with plaster, adobe, or similar finish.

(c) **Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

CHAPTER 7 - SPECIAL CONDITIONS

ARTICLE 700. EMERGENCY SYSTEMS:

FPN No. 6: For additional requirements for emergency power systems, refer to NFPA-20 "REQUIREMENTS FOR FIRE PUMP WIRING."

ARTICLE 5 - AMENDMENTS TO THE
CALIFORNIA MECHANICAL CODE (CMC)

CHAPTER 1 - ADMINISTRATION

Section 102 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Section 115 - FEES

Sec. 115.1. GENERAL. Refer to Article 2, Chapter 1 Section 107 in this ordinance.

Sec. 115.6 FEE REFUNDS. Refer to Article 2, Chapter 1 Section 107.6 in this ordinance.

CHAPTER 8 - CHIMNEYS AND VENTS

SECTION 812 - TYPES OF CHIMNEYS

812.1 FACTORY-BUILT CHIMNEYS. Factory-built chimneys shall be installed in accordance with the terms of their listing, the manufacturer's installation instructions and the applicable requirements of this code. Factory-built chimneys shall terminate as required for unlisted single-wall metal chimneys in Table 8-4.

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators.

EXCEPTION: Factory built chimneys for residential-type appliances and fireplaces may terminate three (3) feet above the roof opening and two (2) feet above any point of the building within ten (10) feet.

ARTICLE 6 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE (CPC)

CHAPTER 1 - ADMINISTRATION

Section 101.15 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Sec. 102.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL.

102.2.7 AUTHORITY TO ABATE. Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined in this Code, is hereby declared to be a nuisance.
Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this Section, the Administrative Authority shall require the nuisance or violation to be abated. If such abatement is refused, the Administrative Authority shall have recourse to every remedy provided by law to secure abatement.

Sec. 102.3 VIOLATIONS AND PENALTIES

102.3.2 PENALTIES - See Article 2, Chapter 1, Section 103 in this ordinance.

Section 103.1 - PERMITS

103.1.2 EXEMPTED WORK. A plumbing permit will not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste or vent piping, provided that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace all or part thereof with new material, the same shall be considered as new work, and a permit shall be obtained and inspections made, as provided in this code.

103.1.2.2 The clearing of stoppages or the repair of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, or the installation of new water closets on existing drainage connections, providing such repairs or reinstallation do not involve or require the replacement or rearrangement of valves or pipes. If it becomes necessary to remove and replace or rearrange valves, water piping, traps, drainpipe, soil, waste or vent pipes, the same shall be considered as new work, and a permit shall be obtained and inspections made as provided in the code.

103.1.2.3 EXEMPTIONS WITHIN SANITARY DISTRICTS. The provisions of this Code relating to building sewers as defined herein and to permits and fees therefor shall not apply within the boundaries of a sanitary district when the Building Official has determined that such district has adopted and is enforcing ordinances or regulations which are equal to or more restrictive than those contained in this Code.

CHAPTER 2 - DEFINITIONS

Section 202.0 - DEFINITIONS

SEEPAGE PIT. A seepage pit is a rock-filled excavation which receives the effluent from a septic tank and is so designed as to permit such effluent to seep through the bottom and sides of the pit into the surrounding soil.

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Sec. 601.0 RUNNING WATER REQUIRED

Section 601.1.2 REQUIREMENTS FOR WATER WELLS

(a) When the potable water supply for a structure is to be provided by a well, the well must pass the applicable pump and recovery test specified in the Ventura County Water Works Manual, as amended from time to time, for the purpose of demonstrating that the well is likely to remain an adequate source of potable water throughout the expected useful life of the structure.

EXCEPTIONS: A well shall not be required to pass the pump and recovery test if the structure to be served by it:

1. Is connected to a public water system or a state small water system as defined in Section 4010.1 of the Health and Safety Code; or
2. Overlies an aquifer that has been determined by the administrative authority to be adequate to meet all existing and projected demands made upon it for potable water without experiencing overdraft; or
3. Overlies an aquifer that may experience overdrafting but that has nonetheless been determined by the administrative authority, based upon a study and report prepared pursuant to the Ventura County Water works Manual, to be adequate to meet all existing and projected demands made upon it for potable water throughout the expected useful life of the structure.

(b) This section does not preclude the adoption and imposition of additional or more stringent well test requirements and standards in connection with subdivision approvals, conditional use permits, or other discretionary (as opposed to ministerial) permits.

CHAPTER 7 - SANITARY DRAINAGE

Sec. 701.0 MATERIALS OF DRAINAGE SYSTEMS.

701.1 Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, schedule 40 ABS DWV, schedule 40 PVC DWV, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

701.1.1 No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

701.1.2 ABS and PVC DWV piping installations shall be limited to residential construction, not more than two (2) stories in height.

701.1.3 No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (.3m) below ground.

Sec. 713.0 SEWER REQUIRED

713.4 CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEMS. When the applicant seeks to install a conventional private sewage disposal system, the public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.

APPENDIX CHAPTER K - PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. K-1. PRIVATE SEWAGE DISPOSAL: GENERAL REQUIREMENTS. (a) Where permitted by Section 305.2 of the UPC, as adopted and amended by this Code, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The type of system shall be determined on the basis of information contained in the soil report concerning location, soil porosity, groundwater, depth of fractured rock or impervious formations, and hillside stability, and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits, into a combination of subsurface disposal field and seepage pits, into a mound system or into a subsurface sand filtration system.

(d). SEWAGE DISPOSAL EXPANSION AREA. All private sewage disposal systems shall be so designed that additional seepage pits, subsurface drain fields, mound systems or subsurface sand filtration systems, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the 100% expansion area.

(f). PRIVATE SEWAGE DISPOSAL RESTRICTIONS. When there is insufficient lot area or improper soil or geological conditions for adequate and safe sewage disposal for the building or land use proposed, and the Administrative Authority so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Administrative Authority have been submitted and approved. The Administrative Authority may grant exceptions to the requirements of the Code in case of practical difficulty or unnecessary hardship provided that the installation is equivalent to the standards established by this Code and is not inimical to the health, safety or welfare of the general public.

(i). APPROVAL OF ALTERNATE SYSTEMS. Alternate sewage disposal systems as defined in this Code may be installed only by special permission of the Administrative Authority which shall be given only if the Administrative Authority is satisfied that the systems will conform to the following requirements:

1. Treated or untreated effluent shall not be discharged onto the surface of the ground.

2. Wastewater shall be disposed of on the parcel where it is generated, except as provided for in Section 721.2 of the UPC.

3. The reliability of proposed designs for alternate private sewage disposal systems shall be well-documented.

4. The system shall be capable of easy maintenance.

5. Installation and repair shall not require the use of extraordinary materials, parts, or equipment.

6. The system shall require a minimum of mechanical components for its operation.

7. The system shall not be highly energy consumptive.

8. Operation of the system shall not create health hazards, water pollution, or nuisance conditions.

Sec. K-3. AREA OF DISPOSAL FIELDS AND SEEPAGE PITS. The minimum effective absorptive area of disposal fields in square feet of trench bottom, and of seepage pits in square feet of sidewall, shall be predicated on the required septic tank capacity in gallons. The required absorption area shall be as set forth in Table UPC Appendix K-6 in this ordinance for disposal fields, and as set forth in Table K-4 in the UPC for seepage pits. In addition, disposal fields and seepage pits shall conform to the following:

1. When disposal fields are installed, a minimum of one hundred fifty (150) square feet of trench bottom shall be provided for each system exclusive of any hardpan, rock, clay or other impervious formations. Sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption areas. Such increase shall be limited to 50% of the required absorption area.

2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least 50% greater than the requirement for trenches. Perimeter sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption area.

3. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formation. The minimum required area of porous formation shall be provided in one or more seepage pits.

4. No excavation for a leach line or leaching bed shall extend with five (5) feet of the water table nor to a depth where sewage may contaminate an underground water stratum which may be usable for domestic purposes. The applicant shall supply satisfactory evidence of groundwater depth when required by the Administrative Authority.

5. Plastic leaching chambers shall be sized on bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-6 in this code with a 0.70 multiplier.

Sec. K-4. PERCOLATION TESTS. (a) Disposal fields and seepage pits shall be sized in accordance with the percolation tests or analyses required by subsection (b) of this Section.
(b) In order to determine the absorption qualities of soils, the proposed site shall be subjected to percolation tests and/or hydrometer analyses performed under the supervision of a California-registered environmental health specialist, civil engineer, geologist or engineering geologist. Such tests or analyses shall be performed in accordance with standards established by the Administrative Authority.
(c) Each test shall be made with clear water in an excavation which has been thoroughly soaked prior to the test.
(d) No subsurface disposal field shall be permitted to serve a building if percolation test rates are greater than sixty (60) minutes per inch.
(e) No seepage pit shall be permitted to serve a building if the absorption capacity of the soil surrounding the pit is less than 0.83 gal./sq.ft./day.
(f) Test data shall be submitted on a form provided for that purpose and shall include such information as may reasonably be required by the Administrative Authority to determine the correctness and adequacy of the proposed disposal system.

Sec. K-7. SEEPAGE PITS. (a) The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereunto, and on the character and porosity of the surrounding soil as determined by such tests as may be required and shall comply with Sec. UPC Appendix K-3 in this ordinance.

(b) Seepage pits may be used where conditions are unsatisfactory for the installation of leach lines or beds. In no case shall seepage pits extend more than sixty (60) feet below the surface of the ground.
(c) Multiple seepage pit installations shall be connected through an approved distribution box or diversion valve and watertight piping laid on undisturbed or compacted soil.
(d) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet. Seepage pits shall be filled with clean rock 3/4 inches to 2½ inches in diameter, free from fines, except when otherwise approved by the Administrative Authority. Effluent shall be conducted to the bottom of the excavation by means of approved perforated pipe extending to the entire depth of the pit. Approval shall be obtained prior to construction for any pit having an excavation diameter greater than six (6) feet.
(e) Where groundwater is encountered, the bottom of the pit shall be backfilled with clean coarse sand at least ten (10) feet above the ground water encountered.
(f) Each seepage pit shall have a minimum sidewall of ten (10) feet below the inlet.
(g) Connections between a septic tank and seepage pits shall be made with approved watertight pipe. Such pipe shall be laid on natural ground or compacted fill.
(h) Rock fill in seepage pits shall be covered with asphalt-treated building paper, and backfilled with a minimum of eighteen (18) inches of earth.
(i) Subsection (i) of Appendix Section K7 in the UPC is hereby deleted in its entirety.

Sec. K-9. SUBSURFACE DISPOSAL OF INDUSTRIAL WASTE. The discharge of industrial waste into a soil absorption system shall be prohibited unless specifically approved by the Administrative Authority.
Subsections (a) through (g) of Appendix Sec. K9 in the UPC and the Recommended Design criteria for commercial/industrial waste disposal are hereby deleted in their entirety.

Sec. K-13. ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.
(a) DEFINITION. Alternate private sewage disposal systems are specially-designed, engineered, and approved private sewage disposal systems suitable for use in localities where the Administrative Authority has determined that the presence of shallow groundwater, rock, or adverse soil, geologic, or hydrologic conditions makes the use of conventional sewage disposal systems potentially hazardous to public health. Alternate private sewage disposal systems shall be limited to "mound" systems and "subsurface sand filtration" systems as regulated herein.

(b) GENERAL REQUIREMENTS. Designs for alternate private sewage disposal systems may be accepted for review by the Administrative Authority when it has been adequately demonstrated that the character of the soil, geology, or hydrology of the site is such that a conventional private sewage disposal system will not function in accordance with recognized health and sanitation standards. Such systems shall be designed by a California-registered civil engineer or a California-registered geologist, who shall submit written verification upon completion of an alternate private sewage disposal system that the installation is in conformance with the approved design.

Properties served by alternate private sewage disposal systems shall be located within an approved on-site wastewater management district or equivalent governmental agency capable of providing necessary maintenance and repair services for private sewage disposal systems within its boundaries. Such systems shall conform with all applicable rules and regulations adopted by said district or agency.

The design and construction of alternate private sewage disposal systems shall comply with the requirements of this Section and with other appropriate criteria established by the Administrative Authority.

Component parts of alternate private sewage disposal systems shall comply with the applicable setback requirements in Table UPC Appendix K-1 of this Code. The construction and capacity of septic tanks installed as components of alternate systems shall comply with Section K5 and Table K-2 in the UPC.

Leach lines, leaching beds, and seepage pits which are components of alternate systems shall comply with the applicable requirements of this Code. No portion of a distribution bed or related filter material which is a component of a mound or subsurface sand filtration system shall be installed under a walkway, parking area, driveway, or similar paved surface.

The sizing of mound or subsurface sand filtration systems shall be based upon the average percolation rate of the natural soil at the location and depth of the proposed system, and the number of bedrooms or plumbing fixture units, in accordance with this Code and other applicable standards for sizing conventional leachlines, leaching beds and seepage pits. No alternate private sewage disposal system shall be permitted where the percolation rate exceeds sixty (60) minutes per inch.

(c) MOUND SYSTEMS. A mound system is an alternate private sewage disposal system which utilizes pressurized piping to deliver effluent from a septic tank into an above-ground gravel distribution bed, from which the effluent percolates and is filtered through mounded sand fill into natural soil. Typical components of such systems include a septic tank, lift pump and wet well, pressurized effluent piping, a sand fill mound, a distribution bed composed of gravel filter material and perforated distribution piping, a cover of topsoil over the top and sloped sides of the mound.

The lift pump and wet well shall be designed to handle peak flow from the septic tank. In no case shall pump capacity be less than twenty (20) gallons per minute not shall the pump motor be rated at less than one-half horsepower. The pump shall be approved for use in a sewage environment. The liquid holding capacity of the wet well shall be at least 300 gallons for one or two-bedroom dwelling units. An additional 100 gallons capacity shall be provided for each bedroom in excess of two. Equivalent capacity shall be provided for occupancies other than dwellings based on fixture unit calculations as set forth in this Code.

The wet well shall be fitted with automatic high and low level pump controls. Operation of the lift pump shall not cause surges in the liquid level within the tank. An alarm device shall be installed which will provide audio and visual warning signals to occupants of the property in advance of any overflow from the wet well.

Mounds shall not be installed on a slope greater than 12%. The base of the mound shall be located at least two (2) feet above the highest known seasonal groundwater elevation at the site and two (2) feet above fractured bedrock, if any. Fill material comprising the mound shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the fill material onto the mound. The slope of the sides of the mound shall be not steeper than 3 horizontal to 1 vertical.

Distribution beds shall be level and shall be located a minimum of five (5) feet above the highest known seasonal groundwater elevation at the site. Filter material comprising the bed shall be clean gravel varying in size from .75 inch to 2.5 inches. The total thickness of the bed shall be sufficient to provide a minimum of twelve (12) inches of filter material below, and at least two (2) inches of such material above all distribution piping within the bed. Distribution piping shall uniformly distribute effluent over the entire area of the bed. Distribution beds shall be of sufficient size to limit the application rate for effluent to not more than 1.5 gallons per square foot per day.

After filter material has been placed over the piping, the distribution bed shall be covered with untreated building paper, straw, or similar porous material to prevent closure of voids when earth covering is added. Topsoil shall be placed to a depth of at least twelve (12) inches over the top of the distribution bed, and shall be placed on the sloping sides of the mound to a thickness of at least six (6) inches.

(d) SUBSURFACE SAND FILTRATION SYSTEMS. A subsurface sand filtration system is an alternate private sewage disposal system which utilizes gravity to deliver effluent from a septic tank to a subsurface gravel distribution bed, from which the effluent is filtered through a bed of sand to reduce organic matter and pathogenic organisms, and thence percolates into natural soil. Typical components of such systems include a septic tank, effluent piping, a subsurface distribution bed composed of gravel filter material and perforated distribution piping, a sand filtration bed, and a leaching bed, leach lines, or seepage pits.

Distribution beds shall be designed and constructed in a manner similar to that set forth for mound systems in subsection (c) above, using approved, perforated gravity-flow piping in lieu of pressurized piping. Sand filtration beds shall extend not less than five (5) feet vertically below and five (5) feet horizontally from the edges of any distribution bed. Filtration material shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the filtration material into the filter bed excavation.

Section K-14 NON-HAZARDOUS LIQUID WASTE TRANSFER FACILITIES

Definition: A Non-Hazardous Liquid Waste Transfer Facility is a temporary holding facility for non-hazardous liquid waste from recreational vehicle holding tanks and portable toilets. A Non-Hazardous Liquid Waste Transfer Facility consists of a holding tank, liquid waste loading area with washdown equipment, associated piping, and holding tank liquid level alarm system.

1. Holding tank construction shall be consistent with UPC section K5, with the exception that baffles are not required and only one access port is required.

2. All piping, including but not limited to materials, cleanouts, and venting, shall be consistent with UPC sections 715.0 through 720.0, inclusive.

3. Minimum setbacks for holding tanks shall be as follows:

Streams and Watercourses	50 feet
Wells	50 feet
Groundwater	5 feet
Structures	5 feet
Property Line	5 feet
On-Site Domestic Water Line	5 feet
Public Water Main	10 feet

4. Minimum holding tank capacity shall be not less than three times the anticipated daily loading to the holding tank and in no case shall be less than 1,000 gallons.

5. An alarm system constructed of durable, corrosion-resistant material shall be installed on each holding tank. This alarm shall give a conspicuous audio and visual indication whenever the tank becomes two-thirds full.

6. The liquid waste loading area shall consist of an impermeable, easily cleanable area designed and constructed in a manner which prevents the formation of insanitary conditions. A ¾ inch water hose connection shall be installed at the liquid waste loading area to allow connection of a hose for area washdown following holding tank pumping. An approved backflow prevention assembly shall be installed in the water service line to the hose connection. Provisions shall be made to store the washdown hose off the ground. A warning sign shall be posted at the water hose connection reading: DANGER - UNSAFE WATER.

7. Holding tanks shall be pumped by a licensed pumper as needed. Quarterly reports of holding tank pumping shall be submitted to the Ventura County Environmental Health Division by March 30, June 30, September 30, and December 31 of each year.

8. Offer to grant an easement to County Service Area 32 is required. A contractual maintenance agreement with a public utility may also be required.

Section K-15 CLUSTERED SYSTEMS

(a) DEFINITION. Clustered systems are comprised of three or more private sewage disposal systems with soil absorption components located in a common area on a single legal lot.

(b) GENERAL REQUIREMENTS. All components of clustered systems shall comply with all applicable requirements of this Code pertaining to private sewage disposal systems and the following additional requirements:

1. The primary (installed) soil absorption components of the clustered system shall provide 200% of the minimum area calculated for each structure connected to the clustered system pursuant to Section K-3 of this Code.

2. Land area providing for complete replacement of the primary soil absorption components of the clustered system shall be set aside for future expansion, and shall conform with Table UPC Appendix K-1 of this Code.

3. a. For residential structures, each private sewage disposal system comprising the clustered system shall be connected to not more than one dwelling unit within a structure.

b. For non-residential structures, each private sewage disposal system comprising a clustered system shall be connected to one or more structures with a combined daily wastewater discharge not to exceed 1,500 gallons.

4. The soil absorption component of each private sewage disposal system within the clustered system shall be located at least sixteen horizontal feet from the soil absorption component of any other private sewage disposal system within the same clustered system.

5. When a clustered system is (or can become) located on land jointly owned by more than one owner of the structures served (e.g., condominium projects), an easement and agreement approved by the Environmental Health Division providing for access to inspect, maintain, and repair/replace the clustered system shall be recorded in the Office of the County Recorder.

6. A monitoring well, constructed and maintained in conformance with procedures adopted by the Administrative Authority, shall be provided in an approved location.

7. All distribution boxes within the clustered system shall be fitted with risers extending to finish grade elevation.

8. The applicant for each clustered system shall provide a signed statement from a California-Certified Engineering Geologist, certifying the following:

a. The proposed clustered system site is free against the potential hazard from landslide, excessive settlement and slippage.

b. Incorporation of geotechnical and geologic recommendations in concert with safe construction practices is anticipated to result in a site which is considered geotechnically and geologically suitable for the intended use and will not adversely affect adjoining properties.

TABLE UPC APPENDIX K-1
(Superscript numbers refer to footnotes (1) through (8) on next page

LOCATION OF SEWAGE DISPOSAL SYSTEMS

Minimum Horizontal Distance in Feet From:	Building Sewer	Septic Tank	Disposal Field	Seepage Pit	Subsurface Sand Filtration System	Mound System
Building or Structures[1]	2	5	8	8	8	20[7]
Property line adjoining private property	Clear[2]	5	5	8	8	10
Water supply well on suction line	50[3]	50	100	150	100[8]	100
Streams, lakes, tidal waters or ocean waters	50	50	50	100	100	100
Large Trees	--	10	--	10	10	--
Seepage pits or cesspools	--	5	5	12	--	--
Disposal Field	--	5	4[4]	5	--	--
On site domestic water service line	1[5]	5	5	5	5	5
Distribution Box	--	--	5	5	--	--
Pressure public water main	10[6]	10	10	10	10	10

NOTE: When disposal fields or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

When facilities are located near tidal or ocean waters, the horizontal distance shall be measured from the historically most landward location of the beach at the mean high tide elevation. Structures or facilities shall be constructed in accordance with Federal, State and local laws to prevent erosion of the beaches and movement of the mean high tide closer than the horizontal distances specified above.

FOOTNOTES TO TABLE UPC APPENDIX K-1

(1) Including porches and steps, whether covered or uncovered, breezeways, roofed port-cocheres, roofed patios, carports, covered walks, covered driveways and similar appurtenances.

(2) See Section 313.3 of the UPC.

(3) The distance may be reduced to not less than twenty-five (25) feet when approved metallic piping is installed. Where special hazards are involved, the distance required shall be increased as may be directed by the County Health Officer or the Administrative Authority.

(4) Plus two (2) feet for each additional foot of depth in excess of one (1) foot below the bottom of the drain line (see Sec. K6(i) of the UPC).

(5) See Sec. 720.0 of the UPC.

(6) For parallel construction. For crossings, approval by the Administrative Authority is required.

(7) This distance shall be increased to 30 feet when the system is located upslope of the structure.

(8) This distance shall be increased to 150 feet when seepage pits are used as a component of the system.

TABLE UPC APPENDIX K-6
(Letters in parenthesis refer to footnotes below)

ABSORPTION AREA REQUIREMENTS

Percolation Rate (Time in minutes required for water to fall one inch)	Required Absorption Area (Sq. ft. per bedroom using standard leach lines. See notes (a) through (e) below.
1 or less	75
2	85
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
over 60 (e)	---

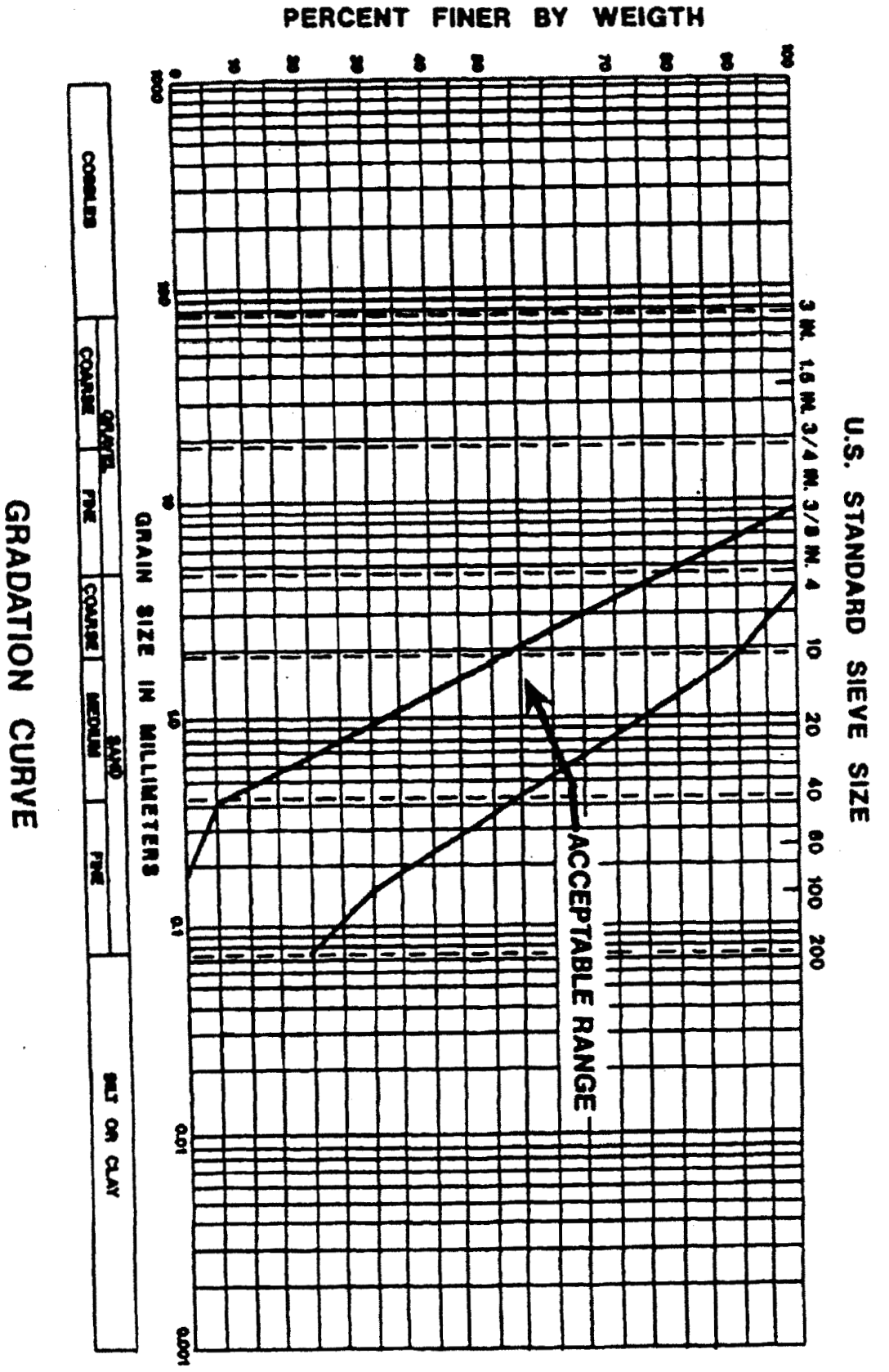
(a) Sufficient usable land area must be available to provide 100% expansion of required absorption area when/if necessary. See Sec. UPC APPENDIX K-1(d) in this Code.

(b) Absorption area should be sufficient to accommodate increased future use stemming from the addition of bedrooms or conversion of unfinished spaces to bedroom use, whenever such changes can be reasonably be anticipated.

(c) The absorption area for leach lines and leaching beds is calculated as trench bottom area only except as provide in Sec. UPC APPENDIX K-3 in this ordinance. Minimum required area for leaching trenches is 150 sq. ft.

(d) The above table allows for the connection of domestic food waste units and automatic clothes washing machines without further increase in absorption area.

(e) Soil having a percolation rate over 60 min/inch is unsuitable for installation of an absorption system.



GRADATION CURVE

TABLE UPC APPENDIX K-7

419-1.02

ARTICLE 7 - AMENDMENTS TO THE UNIFORM HOUSING CODE (UHC)

CHAPTER 1 - TITLE AND SCOPE

Section 104 - APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

104.2. RELOCATION. Buildings or structures moved into or within the County shall comply with the provisions of Article 2, Chapter 40 in this ordinance.

Section 105 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. APPEALS BOARD.

203.1 - GENERAL The Housing Advisory and Appeals Board, for the purposes of this housing code, shall be the General Board of Appeals as set forth in Article 2, Chapter 1, Section 105 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 in the UHC.

Sec. 204. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

CHAPTER 3 - PERMITS AND INSPECTIONS

Sec. 302 FEES. Refer to Article 2, Chapter 1, Section 107 in this ordinance.

CHAPTER 12 - APPEAL

Section 1201 - GENERAL

1201.2. PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 1201 in the UHC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.
The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a substandard building or the premises on which it is located.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 1401 - COMPLIANCE

1401.1. GENERAL. After any order of the Building Official or a Board of Appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor or infraction.

ARTICLE 8 - AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

CHAPTER 1 - TITLE AND SCOPE

Sec. 104 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

Sec. 205. APPEALS BOARD. The appeals Board for the purposes of the Dangerous Buildings Code shall be the General Board of Appeals as set forth in Article 2 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 501 in the DBC.

CHAPTER 5 - APPEAL

Section 501 - GENERAL

501.2 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 501 in the DBC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals. The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a dangerous building or the premises on which it is located.

CHAPTER 7 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 701 - COMPLIANCE

701.1 GENERAL. After any order of the Building Official or a board of appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor/infraction.

ARTICLE 9 - AMENDMENTS TO APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE (CCC)

APPENDIX CHAPTER 1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

Section A100 - GENERAL

A100.1 PURPOSE. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

A100.2 SCOPE. The provisions of this Chapter shall apply to all existing buildings in Seismic Zones 3 and 4 which were constructed or under construction, or for which a building permit was issued, prior to May 10, 1962, having at least one unreinforced masonry wall. Except as provided herein, all other provisions of the Uniform Building Code shall apply.

EXCEPTIONS: This code shall not apply to:

1. Detached one or two story family dwellings, detached apartment houses containing less than 5 dwelling units and used solely for residential purposes, and hotels/motels containing less than 5 guest rooms.

2. Essential Facilities as defined in Table 16K of the Uniform Building Code.

3. Hazardous Facilities as defined in Table 16K of the Uniform Building Code.

This does not require alteration of existing electrical, plumbing, mechanical or fire safety systems.

A100.3 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

A100.4 COUNTY ORDINANCE HISTORY. This article together with Article 1, Chapter 8 is a restatement of Ventura County Ordinance No. 3948 which it hereby supersedes. The section numbering has been revised to be consistent with the current numbering sequence found in the U.C.B.C.

Section A101 ADMINISTRATIVE PROVISIONS

A101.1 DEFINITIONS. For the purposes of this Division, the applicable definitions in the Uniform Building Code shall also apply.

HIGH RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of 100 occupants or more as determined by Section 1002.1 and Table 10-A of the Uniform Building Code.

EXCEPTIONS: A high risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum height of 1-1/2 times the story height.

2. Any building used for its intended purpose, as determined by the Building Official for less than 20 hours per week.

LOW RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of less than 20 occupants as determined by Section 1002.1, Table 10-A, of the Uniform Building Code.

MEDIUM RISK BUILDING is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load of 20 occupants or more as determined by Section 1002.1, Table 10-A of the Uniform Building Code.

A101.2 **Rating Classifications.** The rating classifications identified in Table A-9-A are hereby established and each building within the scope of this Division shall be placed in one such rating classification by the Building Official. The total occupant load of the entire building as determined by Section 1002.1, Table 10-A of the Uniform Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this Division, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

A101.3 **Compliance Requirements.** 1. The owner of each building within the scope of this Division shall, upon service of an order and within the time limits set forth in this Division, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this Division, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within scope of this Division shall comply with the requirements set forth above by submitting to the Building Official for review within the stated time limits:

A. Within 270 days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this Division; or

B. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Division; or

C. Within 120 days after service of the order, plans for installation of wall anchors in accordance with the requirements specified in Section A113 of the UCBC; or

D. Within 270 days after service of the order, plans for the demolition of the building.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-9-B. These time limits shall begin to run from the date the order is served in accordance with Section A101.4.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners electing to comply with A101.3 of this subsection are also required to comply with Items A101.2 or A101.4 of this subsection provided, however, that the 270-day period provided for in Items A101.2 or A101.4 and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A-9-B shall be extended in accordance with Table No. A-9-C. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A101.4 except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

A101.4 **Administration.**

A101.4.1 Order - Service. A. The Building Official shall, in accordance with the priorities set forth in Table No. A-9-C, issue an order as provided in this section of other owner of each buildings within the scope of this Division.

B. Prior to the service of an order as set forth in Table No. A-9-C, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this Division. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

A101.4.2 Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Division shall be in accordance with the rating classification as shown on Table No. A-9-C. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A-9-C shall be measured from the effective date of this Division. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Division prior to the normal service date for such building set forth in this Division.

A101.4.3 Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Division and, therefore, is required to meet the minimum seismic standards of this Division. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A101.3, which sets forth the owner's alternatives and time limits for compliance.

A101.4.4 Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Division to the Board of Appeals established by Section 105 of the Ventura County Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A101.4 Any such appeal shall be decided by the Board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Division shall be made in accordance with the procedures established in Sections 104.2.7 and 104.2.8 of the Uniform Building Code.

A101.4.5 Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this Division and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Division has not been demonstrated.

If the building is either demolished, found not to be within the scope of this Division or is structurally capable of resisting minimum seismic forces required by this Division as a result of structural alterations or an analysis, the Building Official shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this Division.

A101.4.6 Enforcement. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section A101.3, the Building Official shall verify that the owner of record of this building has been properly served. If the order has been served on the owner of record, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the Uniform Building Code.

Section A102 GENERAL REQUIREMENTS

A102.1 **GENERAL.** All buildings shall have a seismic resisting system conforming with Section 1603.3 of the Uniform Building Code, except as modified by this Division.

A102.2 **Alterations and Repairs.** Alterations and repairs required to meet the provisions of this Division shall comply with all other applicable requirements of the Uniform Building Code unless specifically provided for in this Division.

(c) A102.3 **Requirements for Plans.** The following construction information shall be included in the plans required by this Division.

1. Accurately dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing material. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned and drawn to scale on the plans.

2. Accurately dimensioned wall elevations showing openings, piers, wall classes as defined in Section A106.3, thicknesses, and heights, wall shear test locations, cracks or damaged portions requiring repairs, the general condition of the mortar joints, and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.

5. The extent and type of parapet corrections which were previously perform, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this Division.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section A113.

TABLE NO. A-9-A RATING CLASSIFICATIONS	
TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A-9-B TIME LIMITS FOR COMPLIANCE			
Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year[1]	180 days[2]	3 years[2]
Wall Anchors	180 days[1]	270 days[2]	1 year[2]

[1]Measured from date of service of order.

[2]Measured from date of building permit issuance.

TABLE A-9-C EXTENSIONS OF TIME AND SERVICE PRIORITIES			
Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ADOPTED this 5th day of November, 2002 by the following vote:

AYES: Supervisors Bennett, Schultz, Long, Mikels + Flynn

NOES: None

ABSENT: None

John K. Flynn
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Paula R Placencia
Deputy Clerk of the Board

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RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

September 25, 2002

Architects, Engineers, Builders and Other Interested Parties

Re: Your Review and Comments on the 2001 Ventura County Building Code

I have prepared the draft of the 2001 edition of the Ventura County Building Code (V.C.B.C.) and would like you or your organization to review it. Please forward your comments to me. The new draft contains some new amendments to the previously adopted 1998 edition of the VCBC, although the number of amendments is small. I have included a copy of the draft for your review and comments.

In general, the Ventura County amendments have been minimized to follow the State adopted code language more closely. Many of the amendments from prior editions have simply been carried forward with no changes. Overall, the number of changes in this edition is very small compared to years past. One of the reasons for this is that the 1997 Uniform Building Code is being re-adopted by the State. Therefore, there is no change in the building code this time. Consequently, the same amendments still apply.

Most of the administrative amendments deal with local County issues such as the County organization and the division of responsibilities between the Building and Safety Division (for most of the code), the Public Works Agency for grading and flood control requirements, and the Environmental Health Division for housing issues and private sewage disposal systems.

For technical matters, changes have been made to address local seismicity issues, a lessening of permit requirements for agricultural buildings and other structures, and refinements in the requirements for swimming pools.

I am planning to present the ordinance to the Board of Supervisors for adoption soon. I would, therefore, appreciate your written comments as soon as is convenient for you. That will allow me time to analyze and incorporate your comments, if needed.

MAIN OFFICE, L #1720
800 South Victoria Avenue, Ventura, CA 93009 (805) 654-2771 FAX (805) 648-9212
BRANCH OFFICES
East County: 3855-F Alamo Street, L #5915, Room 2019-A, Simi Valley, CA 93065 (805) 582-8064 FAX (805) 582-8085

ATTACHMENT "C"

Thanks for your continued assistance by providing input on the adoption of the code. If you have any questions or would like to discuss any matters with me, feel free to call me at (805) 654-2787.

Sincerely,

Jack Phillips,
Building Official,
County of Ventura

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RESOLUTION NO. 206

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ADOPTING EXPRESS FINDINGS REGARDING MODIFICATION OF UNIFORM CODES WHICH REGULATE BUILDINGS SUBJECT TO THE STATE HOUSING LAW

WHEREAS, pursuant to Health and Safety Code Sections 17958.5 and 17958.7, a County may make such modifications in the requirements of the regulations adopted pursuant to Health and Safety Code Section 17922 as it determines to be reasonably necessary because of local conditions if it makes express findings that such modifications are needed and if such findings, together with the modifications, are made public records on file with the Division of Building and Safety, and filed with the California Building Standards Commission pursuant to Health and Safety Section 17958.7; and

WHEREAS, pursuant to the decision in the case of Baum Electric Co. v. City of Huntington Beach (1973), 33 Cal. App. 3rd 573, a County may make such modifications in the requirements of the regulations adopted pursuant to Health and Safety Code Section 17922 as it deems to be reasonably necessary in order to safeguard life and property if it makes express findings that such modifications are needed and if such findings, together with the modifications, are made public records on file with the Division of Building and Safety;

NOW, THEREFORE, BE IT RESOLVED that it is reasonably necessary because of local conditions to modify certain sections of the uniform codes as shown in the attached "Analysis of Revisions and Statement of Findings for the 2001 Ventura County Building Code."

Upon motion of Supervisor Schultz, seconded by Supervisor Mikels, and duly carried, the foregoing resolution was approved on October 8, 2002.

John K. Flynn
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Laura L. Placencia
Deputy Clerk of the Board

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ATTACHMENT "D"

September 26, 2002

Analysis of Revisions and Statement of Findings for the 2001 Ventura County Building Code

The following analysis discusses the changes included in the Ventura County Building Code as proposed by the Resource Management Agency, Division of Building and Safety.

In the legislative edition of the Ventura County Building Code, newly added words or phrases are shown as underlined. Words or phrases deleted are shown as being stricken out.

This analysis will provide a concise report for the purpose of facilitating the adoption of the proposed code revisions.

This revision adopts the most current editions of the State adopted codes and other "model" codes as follows:

California Building Code - 2001 Edition
California Electric Code - 2001 Edition
California Mechanical Code - 2001 Edition
California Plumbing Code - 2001 Edition
Uniform Housing Code - 1997 Edition
Uniform Code for the Abatement of Dangerous Buildings - 1997 Edition
Appendix Chapter 1 of the California Conservation Code - 2001 Edition

Amendments discussed below are those that have been made since the last adoption of the VCBC. Former amendments that are merely carried forward without change are not addressed as new changes in this analysis.

The amendments to the above-adopted codes are as follows:

REVISIONS THROUGHOUT THE VENTURA COUNTY BUILDING CODE (VCBC):

All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other adopted model codes.

Section numbers have been changed where they have either changed themselves in the adopted codes or were required to be changed because of other changes in the adopted codes.

Titles of chapters or sections have been changed where changes have occurred in the adopted codes.

Various other editorial changes such as re-titling of sections and highlighting defined words in bold occur throughout the code. These changes are editorial only.

REVISIONS BY ARTICLE AND SECTION NUMBER

ARTICLE 1 - ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND OTHER MODEL CODES BY REFERENCE

ATTACHMENT "E"

CHAPTER 1 - ADOPTION INTO THE VENTURA COUNTY BUILDING CODE

Section 104. COPIES OF CODE FOR SALE TO THE PUBLIC. Copies of the Ventura County Building Code shall be made available in the office of the Division of Building and Safety for examination. ~~and~~ pPurchase ~~of the codes~~ by the public at a price not to exceed the actual cost thereof to the County plus a reasonable handling charge as established by the Building Official is ~~may be available depending on the stock on hand~~.

ANALYSIS:

This is an editorial change that has been made to clarify that code books may not always be available for sale.

CHAPTER 2 - ADOPTION OF THE CALIFORNIA BUILDING CODE

Section 101. ADOPTION. That building code known as the "California Building Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 2 - a portion of the "California Building Standards Code", which incorporates by reference the 1997 edition of the Uniform Building Code with adopted California amendments, together with Appendices Chapter 3, Division I; Chapter 3, Division II; Chapter 4, Division II; Chapter 12, Division I; Chapter 12, Division IIA; Chapter 15; Chapter 16, Division IV; Chapter 18; Chapter 29; Chapter 30; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33 promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose and subject matter of which, among other things, is to protect the public health and safety as set out in Section 101.2 of the Uniform Building Code, is hereby adopted and enacted as the primary building code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein subject to the following amendments.

ANALYSIS:

The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.

CHAPTER 3 - ADOPTION OF THE CALIFORNIA ELECTRICAL CODE (CEC)

Section 101. ADOPTION - That Electrical Code known as the "California Electrical Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 3 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1996~~ 1999 edition of the National Electrical Code with necessary California amendments, promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269; the purpose of which, among other things is to provide minimum standards for the design, installation, maintenance, and use of electrical wiring and electrical apparatus in order to safeguard persons and property from electrical hazards, is hereby adopted and enacted as the primary Electrical Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein, with specific modifications as indicated in Article 4:

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the

amendments. Ventura County amendments to the California Electrical Code are found in Article 4 of this code.

ANALYSIS:

The California Electrical Code is adopted with amendments as shown in Article 2 and Article 4.

CHAPTER 4 - ADOPTION OF THE CALIFORNIA MECHANICAL CODE (CMC)

Section 101. ADOPTION. That mechanical code known as the California Mechanical Code, "~~1998~~ 2001 Edition and also known as the California Code of Regulations (C.C.R.), Title 24, Part 4 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1997~~ 2000 edition of the Uniform Mechanical Code with necessary California amendments, and Appendices A, B, C, and D promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, and as amended herein, the purpose and subject matter of which, among other things, is to protect public health and safety as stated in Section 102 of said code, is hereby adopted and enacted as the primary mechanical code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Mechanical Code are found in Article 5 of this code.

ANALYSIS:

The California Mechanical Code and certain appendices are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code edition is now that version published by the International Association of Plumbing and Mechanical Officials.

CHAPTER 5 - ADOPTION OF THE CALIFORNIA PLUMBING CODE (CPC)

Sec. 101 ADOPTION. That plumbing code known as the "California Plumbing Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 5 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1997~~ 2000 edition of the Uniform Plumbing Code with necessary California amendments, together with Uniform Plumbing Code Appendices A, B, C, D, E, G-A, H, I, J, K and L promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, the purpose and subject matter of which is to protect public health and safety by establishing minimum regulations for the installation, alteration, or repair or plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Plumbing Code are found in Article 6 of this code.

ANALYSIS:

The California Plumbing Code and certain appendices are adopted with amendments as shown in Article 2 and Article 6.

CHAPTER 6 - ADOPTION OF THE UNIFORM HOUSING CODE (UHC)

Section 101. ADOPTION - That Housing Code known as the "Uniform Housing Code," 1997 Edition which was promulgated and published by the International Conference of Building Officials, 5360 South Workingman Mill Road, Whittier, California 90601, the purposes and subject matter of which among other things is to protect the public health and safety as set out in Section 102 of said Code, is hereby adopted and enacted as the primary Housing Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herewith with specific modifications as indicated below.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the Uniform Housing Code are found in Article 7 of this code.

ANALYSIS:

The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.

CHAPTER 7 - ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

Section 101 ADOPTION. That code known as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose of which, among other things, is to protect the public health and safety as set out in Section 102 of this Code, is hereby adopted and enacted as the Code for Abatement of Dangerous Buildings in the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein with specific modifications as indicated below. This Code will be referred to herein as the Dangerous Buildings Code.

Sec. 102 AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments Ventura County amendments to the Dangerous Buildings Code are found in Article 8 of this code.

ANALYSIS:

The Uniform Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.

CHAPTER 8 - ADOPTION OF APPENDIX CHAPTER 1 OF THE ~~UNIFORM CALIFORNIA CONSERVATION CODE~~ (U CCC)

Sec. 101 ADOPTION: ~~Appendix Chapter 1 of that code known as the Uniform Code for Building Conservation, 1997 Edition,~~ That building conservation code known as the "California Conservation Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 10 - a portion of the "California Building Standards Code" which incorporates by reference Appendix Chapter 1 of the 1997 Edition of the Uniform Code for Building Conservation, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as amended herein, the purpose and subject matter of which, among other things, is to promote public safety and welfare by reducing the risk of death or injury from the effects of earthquakes on existing unreinforced masonry bearing wall buildings as stated in Section A101 of said code, is hereby adopted as the primary unreinforced masonry building conservation code of the County and made a part of this code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Sec. 102 AMENDMENTS: Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to Appendix Chapter 1 of the Uniform Code for Building Conservation are found in Article 9 of this code.

ANALYSIS:

Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation (UCBC) because of its adoption by the State. The model code it references (the 1997 UCBC) has not changed, however.

ARTICLE 2 - AMENDMENTS OF GENERAL APPLICATION TO ALL OF THE ADOPTED STATE AND MODEL CODES

CHAPTER 1 - ADMINISTRATION

Sec. 103 VIOLATIONS.

103.1 GENERAL. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, building service equipment, machine or equipment or cause or permit the same to be done in violation of this Code or to violate any provision of this Code.

103.3 INFRACTIONS. It shall be an infraction of law for any person to remove, deface, or alter a posted notice of the Building Official or duly appointed representative when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this code.

103.4 MISDEMEANORS. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, misdemeanor/infraction, or infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion

such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Each and every violation of any provision of this Code is a misdemeanor unless designated by this Code to be an infraction or a misdemeanor/infraction.

103.5 MISDEMEANORS/INFRACTIONS. Every violation of this Code designated a misdemeanor/infraction shall be a misdemeanor; provided that, where the District Attorney has determined that such action would be in the best interests of justice, the District Attorney may specify in the accusatory pleading that the violation shall be an infraction and the violation shall then be prosecuted as an infraction.

103.6 PUNISHMENTS. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both such fine and imprisonment. Any person convicted of an infraction, the penalty for which is not otherwise prescribed, shall be punished by (a) a fine not exceeding one hundred dollars ($100) for the first violation; (b) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance provision within one year; and (c) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance provision within one year.

ANALYSIS:

This section has been amended to provide specific definitions and penalties for violations of the codes. This is an administrative change.

104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.2.1 ENFORCEMENT OF CODES. The Building Official is hereby authorized and directed to enforce all the provisions of this Code and of the codes adopted by reference hereby. The decision of the Building Official in enforcing the provisions of this Code or of the codes adopted by reference, or in interpreting the provisions thereof, or in exercising the authority delegated thereby shall be final, subject to appeal as provided in this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Whenever in this Code or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards, or rules or regulations as part of this Code or of any of the codes adopted by reference hereby unless set out in full herein, but they shall be considered and may be used by the Building Official as guides to assist in determining whether or not there has been compliance with the provisions of this Code. The Building Official shall not be bound by the provisions of any such other codes, standards, interpretations, or rules or regulations not expressly adopted by reference in this Code in determining such compliance.

104.2.2 DEPUTIES. In accordance with the prescribed procedures and with the approval of the appointing authority of the County, the Building Official may, from time to time, appoint such number of officers, inspectors, assistants and other employees as shall be necessary to carry out the functions of the Division of Building and Safety and act as duly authorized representatives of the Building Official.

104.2.3 RIGHT OF ENTRY. Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, hazardous, or insanitary, the Building Official or his authorized representative may enter such building, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons having charge or control of the building, structure, or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

104.2.4 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code, or in violation of applicable ordinances of other County agencies, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Whenever the Building Official finds that a building or structure for which a permit has been issued may be flooded or is subject to erosion hazard if the work is completed in the manner proposed, or that the completion of such work will cause the flooding of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of the Ventura County Flood Control District (P.W.A.), or other qualified County officer for a determination as to such danger. If the Director of the aforementioned District or other qualified County officer reports that substantial danger exists, the Building Official shall order work stopped until plans to alleviate such danger have been reviewed and approved by said Director or County officer.

Failure to order work stopped or to make such referral or both shall not be construed as a representation that danger of flooding or erosion does not or will not exist if the work is completed in the manner proposed.

104.2.5 OCCUPANCY VIOLATIONS. Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that in the event of an unsafe building Section 102 in the Uniform Building Code shall apply.

104.2.6 LIABILITY. The Building Official or his authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or

property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the legal department of the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this code.

104.2.11 REPORTS AND RECORDS. The Building Official shall submit a report to the proper County official not less than once a year covering the work of the department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this Code.

The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

104.2.12 POWER OF CITATION. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code section 836.5, the Building Official and certain of his authorized subordinates as hereinafter provided shall have the power of arrest without warrant whenever they have reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a violation of the provisions of this Code or any other ordinance or statute which the Building Official has a duty to enforce.

The persons who are authorized to make arrests as herein provided shall consist of the Building Official and those of his subordinates as he may from time to time designate, whose duties include inspection and enforcement activities for Ventura County.

In any case in which a person is arrested pursuant to this section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C (commencing with section 853.6) of the California Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this section.

104.2.13 NOTICE OF INTENT TO RECORD NOTICE OF NONCOMPLIANCE AND RECORDATION OF NOTICE OF NONCOMPLIANCE. Whenever the Building Official determines that work has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Building Official shall post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall described the property, shall set forth the noncomplying conditions, and shall inform the owner(s) that the Building Official shall record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeal.

A. If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeal, the Building Official shall record a Notice of Noncompliance.

B. If a timely appeal is filed with the Board of Appeal and the Board finds that the noncomplying conditions have not been corrected and need to be corrected, the Building Official shall record a Notice of Noncompliance.

Under either A or B above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall described the property, shall set forth the noncomplying conditions, and shall state that the property owner(s) have been notified.

If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or removed, the Building Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the noncomplying conditions have been corrected or removed. A fee as set forth in the Ventura County Building Code Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

104.2.14 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT. Whenever the Building Official ascertains that any building service equipment regulated in the referenced technical codes has become hazardous to life, health or property, or becomes insanitary, he shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written order itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When any building service equipment is maintained in violation of this code and in a violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

104.2.15 AUTHORITY TO DISCONNECT UTILITIES. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to a building, structure or building service therein regulated by this code, or the referenced technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupants of the building or structure of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupants of the building or structure, in writing, of such disconnection immediately thereafter.

104.2.16 RECONNECTION AFTER ORDER OF DISCONNECTION. No person shall make connections from any energy, power or fuel supply, nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

ANALYSIS:

This section has been modified and expanded to address several issues related to the enforcement of the codes. These include the appointment of deputies, right of entry, stop orders, occupancy violations, liability, reports, power of citation, the recordation of Notices of Non-Compliance, and the authority to condemn service equipment and to disconnect utilities. These are all administrative changes.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24 (CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

ANALYSIS:

This section has been amended to identify the specific Boards of Appeal for Ventura County and to provide clarification about their scope of authority and their operating procedures. This is an administrative change.

106.1.1 STREAMLINED PERMITS FOR CERTAIN AGRICULTURAL BUILDINGS, GREENHOUSES AND SHADE STRUCTURES. The provisions of this code with respect to plan review and inspection shall not apply to certain agricultural buildings, greenhouses and shade structures as specified herein, provided that all of the following conditions are met:

1. The building or structure is used exclusively as an agricultural building as defined in the Uniform Building Code (U.B.C.), and is not designed, equipped or intended for human occupancy or any use other than as an agricultural building, and

2. The building or structure is detached, single story, not over 15 feet in height as defined in the U.B.C., and is of conventional wood frame (Type V-N) construction, and

3. The floor area of the building or structure does not exceed the following limits:

    a. On sites of 10 acres or more in size: 3,000 square feet.

    b. On sites 2 acres or more but less than 10 acres in size: 1,500 square feet, except for nurseries.

    c. On sites 2 acres or more but less than 10 acres in size: 3,000 square feet for nurseries licensed by the Agricultural Commissioner.

    d. On sites less than 2 acres in size: none.

    e. Shade cloth structures without permanently affixed sides: 12,000 square feet, and

4. The building is determined to be exempt from requirements for preparation of plans by a professional engineer or architect as set forth in the California Professional Engineer's or Architect Act, and

5. A Zoning Clearance as an agricultural building, greenhouse or shade structure for the building or structure is approved by the Planning Division, and

6. Approval from the Environmental Health Division is obtained for properties with septic systems, and

7. Approval from the Flood Control Department of the Public Works Agency is obtained as required, and

8. Approval from the Ventura County Fire Department is obtained relative to access, water supply, fire sprinkler, brush clearance and high fire hazard area requirements for any barn or storage structure designed and constructed to house farm implements, hay, grain, poultry or livestock in excess of 1,500 square feet in area; and where a review for other types of agricultural buildings up to 3,000 square feet in area in not required; and

9. Approval from the Development and Inspection Services Division of the Public Works Agency is obtained when a grading permit is required, and

10. A code complying exit is provided from the building or structure, and

11. There is no plumbing, mechanical or electrical work proposed for the building or structure.

106.1.1.1 FEES FOR STREAMLINED AGRICULTURAL BUILDING PERMITS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to agricultural buildings, greenhouses and shade structures qualifying for the above procedure under the provisions of that subsection.

106.1.1.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.1.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

Analysis:

This entire section and the following subsections have been revised to streamline building permits for certain types of agricultural buildings. This new language was developed in conjunction with the Agricultural Policy Advisory Committee and has received their support. This change is an administrative change only.

106.1.2.1 FEES FOR SMALL AGRICULTURAL PRODUCE STANDS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to produce stands qualifying for exemption under the provisions of this subsection.

106.1.2.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.2.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

Analysis:

This language has been divided from a single paragraph format to a three subsection format to agree in layout with the previous section dealing with agricultural buildings. There is no change to the content of the former language except for the new layout. This is an editorial change only.

106.1.4 EMERGENCY BUILDING PERMITS. The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

Emergency repairs to plumbing, electrical, and mechanical installations may be initiated prior to obtaining the required permits, provided that such work was urgently necessary and it was impractical to obtain the permits prior to commencement of the work. Permits for all such work shall be obtained as soon as it is practical to do so.

ANALYSIS:

This section has been added to allow for feasibility in dealing with emergency situations outside of the normal routine. It provides for the capability to act in a timely manner to stabilize or correct emergency situations. This is an administrative change.

Sec. 106.2 EXEMPTED WORK. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, patio covers, playhouses, playground or athletic equipment and similar uses provided the floor area does not exceed 120 square feet.

2. Fences not over 6 feet high measured from highest point of grade, unless supporting a surcharge or structural element.

3. Oil derricks.

4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

5. Retaining walls which are not over 4 feet in height measuresd from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and wood decks not more than 30 inches above grade at any point and not over any basement or story below, nor supporting any structure above.

8. Painting, papering, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported completely by an exterior wall of Group R, Division 3 or Group U, Division 1 Occupancies when projecting not more than 54 inches nor encroaching into required yards.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

13. Freestanding signs not more than 10 feet in height and not more than 72 square feet in area and wall signs not more than 200 square feet in area.

14. Residential television and radio antennas and dish antennas not more than 3 feet in diameter with an approved zone clearance.

15. Commercial antennas not over 15 feet in height when in compliance with the County Zoning Ordinance.

16. Electrolier standards, and flag poles not over 35 feet in height when in compliance with the County Zoning Ordinance.

17. Readily removable plastic covered hoop structures without in-ground footings or foundations that are not more than 8' in height.

18. Agricultural wind generating machines except that an electrical or gas permit is required if they are connected to a commercial utility.

~~19. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade and not more than 1,000 square feet of roof area.~~

Unless otherwise exempted, separate plumbing, mechanical and electrical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Analysis:

Item 1 has been changed to exempt detached patio covers when sized less than 120 square feet and playground or athletic equipment from building permit requirements.

Item 14 has been modified to refer to residential television and radio antennas only.

Item 15 has been added to exempt commercial antennas less than 15 feet in height.

Item 16 has been modified to refer to electrolier standards and flagpoles only.

Item 17 has been added to exempt plastic hoop structures less than 8 feet in height.

Item 18 has been added to exempt certain agricultural wind generating machines.

Item 19 has been added to exempt certain animal shade covers.

All of these changes are administrative.

106.3.2 SUBMITTAL DOCUMENTS. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Computations, diagrams, schedules, soil reports, geological or geotechnical reports, and other data sufficient to show the correctness and adequacy of the plans shall be submitted when required by the Building Official.

A Survey of a lot may be required by the Building Official to assure that a structure is located in accordance with requirements, and/or is situated with respect to Mean Sea Level such that it complies with regulations governing construction in flood-prone areas.

Analysis:

This section has been revised to use the language of the 1997 UBC, except for the paragraphs about geological reports and lot surveys. This is an editorial change only.

Sec. 106.4 - PERMITS ISSUANCE

106.4.1 PERMIT ISSUANCE AND DENIAL. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees have been paid, he shall issue a permit therefor to the applicant.

Except where special building designs or other mitigating measures have been approved by the Building Official and cooperating officials of other County agencies, a building permit may be

denied where physical features of a building site are such that a denial of the building permit is deemed necessary to safeguard life or limb, health, property, or public welfare. Physical features which justify the denial of a permit shall include but shall not be limited to:

1. Precipitous cliffs or other nearby vertical land masses of unknown stability.
2. Unstable soils or geologic conditions.
3. Terrain which is subject to flooding, inundation, or sever soil erosion.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been found complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building or structure will be granted.

106.4.1.1 PERMIT ISSUANCE: RESTRICTIONS. The issuance of permits shall be restricted to those applicants or their authorized representatives who are entitled by the regulations and the exemptions in the State Contractor's License Law, Business and Professions Code, and other applicable statutes to perform work regulated by this Code.

1. Owner-Builder permits may be issued to a property owner building or improving his/her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

   (a) The residence is not intended or offered for sale.

   (b) The homeowner has actually resided in the residence for the 12 month period prior to the completion of the work for which the permits is issued.

2. Owner-Builder permits may be issued to a property owner building or improving structures thereon who contract for such projects with licensed contractors pursuant to Division 3, Chapter 9, of the California Business and Professions Code.

3. Tenant Improvement permits may be issued to tenants when authorized by the building owner for work within the tenant space.

ANALYSIS:

This section has been modified by adding language allowing the denial of a permit because of unstable land masses or soil conditions, precipitous cliffs or terrain subject to flooding, inundation or severe erosion. These changes are administrative but based on geologic and topographical conditions.

106.4.4 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or

work authorized by such permit is not commenced within 180 days after the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the work authorized by such permit does not receive final inspection approval within 3 years from the issuance date of the permit. Before such work may be recommenced, a new or renewed permit shall first be obtained to do so. The fee therefor shall be based upon the valuation and extent of work remaining to complete the project, but such fee shall not exceed one-half the current permit fee providing no changes have been made or will be made in the original plan and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may perform work under that permit when he is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may, without requiring payment of an additional permit fee, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Demolition permits issued for the correction of violations shall expire after 30 days.

For the purpose of this Section "suspended or abandoned" shall be measured as elapsed time between approved REQUIRED INSPECTIONS as delineated in UBC Sections 108.5 through 108.7.

ANALYSIS:

The time limits for permit expiration have been changed to conform to the language of the 1997 UBC. This was done to be consistent with a new computerized tracking system. In addition, a 30-day time limit for demolition permits issued to abate violations has been added. These are editorial and administrative changes.

107.2 BUILDING PERMIT FEES. The fee for each building permit shall be as set forth in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.2.1 ELECTRICAL PERMIT FEES. The fee for each electrical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.2 MECHANICAL PERMIT FEES. The fee for each mechanical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.3 PLUMBING PERMIT FEES. The fee for each plumbing permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.4 OTHER FEES. Other fees charged for services by the Division of Building and Safety shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.3 PLAN REVIEW FEES. When a plan or other data are required to be submitted by Sec. 106.3.2, a plan review fee shall be paid at the time of submitting plans and data for plan review. Said plan review fee shall be ~~65~~ 75 percent of the building permit fee as shown in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The plan review fees specified in this subsection are separate fees from the permit fees ~~and are in addition to the permit fees~~.

The amount of the plan review fee for the initial submittal of a "Standard Plan" as defined herein shall be the full plan review fee as specified above. The plan review fee for subsequent submittals of a plan which qualifies as a "Standard Plan" shall be one-half of the initial plan review fee. "Standard Plan is hereby defined as a prototype plan for a building or structure which is to be utilized at more than one site, and which incorporates the same essential structural features, design, dimensions and calculations as the original approved plan. A "Standard Plan" shall be void three years after its original approval or upon revision of the applicable codes under which it was initially reviewed, or at the discretion of the Building Official."

When plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged but such fee shall not exceed one-half the initial plan review fee. Corrected plans which are resubmitted to the Division of Building and Safety for approval subsequent to initial plan review shall not be subject to an additional plan review fee. The fee for additional plan review may be waived by the Building Official when the time consumed in the performance of such service totals less than one-half hour.

ANALYSIS:

The plan review fee has been increased from 65% to 75% to cover the costs of additional plan review items such as storm water drainage, mobile home regulation, flood control design requirements, and data collection and distribution.

107.4 EXPIRATION OF PLAN REVIEW. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When plans are resubmitted for checking after expiration of plan review and no changes have been made or will be made in the original plans and specifications for the work, and no code changes have occurred, the plan review may be

renewed for 180 days and the plan review fee may be one-half the current plan review fee provided the re-submittal has not exceeded one year from the expiration date.

ANALYSIS:

This section revises the current code language to include an allowance for a renewal of the plan review after it has expired under certain conditions. This is an administrative change.

107.5 INVESTIGATION FEES: WORK WITHOUT PERMIT.

107.5.2 FEE. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the Ventura County Building and Safety Fee Schedule.

The payment of such investigation fee shall not exempt any person from compliance with all applicable provisions of this code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

Analysis:

This is an editorial change to refer to the proper title of the fee schedule.

107.6 FEE REFUNDS. The Building Official may authorize the refunding of fees upon written application by the original permittee, within the limitations set forth herein:

(a) Permit issuance fees shall be nonrefundable except as provided in subsection (c) below.

(b) Any fee totaling thirty-five dollars ($35) or less, exclusive of any issuance fee, if any, shall be nonrefundable except as specified in subsection (c) below.

(c) 100% of any fee erroneously paid or collected shall be refundable, except for that portion paid for State Seismic Fee (SMIP).

(d) 90% of any plan review fee, less a cancellation fee, shall be refundable when the permit application is withdrawn or canceled prior to commencement of plan review.

(e) 90% of any permit fee, less a cancellation fee and State of California Seismic Fee (SMIP), shall be refundable when none of the work covered by such permit has commenced.

(f) 90% of any Board of Appeals hearing fee, less a cancellation fee, shall be refundable when such hearing is canceled prior to the issuance of a Notice of Hearing pertaining to the case.

Failure of the permittee to make written application for a refund within ~~6 months~~ 180 days of cancellation or expiration of a plan review, permit, hearing, or request for service for which a fee has been paid, shall constitute a waiver of entitlement to a refund. No partial refund shall be authorized nor credit be applied against other fees which may be payable to the Division of Building and Safety when a construction project is canceled or abandoned subsequent to partial completion of the building or work authorized by a permitted.

107.7 CANCELLATION FEE. Refunds of fees for permits and services associated with construction projects which are canceled or withdrawn prior to commencement of plan review, inspection, or performance of other service by the Division of Building and Safety shall be subject to a cancellation fee as set forth in the Ventura County Building and Safety Fee Schedule.

ANALYSIS:

This section has been expanded to handle many different cases of fee refunds. It is an administrative change.

Sec. 108 - INSPECTIONS

108.1. GENERAL. All construction or work for which a permit is required shall be subject to inspection by the building official to ensure compliance with the requirements of this Code and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701.5.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official by telephone, orally, or in writing when said work is ready for inspection. Such notification shall be given at least one working day before such inspection is desired.

No portion of any building, structure, wiring, plumbing, ductwork or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official. The Building Official shall have authority to remove, or to require the removal of, any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, ductwork, electrical, or mechanical equipment, as necessary to verify compliance with the approved drawing or codes.

Analysis:

This section has been changed to include language from the 1997 UBC and to include a paragraph addressing when lot surveys may be required. This is an administrative change.

SECTION 109 - CERTIFICATE OF OCCUPANCY

109.4 TEMPORARY OR PARTIAL CERTIFICATE. Upon application by the owner, and for reasonable cause, if the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the entire building is completed, a Temporary or Partial Certificate of Occupancy may be issued for a portion or portions of the building. Such Temporary or Partial Certificate must include compliance with this code for all required access and exiting systems, toilet facilities and fire protection equipment and systems.

Upon completion of the entire structure all Temporary or Partial Certificates shall be surrendered to the building official in exchange for a final Certificate of Occupancy, as specified in UBC Section 109.3.

Analysis:

Minor editorial changes have been made to this section to improve the readability.

~~**TABLE UBC 1-A BUILDING PERMIT FEES**~~

~~TOTAL VALUATION~~	~~FEE~~
~~$1.00 to $500.00~~	~~$23.00~~
~~$501.00 to $2,000.00~~	~~$23.00 for the first $500.00 plus~~ ~~$3.00 for each additional $100.00 or fraction thereof, to and including $2,000.~~
~~$2,001.00 to $25,000.00~~	~~$68.00 for the first $2,000.00 plus $13.25 for each additional $1,000.00 or fraction thereof, to and including $25,000.00.~~
~~$25,001.00 to $50,000.00~~	~~$372.75 for the first $25,000.00 plus $9.50 for each additional $1,000.00 or fraction thereof, to and including $50,000.00.~~
~~$50,001.00 to $100,000.00~~	~~$610.25 for the first $50,000.00 plus $6.75 for each additional $1,000.00 or fraction thereof, to and including $100,000.00.~~
~~$100,001.00 to $500,000.00~~	~~$947.75 for the first $100,000.00 plus $5.25 for each additional $1,000.00 or fraction thereof, to and including $500,000.00.~~
~~$500,001.00 to $1,000,000.00~~	~~$3,047.75 for the first $500,000.00 plus $4.50 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00.~~
~~$1,000,001.00 and up~~	~~$5,297.75 for the first $1,000,000.00 plus $3.00 for each additional $1,000.00 or fraction thereof.~~
~~**Other Inspections and Fees:**~~ ~~Refer to current Ventura County Building Code Fee Schedule.~~	

Analysis:

This table has been deleted from the VCBC as it has been included in the Ventura County Building and Safety Fee Schedule which is adopted as a separate resolution by the Board of Supervisors.

CHAPTER 2 - DEFINITIONS

Section 202-A:

~~"Apartment house"~~ **"APARTMENT HOUSE"** shall mean any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums and townhouses.

Analysis:

Words being defined are now printed in bold type to improve the readability and to make them easier to find. This occurs in various places throughout the code. This is an editorial change.

Section 203-B: "Building Official"

3. For the purposes of administering provisions of the Uniform Housing Code pertaining to the abatement of health hazards ~~associated with private sewage disposal systems~~, the term "Building Official" shall mean the manager of the Division of Building and Safety and/or the Environmental Health Officer, or a duly authorized representative.

Analysis:

In paragraph 3, a reference to "private sewage disposal system" has been deleted which removes the limit on the abatement of health hazards to that item only. This is an administrative change.

Section 207-F:

207-F ~~FLOOD HAZARD AREA~~ **"FLOOD HAZARD AREA"** is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Control ~~Section~~ Division of the Public Works Agency.

Analysis:

Several references to different Public Works Agency "Sections" have been corrected to refer to "Divisions". This is an editorial change.

CHAPTER 6 - TYPES OF CONSTRUCTION

SECTION 607 - HIGH FIRE HAZARD AREAS

Sec. UBC 607.1 HIGH FIRE HAZARD AREA DEFINED. For the purpose of this code, certain areas in the unincorporated territory of the County shall be classified as the High Fire Hazard

Area by the Ventura County Fire Protection District. The High Fire Hazard Area is defined as any area within 500 feet of uncultivated brush, grass, or forest-covered land wherein an authorized representative of said District determines that a potential fire hazard exists due to the presence of such flammable growth.

Sec. UBC 607.2 CONSTRUCTION REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Buildings or structures hereafter erected, constructed or moved within or into designated high fire hazard areas, including mobilehomes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section. Although their installation is encouraged, neither manual nor automatic fire extinguishing systems or similar water spraying devices may be substituted for the fire protection set forth herein.

607.2.1 ROOFS. Roof coverings shall be fire retardant Class A. as specified in Section 1504 in the UBC.

607.2.2 EXTERIOR WALLS. Fire-resistive protection of exterior walls and openings, as determined by location on property, shall be as required by Section 503 in the UBC.

EXCEPTION: No exterior wall covering of a building shall provide less fire resistance than that afforded by: 7/8-inch exterior cement plaster; 1-inch nominal thickness solid wood siding; 1/2-inch textured plywood siding having a groove depth of 1/8-inch or less; 7/16-inch hardwood siding; 5/8-inch particleboard, exterior type 2-M; or 5/8-inch exterior plywood, T1-11, having a groove depth of 1/4-inch or less. Fire-retardant treated or untreated wood shingle or shake siding shall not be permitted.

607.2.3 UNDERFLOOR AREAS. Where underfloor areas are not enclosed by fire-resistive construction conforming to the requirements of subsection 607.2.2 above, the underside of the floor system shall be fire-protected as set forth in subsection 607.2.4.

607.2.4 PROJECTIONS AND OTHER BUILDING ELEMENTS EXPOSED TO FIRE. Architectural projections such as roof overhangs and soffits, balconies and decks, and other elements of building which have combustible structural elements in the horizontal plane, shall be protected with materials approved for 1-hour fire-resistive construction on the lower, fire-exposed side and shall have 1-hour fire-resistive supporting columns unless the details of construction conform to those for heavy timber as described in Section 605 in the UBC.

EXCEPTIONS: 1. Combustible structural members in horizontal projections may be unprotected timbers of size 4 x 6 or larger when used as rafters or as stair, balcony, or deck supports or for similar purposes.

2. Patios, carports, arbors and open latticework sunshades may be constructed of any materials allowed by this Code.

3. Balconies and decks 30 inches or more above grade may have flooring of not less than 2-inch nominal thickness lumber or material of equivalent fire

resistance. Such flooring may be spaced not more than 1/4-inch apart and need not be fire protected on the underside.

Balconies and decks less than 30 inches above grade shall be solidly floored without gaps and shall be fire-protected on the underside as required by this Section. In lieu of fire protection, such balconies and decks may be enclosed from floor surface to grade in the manner prescribed for exterior walls in subsection 607.2.2 of this Section.

4. Combustible exterior columns directly supporting roofs, stairs, balconies, and decks may be size 4 x 4 or larger. Columns and beams supporting interior floor loads may be size 6 x 6 or larger.

607.2.5 VENTILATION OPENINGS. Attic or foundation ventilation opening or louvers shall not be located at or within 18", measure vertically, of eaves or rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire in adjacent hazardous grass or brush areas.

607.3 WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of UBC 607.2.1 through 607.2.5 above, in whole or in part, for specific construction projects within the High Fire Hazard Area when such waiver is approved by an authorized representative of the Ventura County Fire Protection District, based upon site conditions which justify a reduction in fire resistance.

ANALYSIS:

This section has been added to address the special construction requirements for buildings constructed in high fire hazard areas. Theses amendments are necessary because of local climatic and topographical conditions.

CHAPTER 16 - DIVISION I - STRUCTURAL FORCES

Sec. 1611 OTHER MINIMUM LOADS.

1611.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

ANALYSIS:

This section has been added to deal with the testing and acceptance requirements for drilled-in expansion bolt anchors and epoxy-type anchors. This is an administrative change.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1803 SOIL CLASSIFICATION - EXPANSIVE SOIL.

1803.2 EXPANSIVE SOIL. The expansive characteristics of soil shall be determined by procedures in accordance with UBC Standard Number 18-1 and the soils shall be classified according to Table Number 18-1-B of this Code. Foundations for structures bearing on soils with an expansion index greater than 20, as determined by UBC Standard Number 18-2, shall require special design consideration. In the event the soil expansion index varies with depth, the weighted index shall be determined according to Table Number 18-1-C in the UBC. The Soil Expansion Index shall be listed in all soils investigation reports.

A test to determine the soil expansion index shall be conducted for each building site except that in subdivisions the frequency of testing need not exceed one test per five contiguous lots or one test per five acres, whichever are is smaller. Such tests shall be made after rough grading is completed. Tests shall include a determination of the expansion index for the most expansive soil encountered within the top four feet at each test location whether in cut or fill or a combination thereof.

The expansion index for soil on subdivision lots which have not been individually tested shall be assumed to correspond to the highest reading determined by tests on proximate lots.

ANALYSIS:

This section has been modified to clarify the requirements for testing for expansive soils and to provide standards to which to design foundations in areas of moderate to high expansivity. This change is due to the special geologic conditions found in areas of highly expansive soils.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1804 FOUNDATION INVESTIGATION.

1804.2 INVESTIGATION. The classification of soil shall be based on observation and necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be required to evaluate soil strength, the effect of moisture variation on soil bearing capacity, compressibility, liquefaction and expansiveness.

In Seismic Zones 3 and 4, when required by the building official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

EXCEPTIONS: 1. The building official may waive this evaluation upon receipt of written opinion of a qualified geotechnical engineer or geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy with or without attached garages ~~and single-story accessory structures thereto~~.

3. Group U, Division 1 Occupancies.

4. Fences.

5. ~~Detached single-story Group U, Division 3 occupancies.~~

Whenever, in the opinion of the Building Official, the adequacy and stability of a building site cannot be determined by the test borings or excavations required by this section, he may require a special geologic, geotechnical, hydrologic, seismic, or other investigation and report. Geologic investigations such as those for hillside stability or seismic hazards shall be conducted by a California-certified Engineering Geologist.

Analysis:

Exception 2 has been modified to exempt single story structures accessory to single family dwellings. Exception 5 has been added to exempt single story agricultural buildings. These changes are administrative.

1806 FOOTINGS.

Section 1806.1. GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with Chapter 18, Division II and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings, foundations, and concrete slab floors at or below grade shall be constructed to comply with Table UBC 18-1-D (Rev.) and footnotes thereto in this ordinance, except when an approved alternative design is provided based on a foundation investigation. UBC Table 18-1-D and footnotes thereto in the UBC is hereby deleted in its entirety, and is replaced by VCBC Table UBC 18-1-D (Rev.) and footnotes thereto, published herewith.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind or wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards. See Section 3302 for subsoil preparation and wood form removal.

1806.11 HOLD-DOWN CONNECTORS.

1. All bolt-holes shall be 1/16" (max) over-sized at the connection of hold-downs to posts.

2. Hold-down connection bolts/nuts shall be torqued ½ turn beyond finger tight or as required by manufacturer.

3. Approved plate washers, in-lieu of cut washers, shall be provided for all plywood shearwall sill plate anchor bolts. See Table "A" below.

4. Approved plate washers, in-lieu of cut washers, shall be provided for hold-down connector bolts at shearwall wood flanges. See Table "A" below.

TABLE - A

MINIMUM SIZE FOR SQUARE PLATE WASHERS

BOLT SIZE	PLATE SIZE
1/2"	3/16" x 2" x 2"
5/8"	1/4" x 2 1/2" x 2 1/2"
3/4"	5/16" x 2 3/4" x 2 3/4"
7/8"	5/16" x 3" x 3"
1"	3/8" x 3 1/2" x 3 1/2"

1806.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Where additional foundation plate anchor bolts are required after foundations are completed, drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

1806.13 GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table UBC 18-1-D (Rev.), whichever is deeper, reinforced as specified for continuous foundations in Table UBC 18-1-D, shall be provided at garage door openings.

1806.14 FIREPLACE FOOTINGS. Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table UBC 18-1-D (Rev.).

ANALYSIS:

This section has been modified by changes found in Table 18-D due to specific geologic conditions found in Ventura County. These changes are geologically based.

CHAPTER 23 - WOOD

TABLE 23-II-~~I~~G MAXIMUM DIAPHRAGM DIMENSION RATIOS

MATERIAL	HORIZONTAL DIAPHRAGMS	VERTICAL DIAPHRAGMS
	Maximum Span-Width Ratios	Maximum Height-Width Ratios
1. Diagonal sheathing, conventional 2. Diagonal sheathing, special 3. Wood structural panels and particleboard, nailed all edges	3:1 4:1 4:1	~~2:1~~ ~~1:1~~ 2:1 2:1
4. Wood structural panels and particleboard, blocking omitted at intermediate joints	4:1	~~2:1~~ ~~NP~~

Analysis:

This table has been revised to reflect changes made in the 1997 UBC. Footnote 3 in the code has been dropped out due to the high level of seismcity (i.e., Northridge Earthquake) in this region. This is a change based on local geology.

TABLE 23-II-1-1 — ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES IN POUNDS PER FOOT FOR WOOD STRUCTURAL PANEL SHEAR WALLS WITH FRAMING OF DOUGLAS FIR-LARCH OR SOUTHERN PINE.[1, 2, 3, 4]

PANEL GRADE	MINIMUM NOMINAL PANEL THICKNESS (INCHES) x 25.4 for mm	MINIMUM NAIL PENETRATION IN FRAMING (INCHES) x 25.4 for mm	PANELS APPLIED DIRECTLY TO FRAMING: Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (In.) x 25.4 for mm: 6	4	3	2 (x 0.0146 for N/mm)	PANELS APPLIED OVER 1/2-INCH (13 mm) OR 5/8-INCH (16 mm) GYPSUM SHEATHING: Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm: 6	4	3	2 (x 0.0146 for N/mm)
Structural I	5/16	1 1/4	6d	150	225	293	383	8d	150	225	293	383
	3/8	1 1/2	8d	173[5]	270[5]	345[5]	458[5]	10d[6]	210	323	413	548
	7/16			191[5]	296[5]	379[5]	503[5]					
	15/32			210	323	413	548					
	15/32	1 5/8	10d[6]	255	383	499	653	–	–	–	–	–
C-D, C-C Sheathing, plywood panel siding and other grades covered in U.B.C. Standard 23-2 or 23-3	5/16	1 1/4	6d	135	203	263	338	8d	135	203	263	338
	3/8			150	225	293	383		150	225	293	383
	3/8	1 1/2	8d	165[5]	240[5]	308[5]	398[5]	10d[6]	195	368	368	480
	7/16			180[5]	263[5]	338[5]	439[5]					
	15/32			195	285	368	480					
	15/32	1 5/8	10d[6]	233	345	450	578	–	–	–	–	–
	19/32			255	383	499	653					
			Nail Size (Galvanized Casing)					Nail Size (Galvanized Casing)				
Plywood panel siding in grades covered in U.B.C. Standard 23-2	5/16	1 1/4	6d	105	158	206	270	8d	105	158	206	270
	3/8	1 1/2	8d	120	180	233	308	10d[6]	120	180	233	308

[1] All panel edges backed with 2-inch (51 mm) nominal or wider framing. Panels installed either horizontally or vertically. Space nails at 6 inches (152 mm) on center along framing members for 3/8-inch (9.5 mm) and 7/16-inch (11 mm) panels installed on studs spaced 24 inches (610 mm) on center and 12 inches (305 mm) on center for other conditions and panel thicknesses. These values are for short-time loads due to wind or earthquake and must be reduced 25 percent for normal loading.
Allowable shear values for nails in framing members of other species set forth in Table 23-III-FF of Division III shall be calculated for all other grades by multiplying the shear capacities for nails in Structural I by the following factors: 0.82 for species with specific gravity greater than or equal to 0.42 but less than 0.49, and 0.65 for species with a specific gravity less than 0.42.

[2] Where panels are applied on both faces of a wall and nail spacing is less than 6 inches (152 mm) on center on either side, panels joints shall be offset to fall on different framing members or framing shall be 3-inch (76 mm) nominal or thicker and nails on each side shall be staggered.

[3] Framing at boundary and panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered for all plywood shear walls with shear values exceeding 300#/ft. Nailing edge distance for 3x boundary and panel edge members shall be 1/2-inch minimum.

[4] The maximum allowable shear for 3-ply plywood, less than 5/8-inch thickness, shall not exceed 200#/ft. when used in shearwalls and framing of Douglas Fir-Larch or Southern Pine.

[5] The values for 3/8-inch (9.5 mm) and 7/16-inch (11 mm) panels applied direct to framing may be increased to values shown for 15/32-inch (12 mm) panels, provided studs are spaced a maximum of 16 inches (406 mm) on center or panels are applied with long dimension across studs.

[6] Framing at adjoining panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered where 10d nails having penetration into framing of more than 1 5/8 inches (41 mm) are spaced 3 inches (76 mm) or less on center.

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ANALYSIS:

The allowable shear values in this table have been reduced by 25% following the Northridge Earthquake due to actual performance experience. These changes are based on local geologic conditions.

CHAPTER 25 - GYPSUM BOARD AND PLASTER

Section 2513 - SHEAR-RESISTING CONSTRUCTION WITH WOOD FRAME.

2513.4 HEIGHT TO LENGTH RATIO. The maximum allowable height-to length ratio for the construction in this section shall be 1 to 1. Wall sections have height-to-length ratios in excess of 1½ to 1 shall be blocked.

ANALYSIS:

Changes to this section are based on the performance evidence of this type of construction from the Northridge Earthquake. These changes are based on local geologic conditions.

TABLE 25-I - ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES
IN POUNDS PER FOOT FOR VERTICAL DIAPHRAGMS OF
LATH AND PLASTER OR GYPSUM BOARD FRAME WALL ASSEMBLIES[1]

TYPE OF MATERIAL	THICKNESS OF MATERIAL	WALL CONSTRUCTION	NAIL SPACING[2] MAXIMUM (inches)	SHEAR VALUE	MINIMUM NAIL SIZE[3]
	x 25.4 for mm		x 25.4 for mm	x 14.6 for N/m	x 25.4 for mm
1. Expanded metal, or woven wire lath and portland cement plaster	7/8"	Unblocked	7	90	No. 11 gage 1 1/2" long, 7/16" head[4]
2. Gypsum lath	3/8" lath and 1/2" plaster	Unblocked	7	30	No. 13 gage, 1 1/8" long, 19/64" head, plasterboard blued nail
3. Gypsum sheathing board[5]	1/2" x 2' x 8'	Unblocked	7	30	No. 11 gage, 1 3/4" long, 7/16" head, diamond-point, galvanized
	1/2" x 4' 1/2" x 4'	Blocked Unblocked	7 7	30 30	
4. Gypsum wallboard or veneer base[5]	1/2"	Unblocked	7	30	5d cooler (0.086" dia., 1 5/8" long 15/64" head) or wallboard (0.086" dia., 1 5/8" long, 9/32" head)
			7	30	
		Blocked	7	30	
			7	30	
	5/8"	Unblocked	7	30	6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head)
			7	30	
		Blocked	7	30	
			7	30	
		Blocked Two ply	Base ply: 7 Face ply: 7	60	Base ply - 6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head) Face ply - 8d cooler (0.113" dia., 2 3/8 long, 9/32" head) or wallboard (0.113" dia., 2 3/8" long, 3/8" head

[1]These vertical diaphragms shall not be used to resist loads imposed by masonry or concrete construction. See Section 2513.2. Values shown are for short-term loading due to wind or due to seismic loading in Seismic Zones 0, 1, 2A and 2B. Values shown must be reduced 25 percent for normal loading. The values shown in Items 2, 3 and 4 shall be reduced 50 percent for lading due to earthquake in Seismic Zones 3 and 4.
[2]Applies to nailing at all studs, top and bottom plates and blocking.
[3]Alternate nails may be used if their dimensions are not less than the specified dimensions.
[4]Required minimum nailing shall be No. 11 gage x 1 1/2" long galvanized nails with lath burred to 1/4" from the face of the building paper. Staples and self-barring lath shall not be permitted.
[5]Frame wall assemblies constructed of Portland cement plaster, gypsum sheathing board or gypsum wall board are not permitted to carry shear loads at ground floor of multi-level buildings.

ANALYSIS:

The allowable shear values in this table have been reduced by 25% following the Northridge Earthquake due to actual performance experience. These changes are based on local geologic conditions.

CHAPTER 40 RELOCATED BUILDINGS AND TEMPORARY STRUCTURES

Sec. 40.1. GENERAL REQUIREMENTS. Buildings or structures moved into or within the County shall comply with the provisions of this Code for new buildings or structures except when otherwise permitted by this Code or by State law.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Sec. 40.2. PERMIT(S) REQUIRED. It shall be unlawful for any person, firm, or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office, or similar structure which is relocated as construction requires, into or within the County without first obtaining a permit to do so from the Building Official.

EXCEPTION: Buildings moved to the business premises of a house mover for the purpose of temporary storage.

Sec. 40.2.1 NOTIFICATION OF RELOCATED BUILDING. Prior to issuance of relocation permit for any structure and as a part of the application therefor, a Notice of Relocated Building, on a form furnished by the Building Official, shall be posted at the site of the building proposed to be relocated and at the proposed new site location. This public notice shall be maintained for a minimum of 15 days from the date of the application for relocation permit. During this period, interested parties may submit written comments to the Building Official regarding said proposed relocation. (refer to Sec. 40.5 DENIAL OF PERMIT.)

Sec. 40.3. APPLICATION AND INVESTIGATION FEE. To obtain a permit to relocate a building or structure the applicant shall first file an application therefor as required by Section 106.3 in this ordinance. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by the required investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be non-refundable. If the building to be moved is located outside the County, the applicant shall pay an additional fee as set forth in the Ventura County Building and Safety Fee Schedule to cover increased costs of inspection and mileage.

40.3.1 The Building Official shall make the following findings prior to issuing the permit:

1. That there is evidence of full compliance with the zoning provisions of Ventura County Ordinance Code, Division 8 - PLANNING AND DEVELOPMENT.

2. That the building shall comply, or shall be altered to comply, with current building, electrical, heating and air conditioning, and plumbing code requirements.

3. That all necessary and required documentation has been submitted for review, including, but not limited to, plans and specifications for all required or proposed improvements at the new location, a soils investigation report, a current termite inspection report, a water "will serve" letter from a recognized water provider or an approved water well certificate, a sewer "will serve" letter from a recognized sanitation district or an approved septic system certificate, and a surety bond in the amount determined by the Building Official as set forth in Sec. 11-16 of this Code.

Sec. 40.4. INVESTIGATION AND REPORT. The Building Official shall cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report shall list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions, or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety, or welfare.

The investigation report shall remain valid for a period of 180 days after the building or structure has been inspected, after which time a new investigation and report may be required by the Building Official.

Sec. 40.5. DENIAL OF PERMIT. The Building Official may deny the issuance of a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous.

2. Is infested with pests or is insanitary.

3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair.

4. Is so dilapidated, defective, or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated.

5. Because of age, size design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

Sec. 40.6. SECURITY REQUIRED. The Building Official shall not issue a permit to relocate a building or structure unless the applicant therefor shall first post with the Building Official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the State as surety; a cash bond naming the County of Ventura as payee; or an assignment of certificates or shares issued by a lending institution doing business in this state and insured by the FDIC. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this Section shall:

1. Be in form joint and several.

2. Name the County of Ventura as obligee.

3. Guarantee that the required work will be completed or, when ordered by the Building Official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition.

4. Be in an amount equal to the estimated cost, plus 10 percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official.

5. State therein the legal description or address of the property to which the building or structure is to be relocated.

Sec. 40.7. CONDITIONS OF SECURITY. Every performance bond, cash bond, or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within 180 days from the date of issuance of the permit.

2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety.

3. The term of each bond posted pursuant to this Article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.

4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.

5. Upon default by the principal, the surety shall cause all required work to be performed as set forth in the conditions of the investigation report and relocation permit.

6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean, and restore the site.

Sec. 40.8. PERMIT ISSUANCE AND FEES. Before a permit is issued for the relocation of a building and its reconstruction, repair, and completion at a new site, all required plan review and permit fees shall be paid. The required permits, together with the investigation report, shall comprise the "relocation permit" for the purposes of this Article.

The value to be used in computing the relocation building permit and plan review fees shall be as set forth in Sec. 107.2 in this Code, based upon the estimated cost of all construction necessary to complete the structure.

Sec. 40.9. EXPIRATION OF PERMIT. Permits for the relocation, reconstruction, and repair of a building or structure shall be null and void in accordance with the provisions of Section 106.4.4 in this Code if the building or structure is not relocated to the proposed site and/or the required work commenced within 6 months of the date of issuance of such permits.

Sec. 40.10. PROCEDURE UPON DEFAULT.

40.10.1 PERFORMANCE BOND. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond.

The notice of default shall state the conditions of the bond which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work.

Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified.

The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned, and restored to the satisfaction of the Building Official.

EXCEPTION: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided:

1. A written agreement is executed between Surety and the Division of Building and Safety under which the Division assumes responsibility for causing completion of required work or demolition of the structure; and

2. A cash bond is posted by the Surety in the amount of the performance bond, payable to the County of Ventura, to enable the Building official to cause the required work of repair or demolition to be performed in accordance with Section 40.10.2 in this ordinance.

40.10.2 CASH BOND. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

40.10.3 ASSIGNMENT OF SHARES. When an assignment of share has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or shares or any portion thereof by the lending institution and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contract or otherwise.

Sec. 40.11 RELEASE OF SECURITY.

40.11.1 PERFORMANCE BOND. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.

40.11.2 CASH BOND. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successors or assigns, except any portion thereof that may have been used, cashed, or deducted as provided elsewhere in this Article.

40.11.3 ASSIGNMENT OF SHARES. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the Building Official shall notify the lending institution and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this Article.

ANALYSIS:

This entire chapter has been added to deal with moved buildings and to provide the procedures necessary for their proper permitting and installation. This is an administrative change.

CHAPTER 41 SWIMMING POOLS, ORNAMENTAL POOLS, AND APPURTENANT FENCING

SECTION 41.1 - GENERAL

41.1.1 SCOPE. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

4.1.2 STANDARDS OF QUALITY. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard list below is a recognized standard. (See Section 3504.)

ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

SECTION 41.1.3 - DEFINITIONS.

For the purpose of this Article certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "swimming pool."

Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346.

Barrier (enclosure) is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

Grade is the underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "spa, nonself-contained" and "spa, self-contained."

In-Ground Pool. See definition of "swimming pool."

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the rounds of a private single-family home.

Separation Fence is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually have a filter, heater and a motor-driven blower. It may be installed indoors or outdoors , on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Spa, Self-Contained, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Swimming Pool, is any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. The term "swimming pool," does not apply to plumbing fixtures such as bathtubs or hydro-therapy tubs; nor does it apply to man-made lakes,

reservoirs or farm ponds used primarily for public park purposes, ornamentation, water conservation, irrigation, ground-water recharging basins, or watering of livestock. It shall apply to any water-filled excavation, lined or unlined, within three (3) feet of any structure or property line. (Public pools shall comply also with CCR Title 24).

Swimming Pool, Indoor, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor, is a swimming pool that is not an indoor pool.

Sec. 41.2. POOL DESIGN AND CONSTRUCTION

41.2.1 GENERAL. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, and mechanical codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.

41.2.2 EXPANSIVE SOIL DESIGN. Pools constructed below grade shall be designed on the assumption that their construction is to be in an area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 p.c.f.).

> EXCEPTION: Where tests indicate that soils at a pool site are non-expansive or have low expansion characteristics from the ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less that 30 p.c.f.

In highly expansive soils having an expansion index of 91-130, pools shall be designed for not less than 60 p.c.f. equivalent fluid pressure.

In very highly expansive soils having an expansion index over 130, pool design shall be subject to special requirements based on a site investigation, soil testing, and engineering analysis by a registered civil engineer to determine appropriate design parameters for the site.

41.2.3 HYDROSTATIC UPLIFT. In areas of anticipated high water table ~~or moderate or highly expansive soil~~ an approved hydrostatic relief system or device shall be installed.

41.2.4 THERMAL PROTECTION FOR PLASTIC PIPING. Between the inlet of pool water heating equipment and any plastic water piping connected thereto, a check valve shall be installed to prevent thermal damage to such piping due to backflow.

> EXCEPTION: When rapid or high-rate filters are employed a check valve may be omitted.

Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than five feet of approved metal pipe shall be installed for the purpose of dissipating heat.

41.2.5 SAFEGUARDING SUCTION DRAINS. Bottom drains and suction intakes in pools and spas shall be covered with grates or other protective devices which cannot be removed except with tools. The slots or openings in these covers shall be of such area, shape, and

arrangement as to prevent bathers from being drawn thereto with such force as to constitute a safety hazard.

41.2.6 GRAB BARS. Wherever egress from a pool is restricted by the presence of a vertical wall or other barrier which extends more than 12" above the water surface at the pool edge, permanent continuous grab bars, handrails, or other approved equivalent devices shall be installed within 12 inches above of the water surface. Such devices shall be capable of being securely grasped, and shall be adequate to support the weight of a user of the pool.

Sec. 41.3. DECKS

41.3.1 GENERAL. A deck shall be provided around below-grade swimming pools except when special engineering design is furnished which indicates that such deck is not necessary for the purpose of maintaining the structural integrity of the pool and/or for controlling surface water and moisture content in the soil adjacent to the pool. Decks shall not be required for spas and hot tubs.

41.3.2 DECK DESIGN AND CONSTRUCTION. Required decks shall be constructed of concrete or other approved impervious material and shall be sloped to provide positive drainage away from the perimeter of the pool. Except as provided below, decks shall have a minimum width of four feet and shall be at least 3-1/2 inches in thickness. Reinforcement shall be #3 bars spaced not over 24 inches o.c. each way, or equivalent reinforcing.

Approved joints shall be provided in the deck at corners, at maximum 10-foot intervals, and wherever necessary in order to control cracking, to allow for differential movement, and to minimize damage to the deck from such movement should it occur.

Joints in decks and coping shall be made watertight with an approved permanent resilient sealant.

41.3.3 CUTOFF WALLS. At the outer perimeter of pool decks a cutoff wall of approved material shall be installed below-grade to a depth of at least 15 inches so as to form a permanent and effective vertical moisture barrier.

EXCEPTIONS: 1. A cutoff wall may be omitted when a deck at least six feet wide is installed.

2. Decks less than four feet in width may be installed provided that the required cutoff wall is increased in depth beyond the minimum by an amount equal to the reduction in deck width.

41.3.4 PRE-SATURATION, HIGHLY EXPANSIVE SOILS. When the soil below a deck has an expansion index of 91 or greater it shall be saturated with water to a depth of at least 18 inches prior to installation of the deck.

41.3.5 DECK BONDING. When decks are to be installed, whether structurally required or not, the reinforcing installed therein shall be electrically bonded together with the pool shell reinforcing and metal parts of electrical equipment associated with the pool water recirculating system and with miscellaneous metal accessories, such as pool slides, diving boards and spring boards, in accordance with NEC Sec. 680-22.

Sec. 41.4. DRAINAGE AND DISPOSAL

41.4.1 SURFACE WATER. Surface water from pool decks shall be collected and conducted through non-erosive devices to a street, storm drain, or other approved watercourse or disposal area.

41.4.2 WASTE WATER. Pool waste water shall be disposed of in accordance with the requirements of the Environmental Health Officer.

41.4.3 DRYWELLS. Drywells shall not be employed for pool wastewater disposal except when specifically approved for the purpose and when it has been determined that such installation is not likely to have adverse effects on the structural stability of the pool or other structures on the site. The Building Official may require a percolation test, soils report, and/or geological report to make such a determination.

Sec. 41.5. SPECIAL INSPECTION. Special inspection as required by Section 1701.5.12 in the UBC shall be provided for pneumatically placed concrete (gunite) in swimming pools.

Sec. 41.6. BARRIER REQUIREMENTS.

41.6.1 OUTDOOR SWIMMING POOL. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch diameter sphere.

   Exceptions:

   1. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.

   2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3. Chain link fences used as the barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate barrier shall have no opening greater that ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. ~~Pedestrian gates shall swing away from the pool.~~ Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 41.6.1 shall be provided.

   Exception: When approved by the building official, one of the following may be used:

   1. Self-closing and self-latching devices installed on all doors with direct access to the pool and the release mechanism located a minimum of 54 inches above the floor.

   2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

   3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 though 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. Outdoor Swimming Pools with an approved safety pool cover shall not be required to provide other barriers.

8. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 7, above, may be approved by the building official of the jurisdiction issuing the applicable building permit.

41.6.2 INDOOR SWIMMING POOL. For an indoor swimming pool, protection shall comply with the requirements of Section 41.6.1, Item 5.

41.6.3 SPAS AND HOT TUBS. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 41.6.1.

Exception: Spas or hot tubs equipped with a listed safety cover shall be exempt from the requirements of Section 41.6.1.

Analysis:

ENTIRE CHAPTER: This chapter has been rewritten entirely incorporating the requirements of the "Pool Safety Act" passed by the California State Legislature together with requirements from the 1997 UBC Appendix Chapter 4, Division I (Titled "Barriers for Swimming Pools, Spas and Hot Tubs") and local amendments to the chapter carried forward from prior adoptions.

CHAPTER 42 - MOBILEHOMES AND COMMERCIAL COACHES

Sec. 42.1. DEFINITIONS. For the purposes of this Article the terms "mobilehome," "commercial coach," "mobilehome accessory structure," and "foundation system" shall have the meanings set forth in Title 25, California Code of Regulations, and shall also apply to "manufactured housing" and "factory-built housing".

Sec. 42.2. SCOPE. The provisions of this Article shall apply to mobilehomes and commercial coaches installed outside mobilehome parks in all locations where the County of Ventura is the primary enforcement authority for applicable provisions of the State Mobilehome Parks Act, Subchapter 1 of Chapter 2, California Code of Regulations, Title 25.

Sec. 42.3. INSTALLATION PERMIT REQUIRED. No person, firm, or corporation shall install, occupy, or use a mobilehome, mobilehome accessory structure, or commercial coach or cause the same to be done without first obtaining an installation permit therefor. Said installation permit shall be issued subject to compliance with applicable laws and ordinances, including but not limited to:

1. Terms and conditions of a zoning clearance, including time limits established thereby.

2. Requirements for an approved foundation system.

3. Requirements for approved electrical, plumbing, and sewage disposal facilities.

4. Payment of installation permit fees in addition to fees for permits, services or clearances which may otherwise be required.

Sec. 42.4. SPECIAL REQUIREMENTS, COMMERCIAL COACHES

42.4.1 ALLOWABLE AREA. The area of commercial coach units connected in multiple shall not exceed the allowable floor area for the occupancy housed therein and the Type of Construction, in accordance with Section 504 in the UBC.

42.4.2 LOCATION ON PROPERTY. Commercial coaches shall be positioned on a site with sufficient setback from property lines so as to comply with the requirements of Section 503 in the UBC for fire-resistive protection of exterior walls and openings without the necessity for altering the structure or finish materials of the exterior walls of the coach.

42.4.3 STAIRS AND EXITS. Stairs, ramps, handrails, guardrails, landings, and exits shall be provided for commercial coaches as specified in Chapter 10 in the UBC. Such coaches shall also conform to applicable standards of the State of California for making buildings accessible by physically handicapped persons.

42.4.4 SANITARY FACILITIES. Commercial coaches shall be provided with sanitary facilities in accordance with the requirements of this Code which are applicable to the particular occupancy housed therein. Sanitary facilities shall also conform to the applicable standards of the State of California for accessibility to physically handicapped persons.

Sec. 42.5. REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The requirements of Section UBC 607.2 in this ordinance shall be applicable to mobilehomes, mobilehome accessory structures, manufactured or factory-built housing, and commercial coaches installed within High Fire Hazard areas.

Sec. 42.6. SUBSTANDARD OR DANGEROUS MOBILEHOMES AND COMMERCIAL COACHES. All mobilehomes, commercial coaches, or portions thereof, whether permanently or temporarily installed, which are determined to be substandard or dangerous as defined in the Uniform Housing Code or the Dangerous Buildings Code as amended by this ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in such codes.

Sec. 42.7 RECREATIONAL VEHICLES

42.7.1 DEFINITION

See Section 18010 of the California Code of Regulations, Health and Safety Code which reads as follows:

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

(Amended by Stats. 1990, Ch. 765, Sec. 3.)

42.7.2 ALLOWABLE USE

Recreational vehicles may only be used as "temporary dwellings during construction", as long as a building permit for new residential construction or major remodeling is in full force and effect and subject to Zoning Clearance conditions.

Recreational vehicles cannot be used as permanent dwellings or permanent accessory structures on private property, except as specifically allowed under California State law.

ANALYSIS:

This entire chapter has been written identify the requirements for placing mobile homes and commercial coaches on private property. They also coordinate with regulations found in Title 25 of the California Code of Regulations for mobile homes and commercial coaches. These are administrative changes.

CHAPTER 43 - POST-DISASTER RECOVERY AND RECONSTRUCTION

SECTION 43.1 POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

43.1.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Division of Building and Safety as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

43.1.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the County of Ventura following each natural or man-made disaster.

43.1.3 DEFINITIONS.

43.1.3.1 Building Official is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.1.3.2 Safety assessment is a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a natural or man-made disaster.

43.1.4 PLACARDS. The following official placards shall be used to designate the condition of buildings or structures following a disaster.

43.1.4.1 INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

43.1.4.2 RESTRICTED OR LIMITED ENTRY may be posed on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

43.1.4.3 UNSAFE - Do Not Enter or Occupy may be posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

43.1.4.5 SECURING OF UNSAFE BUILDINGS OR STRUCTURES - Buildings or structures that have been determined by the building official to pose a threat to life safety or to be unsafe due to damage may be required by the building official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures shall not be removed without authorization from the building official.

43.1.4.6 REMOVAL OF PLACARDS - Once the placard has been attached to a building or structure, it shall not be removed, altered or covered until authorized by the building official.

43.1.5 VIOLATION. Any violation of Article 3, Chapter 43 of this code is a misdemeanor and shall be subject to punishment according to the provisions of Article 2, Chapter 1, Section 103.

Section 43.2 POST DISASTER ABATEMENT

43.2.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors.

43.2.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura.

43.2.3 DEFINITIONS. For the purpose of the chapter, the following definitions apply:

43.2.3.1 EVENT shall mean any occurrence which results in the declaration of a disaster by the Board of Supervisors, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

43.2.3.2 HISTORIC BUILDING OR STRUCTURE shall be any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

43.2.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

43.2.4 ABATEMENT CRITERIA

43.2.4.1 NOTICE OF DETERMINATION. Except as provided in subsection 43.2.4.2 below, the Building Official shall serve a written Notice of Determination to each property owner as found on the latest available copy of the County Assessor's Role. Said Notice of Determination shall be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and shall also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice shall specify that within forty-eight (48) hours from the time of issuance of the Notice of Determination, the owner or other part of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by the Building Official.

43.2.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice shall be required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the County to give the owner notice prior to abatement, the Building Official may cause the nuisance to be abated by the County with County resources or County contractees.

43.2.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the Building Official within 48 hours of delivery of such notice of determination by the Building Official. Such appeal shall be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should and/or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance

by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official shall rescind in writing his former Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan, or should the Building Official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the General Board of Appeals.

43.2.4.4 GENERAL BOARD OF APPEALS HEARING. At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses, submit evidence and to cross-examine the witnesses of the County. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the General Board of Appeals shall act to either uphold, overrule or modify the determination and order of the Building Official . The determination and order of the Building Official shall be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within twenty-four (24) hours of the time the oral decision is rendered.

If the General Board of Appeals upholds the decision of the Building Official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order shall be vacated. The decision of the General Board of Appeals shall be final on the date it is rendered.

43.2.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record shall execute such plan within twenty-four (24) hours of obtaining approval of the plan from the Building Official, or his designee. Within twenty-four (24) hours of completion of the abatement work the owner or other interested party of record shall provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Hazard, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall be reviewed and approved by the Building Official before permanent repairs are performed.

43.2.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Hazard or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the Building Official.

43.2.4.7 PUBLIC NUISANCE. All structures or portions thereof which, after inspection by an unauthorized County Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be abated by the owner in accordance with the procedures specified in sections 43.2.4.4 and 43.2.4.5.

43.2.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any provisions herein to the contrary, the Building Official is authorized to suspend abatement work by the County, or the County's contractees, and to allow the property owner or other part of legal interest to complete the abatement work.

43.2.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this Chapter.

43.2.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

43.2.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

43.2.5.1 NOTIFICATION OF IMMINENT HAZARD. Within 10 days after the event, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

43.2.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right of way.

43.2.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code.

43.2.5.2 CONDEMNATION PROCEEDINGS. If, ten (10) days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code. The Building Official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

43.2.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building

Official shall submit a request to demolish to the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1986, as amended. Said request shall include all substantiating data.

Section 43.3 DISASTER REPAIR AND RECONSTRUCTION

43.3.1 INTENT. This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The Chapter does not allow exemptions from the Building, Fire Electrical, Mechanical, Plumbing, other codes, or County Ordinances.

43.3.2 APPLICATION OF PROVISIONS.

43.3.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura following each disaster after a local emergency has been declared by the Board of Supervisors.

43.3.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an engineering evaluation as defined in Section 43.3.3.

43.3.3 DEFINITIONS. For the purpose of this chapter, the following definitions apply:

43.3.3.1 ARCHITECT is a person licensed by the State of California to practice architecture as prescribed by the State of California Business and Professions Code.

43.3.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering as prescribed by the State of California Business and Professions Code.

43.3.3.3 CURRENT CODE shall mean the edition of the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County of Ventura in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the Board of Supervisors, County of Ventura.

43.3.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs. All engineering evaluations shall include the engineer's or architects's stamp, wet-signature and license expiration date.

43.3.3.5 ESSENTIAL SERVICE FACILITY shall mean those buildings or structures designated by the County of Ventura to house facilities necessary for emergency operations subsequent to a disaster.

43.3.3.6 REPLACEMENT VALUE is the dollar value, as determined by a Building Official, for replacing a damaged structure with a new structure of the same size, same type of construction and same occupancy, and located on the same site.

43.3.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

43.3.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

43.3.3.9 BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.3.4 REPAIR CRITERIA

43.3.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

43.3.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system shall be repaired with all bracing required by current code.

43.3.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements shall be repaired and/or brought into conformance with the structural requirements of the current codes.

43.3.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the fire and life safety and structural requirements of the current applicable codes.

43.3.4.5 CHIMNEY VALUE EXCLUSION. In group R, Division 3 occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 43.3.5.

43.3.5 REPAIR CRITERIA FOR CHIMNEYS.

43.3.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 31 of the Uniform Building Code. Damaged portions of chimneys shall be removed in accordance with the following criteria.

43.3.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney shall be braced to the roof structure using an approved method.

43.3.5.3 SINGLE STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged

portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the firebox.

43.3.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where anchorage is found.

43.3.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

43.3.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 31 of the Uniform Building Code, alternate systems may be used in accordance with the alternate methods and materials provisions of the Uniform Building Code when approved by the Building Official.

43.3.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure using an approved method.

43.3.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

43.3.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

43.3.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair shall be as included in Section 43.3.4 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code shall apply.

43.3.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

43.3.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the ~~Uniform~~ ~~California Conservation Code~~ as adopted by the County of Ventura.

ANALYSIS:

This entire chapter has been written to address the inspections of damaged property and the placarding of damaged structures, and the permitting requirements for the repair and reconstruction of structures danged by disasters. These changes are administrative and also based on local geologic hazards.

ARTICLE 4 - AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE (CEC)

CHAPTER 2 - WIRING METHODS AND MATERIALS

Sec. 336.4. USES PERMITTED. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in agricultural buildings, one-family and two-family dwellings, and accessory structures, and in multi-family dwellings, and other structures, except as prohibited in Section 336-5. Cables in such structures shall be protected from physical damage. Where installed in cable trays, cables shall be identified for this use.

(FPN): See Section 310-10 for temperature limitation of conductors.

(a) **Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

(b) **Type NMC.** Type NMC cable shall be permitted:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16-in. (1.59-mm) thick, and covered with plaster, adobe, or similar finish.

(c) **Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

Analysis:

This section has been modified to allow the use of Type NM, NMC, and NMS cables in one and two family dwelling accessory structures. This is an administrative change to clarify which structures may be included as "other" structures already allowed under the code.

ARTICLE 5 - AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE (CMC)

CHAPTER 1 - ADMINISTRATION

Section 102 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Section 115 - FEES

Sec. 115.1. GENERAL. Refer to Article 2, Chapter 1 Section 107 in this ordinance.

Sec. 115.6 FEE REFUNDS. Refer to Article 2, Chapter 1 Section 107.6 in this ordinance.

CHAPTER 8 - CHIMNEYS AND VENTS

SECTION 812 - TYPES OF CHIMNEYS

812.1 FACTORY-BUILT CHIMNEYS. Factory-built chimneys shall be installed in accordance with the terms of their listing, the manufacturer's installation instructions and the applicable requirements of this code. Factory-built chimneys shall terminate as required for unlisted single-wall metal chimneys in Table 8-~~D~~ 4.

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators.

EXCEPTION: Factory built chimneys for residential-type appliances and fireplaces may terminate three (3) feet above the roof opening and two (2) feet above any point of the building within ten (10) feet.

ANALYSIS:

This section has been modified to deal with specific chimney requirements in areas of high fire risk. This is a change based on local topographic conditions.

ARTICLE 6 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE (CPC)

CHAPTER 1 - ADMINISTRATION

Section 101.15 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Sec. 102.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL.

102.2.7 AUTHORITY TO ABATE. Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined in this Code, is hereby declared to be a nuisance.

Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this Section, the Administrative Authority shall require the nuisance or violation to be abated. If such abatement is refused, the Administrative Authority shall have recourse to every remedy provided by law to secure abatement.

Sec. 102.3 VIOLATIONS AND PENALTIES

102.3.2 PENALTIES - See Article 2, Chapter 1, Section 103 in this ordinance.

Section 103.1 - PERMITS

103.1.2 EXEMPTED WORK. A plumbing permit will not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste or vent piping, provided that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace all or part thereof with new material, the same shall be considered as new work, and a permit shall be obtained and inspections made, as provided in this code.

103.1.2.2 The clearing of stoppages or the repair of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, or the installation of new water closets on existing drainage connections, providing such repairs or reinstallation do not involve or require the replacement or rearrangement of valves or pipes. If it becomes necessary to remove and replace or rearrange valves, water piping, traps, drainpipe, soil, waste or vent pipes, the same shall be considered as new work, and a permit shall be obtained and inspections made as provided in the code.

103.1.2.3 EXEMPTIONS WITHIN SANITARY DISTRICTS. The provisions of this Code relating to building sewers as defined herein and to permits and fees therefor shall not apply within the boundaries of a sanitary district when the Building Official has determined that such district has adopted and is enforcing ordinances or regulations which are equal to or more restrictive than those contained in this Code.

CHAPTER 2 - DEFINITIONS

Section 202.0 - DEFINITIONS

SEEPAGE PIT. A seepage pit is a rock-filled excavation which receives the effluent from a septic tank and is so designed as to permit such effluent to seep through the bottom and sides of the pit into the surrounding soil.

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Sec. 601.0 RUNNING WATER REQUIRED

Section 601.1.2 REQUIREMENTS FOR WATER WELLS

(a) When the potable water supply for a structure is to be provided by a well, the well must pass the applicable pump and recovery test specified in the Ventura County Water Works Manual, as amended from time to time, for the purpose of demonstrating that the well is likely to remain an adequate source of potable water throughout the expected useful life of the structure.

EXCEPTIONS: A well shall not be required to pass the pump and recovery test if the structure to be served by it:

1. Is connected to a public water system or a state small water system as defined in Section 4010.1 of the Health and Safety Code; or

2. Overlies an aquifer that has been determined by the administrative authority to be adequate to meet all existing and projected demands made upon it for potable water without experiencing overdraft; or

3. Overlies an aquifer that may experience overdrafting but that has nonetheless been determined by the administrative authority, based upon a study and report prepared pursuant to the Ventura County Water works Manual, to be adequate to meet all existing and projected demands made upon it for potable water throughout the expected useful life of the structure.

(b) This section does not preclude the adoption and imposition of additional or more stringent well test requirements and standards in connection with subdivision approvals, conditional use permits, or other discretionary (as opposed to ministerial) permits.

CHAPTER 7 - SANITARY DRAINAGE

Sec. 701.0 MATERIALS OF DRAINAGE SYSTEMS.

701.1 Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, schedule 40 ABS DWV, schedule 40 PVC DWV, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

701.1.1 No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

701.1.2 ABS and PVC DWV piping installations shall be limited to residential construction, not more than two (2) stories in height.

701.1.3 No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (.3m) below ground.

Sec. 713.0 SEWER REQUIRED

713.4 CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEMS. When the applicant seeks to install a conventional private sewage disposal system, the public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.

APPENDIX CHAPTER K - PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. K-1. PRIVATE SEWAGE DISPOSAL: GENERAL REQUIREMENTS. (a) Where permitted by Section 305.2 of the UPC, as adopted and amended by this Code, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The type of system shall be determined on the basis of information contained in the soil report concerning location, soil porosity, groundwater, depth of fractured rock or impervious formations, and hillside stability, and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits, into a combination of subsurface disposal field and seepage pits, into a mound system or into a subsurface sand filtration system.

(d). SEWAGE DISPOSAL EXPANSION AREA. All private sewage disposal systems shall be so designed that additional seepage pits, subsurface drain fields, mound systems or subsurface sand filtration systems, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the 100% expansion area.

(f). PRIVATE SEWAGE DISPOSAL RESTRICTIONS. When there is insufficient lot area or improper soil or geological conditions for adequate and safe sewage disposal for the building or land use proposed, and the Administrative Authority so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Administrative Authority have been submitted and approved. The Administrative Authority may grant exceptions to the requirements of the Code in case of practical difficulty or unnecessary hardship provided that the installation is equivalent to the standards established by this Code and is not inimical to the health, safety or welfare of the general public.

(i). APPROVAL OF ALTERNATE SYSTEMS. Alternate sewage disposal systems as defined in this Code may be installed only by special permission of the Administrative Authority which shall be given only if the Administrative Authority is satisfied that the systems will conform to the following requirements:

1. Treated or untreated effluent shall not be discharged onto the surface of the ground.

2. Wastewater shall be disposed of on the parcel where it is generated, except as provided for in Section 721.2 of the UPC.

3. The reliability of proposed designs for alternate private sewage disposal systems shall be well-documented.

4. The system shall be capable of easy maintenance.

5. Installation and repair shall not require the use of extraordinary materials, parts, or equipment.

6. The system shall require a minimum of mechanical components for its operation.

7. The system shall not be highly energy consumptive.

8. Operation of the system shall not create health hazards, water pollution, or nuisance conditions.

Sec. K-3. AREA OF DISPOSAL FIELDS AND SEEPAGE PITS. The minimum effective absorptive area of disposal fields in square feet of trench bottom, and of seepage pits in square feet of sidewall, shall be predicated on the required septic tank capacity in gallons. The required absorption area shall be as set forth in Table UPC Appendix K-6 in this ordinance for disposal fields, and as set forth in Table K-4 in the UPC for seepage pits. In addition, disposal fields and seepage pits shall conform to the following:

1. When disposal fields are installed, a minimum of one hundred fifty (150) square feet of trench bottom shall be provided for each system exclusive of any hardpan, rock, clay or other impervious formations. Sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption areas. Such increase shall be limited to 50% of the required absorption area.

2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least 50% greater than the requirement for trenches. Perimeter sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption area.

3. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formation. The minimum required area of porous formation shall be provided in one or more seepage pits.

4. No excavation for a leach line or leaching bed shall extend with five (5) feet of the water table nor to a depth where sewage may contaminate an underground water stratum which may be usable for domestic purposes. The applicant shall supply satisfactory evidence of groundwater depth when required by the Administrative Authority.

5. Plastic leaching chambers shall be sized on bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-6 in this code with a 0.70 multiplier.

Sec. K-4. PERCOLATION TESTS. (a) Disposal fields and seepage pits shall be sized in accordance with the percolation tests or analyses required by subsection (b) of this Section.

(b) In order to determine the absorption qualities of soils, the proposed site shall be subjected to percolation tests and/or hydrometer analyses performed under the supervision of a California-registered environmental health specialist, civil engineer, geologist or engineering geologist. Such tests or analyses shall be performed in accordance with standards established by the Administrative Authority.

(c) Each test shall be made with clear water in an excavation which has been thoroughly soaked prior to the test.

(d) No subsurface disposal field shall be permitted to serve a building if percolation test rates are greater than sixty (60) minutes per inch.

(e) No seepage pit shall be permitted to serve a building if the absorption capacity of the soil surrounding the pit is less than 0.83 gal./sq.ft./day.

(f) Test data shall be submitted on a form provided for that purpose and shall include such information as may reasonably be required by the Administrative Authority to determine the correctness and adequacy of the proposed disposal system.

Sec. K-7. SEEPAGE PITS. (a) The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereunto, and on the character and porosity of the surrounding soil as determined by such tests as may be required and shall comply with Sec. UPC Appendix K-3 in this ordinance.

(b) Seepage pits may be used where conditions are unsatisfactory for the installation of leach lines or beds. In no case shall seepage pits extend more than sixty (60) feet below the surface of the ground.

(c) Multiple seepage pit installations shall be connected through an approved distribution box or diversion valve and watertight piping laid on undisturbed or compacted soil.

(d) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet. Seepage pits shall be filled with clean rock 3/4 inches to 2½ inches in diameter, free from fines, except when otherwise approved by the Administrative Authority. Effluent shall be conducted to the bottom of the excavation by means of approved perforated pipe extending to the entire depth of the pit. Approval shall be obtained prior to construction for any pit having an excavation diameter greater than six (6) feet.

(e) Where groundwater is encountered, the bottom of the pit shall be backfilled with clean coarse sand at least ten (10) feet above the ground water encountered.

(f) Each seepage pit shall have a minimum sidewall of ten (10) feet below the inlet.

(g) Connections between a septic tank and seepage pits shall be made with approved watertight pipe. Such pipe shall be laid on natural ground or compacted fill.

(h) Rock fill in seepage pits shall be covered with asphalt-treated building paper, and backfilled with a minimum of eighteen (18) inches of earth.

(i) Subsection (i) of Appendix Section K7 in the UPC is hereby deleted in its entirety.

Sec. K-9. SUBSURFACE DISPOSAL OF INDUSTRIAL WASTE. The discharge of industrial waste into a soil absorption system shall be prohibited unless specifically approved by the Administrative Authority.

Subsections (a) through (g) of Appendix Sec. K9 in the UPC and the Recommended Design criteria for commercial/industrial waste disposal are hereby deleted in their entirety.

Sec. K-13. ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) DEFINITION. Alternate private sewage disposal systems are specially-designed, engineered, and approved private sewage disposal systems suitable for use in localities where the Administrative Authority has determined that the presence of shallow groundwater, rock, or adverse soil, geologic, or hydrologic conditions makes the use of conventional sewage disposal systems potentially hazardous to public health. Alternate private sewage disposal systems shall be limited to "mound" systems and "subsurface sand filtration" systems as regulated herein.

(b) GENERAL REQUIREMENTS. Designs for alternate private sewage disposal systems may be accepted for review by the Administrative Authority when it has been adequately demonstrated that the character of the soil, geology, or hydrology of the site is such that a conventional private sewage disposal system will not function in accordance with recognized health and sanitation standards. Such systems shall be designed by a California- registered civil engineer or a California-registered geologist, who shall submit written verification upon completion of an alternate private sewage disposal system that the installation is in conformance with the approved design.

Properties served by alternate private sewage disposal systems shall be located within an approved on-site wastewater management district or equivalent governmental agency capable of providing necessary maintenance and repair services for private sewage disposal systems within its boundaries. Such systems shall conform with all applicable rules and regulations adopted by said district or agency.

The design and construction of alternate private sewage disposal systems shall comply with the requirements of this Section and with other appropriate criteria established by the Administrative Authority.

Component parts of alternate private sewage disposal systems shall comply with the applicable setback requirements in Table UPC Appendix K-1 of this Code. The construction and capacity of septic tanks installed as components of alternate systems shall comply with Section K-5 and Table K-2 in the UPC.

Leach lines, leaching beds, and seepage pits which are components of alternate systems shall comply with the applicable requirements of this Code. No portion of a distribution bed or related filter material which is a component of a mound or subsurface sand filtration system shall be installed under a walkway, parking area, driveway, or similar paved surface.

The sizing of mound or subsurface sand filtration systems shall be based upon the average percolation rate of the natural soil at the location and depth of the proposed system, and the number of bedrooms or plumbing fixture units, in accordance with this Code and other applicable standards for sizing conventional leachlines, leaching beds and seepage pits. No alternate private sewage disposal system shall be permitted where the percolation rate exceeds sixty (60) minutes per inch.

(c) MOUND SYSTEMS. A mound system is an alternate private sewage disposal system which utilizes pressurized piping to deliver effluent from a septic tank into an above-ground gravel distribution bed, from which the effluent percolates and is filtered through mounded sand fill into natural soil. Typical components of such systems include a septic tank, lift pump and wet well, pressurized effluent piping, a sand fill mound, a distribution bed composed of gravel filter material and perforated distribution piping, a cover of topsoil over the top and sloped sides of the mound.

The lift pump and wet well shall be designed to handle peak flow from the septic tank. In no case shall pump capacity be less than twenty (20) gallons per minute not shall the pump motor be rated at less than one-half horsepower. The pump shall be approved for use in a sewage environment. The liquid holding capacity of the wet well shall be at least 300 gallons for one or two-bedroom dwelling units. An additional 100 gallons capacity shall be provided for each bedroom in excess of two. Equivalent capacity shall be provided for occupancies other than dwellings based on fixture unit calculations as set forth in this Code.

The wet well shall be fitted with automatic high and low level pump controls. Operation of the lift pump shall not cause surges in the liquid level within the tank. An alarm device shall be installed which will provide audio and visual warning signals to occupants of the property in advance of any overflow from the wet well.

Mounds shall not be installed on a slope greater than 12%. The base of the mound shall be located at least two (2) feet above the highest known seasonal groundwater elevation at the

site and two (2) feet above fractured bedrock, if any. Fill material comprising the mound shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the fill material onto the mound. The slope of the sides of the mound shall be not steeper than 3 horizontal to 1 vertical.

Distribution beds shall be level and shall be located a minimum of five (5) feet above the highest known seasonal groundwater elevation at the site. Filter material comprising the bed shall be clean gravel varying in size from .75 inch to 2.5 inches. The total thickness of the bed shall be sufficient to provide a minimum of twelve (12) inches of filter material below, and at least two (2) inches of such material above all distribution piping within the bed. Distribution piping shall uniformly distribute effluent over the entire area of the bed. Distribution beds shall be of sufficient size to limit the application rate for effluent to not more than 1.5 gallons per square foot per day.

After filter material has been placed over the piping, the distribution bed shall be covered with untreated building paper, straw, or similar porous material to prevent closure of voids when earth covering is added. Topsoil shall be placed to a depth of at least twelve (12) inches over the top of the distribution bed, and shall be placed on the sloping sides of the mound to a thickness of at least six (6) inches.

(d) SUBSURFACE SAND FILTRATION SYSTEMS. A subsurface sand filtration system is an alternate private sewage disposal system which utilizes gravity to deliver effluent from a septic tank to a subsurface gravel distribution bed, from which the effluent is filtered through a bed of sand to reduce organic matter and pathogenic organisms, and thence percolates into natural soil. Typical components of such systems include a septic tank, effluent piping, a subsurface distribution bed composed of gravel filter material and perforated distribution piping, a sand filtration bed, and a leaching bed, leach lines, or seepage pits.

Distribution beds shall be designed and constructed in a manner similar to that set forth for mound systems in subsection (c) above, using approved, perforated gravity-flow piping in lieu of pressurized piping. Sand filtration beds shall extend not less than five (5) feet vertically below and five (5) feet horizontally from the edges of any distribution bed. Filtration material shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the filtration material into the filter bed excavation.

Section K-14 NON-HAZARDOUS LIQUID WASTE TRANSFER FACILITIES

Definition: A Non-Hazardous Liquid Waste Transfer Facility is a temporary holding facility for non-hazardous liquid waste from recreational vehicle holding tanks and portable toilets. A Non-Hazardous Liquid Waste Transfer Facility consists of a holding tank, liquid waste loading area with washdown equipment, associated piping, and holding tank liquid level alarm system.

1. Holding tank construction shall be consistent with UPC section K-5, with the exception that baffles are not required and only one access port is required.

2. All piping, including but not limited to materials, cleanouts, and venting, shall be consistent with UPC sections 715.0 through 720.0, inclusive.

3. Minimum setbacks for holding tanks shall be as follows:

Streams and Watercourses	50 feet
Wells	50 feet
Groundwater	5 feet
Structures	5 feet
Property Line	5 feet
On-Site Domestic Water Line	5 feet
Public Water Main	10 feet

4. Minimum holding tank capacity shall be not less than three times the anticipated daily loading to the holding tank and in no case shall be less than 1,000 gallons.

5. An alarm system constructed of durable, corrosion-resistant material shall be installed on each holding tank. This alarm shall give a conspicuous audio and visual indication whenever the tank becomes two-thirds full.

6. The liquid waste loading area shall consist of an impermeable, easily cleanable area designed and constructed in a manner which prevents the formation of insanitary conditions. A ¾ inch water hose connection shall be installed at the liquid waste loading area to allow connection of a hose for area washdown following holding tank pumping. An approved backflow prevention assembly shall be installed in the water service line to the hose connection. Provisions shall be made to store the washdown hose off the ground. A warning sign shall be posted at the water hose connection reading: DANGER - UNSAFE WATER.

7. Holding tanks shall be pumped by a licensed pumper as needed. Quarterly reports of holding tank pumping shall be submitted to the Ventura County Environmental Health Division by March 30, June 30, September 30, and December 31 of each year.

8. Offer to grant an easement to County Service Area 32 is required. A contractual maintenance agreement with a public utility may also be required.

Section K-15 CLUSTERED SYSTEMS

(a) DEFINITION. Clustered systems are comprised of three or more private sewage disposal systems with soil absorption components located in a common area on a single legal lot.

(b) GENERAL REQUIREMENTS. All components of clustered systems shall comply with all applicable requirements of this Code pertaining to private sewage disposal systems and the following additional requirements:

1. The primary (installed) soil absorption components of the clustered system shall provide 200% of the minimum area calculated for each structure connected to the clustered system pursuant to Section K-3 of this Code.

2. Land area providing for complete replacement of the primary soil absorption components of the clustered system shall be set aside for future expansion, and shall conform with Table UPC Appendix K-1 of this Code.

3. a. For residential structures, each private sewage disposal system comprising the clustered system shall be connected to not more than one dwelling unit within a structure.

   b. For non-residential structures, each private sewage disposal system comprising a clustered system shall be connected to one or more structures with a combined daily wastewater discharge not to exceed 1,500 gallons.

4. The soil absorption component of each private sewage disposal system within the clustered system shall be located at least sixteen horizontal feet from the soil absorption component of any other private sewage disposal system within the same clustered system.

5. When a clustered system is (or can become) located on land jointly owned by more than one owner of the structures served (e.g., condominium projects), an easement and agreement approved by the Environmental Health Division providing for access to inspect, maintain, and repair/replace the clustered system shall be recorded in the Office of the County Recorder.

6. A monitoring well, constructed and maintained in conformance with procedures adopted by the Administrative Authority, shall be provided in an approved location.

7. All distribution boxes within the clustered system shall be fitted with risers extending to finish grade elevation.

8. The applicant for each clustered system shall provide a signed statement from a California-Certified Engineering Geologist, certifying the following:

   a. The proposed clustered system site is free against the potential hazard from landslide, excessive settlement and slippage.

   b. Incorporation of geotechnical and geologic recommendations in concert with safe construction practices is anticipated to result in a site which is considered geotechnically and geologically suitable for the intended use and will not adversely affect adjoining properties.

TABLE UPC APPENDIX K-1
(Superscript numbers refer to footnotes (1) through (8) on next page

LOCATION OF SEWAGE DISPOSAL SYSTEMS

Minimum Horizontal Distance in Feet From:	Building Sewer	Septic Tank	Disposal Field	Seepage Pit	Subsurface Sand Filtration System	Mound System
Building or Structures[1]	2	5	8	8	8	20[7]
Property line adjoining private property	Clear[2]	5	5	8	8	10
Water supply well on suction line	50[3]	50	100	150	100[8]	100
Streams, lakes, tidal waters or ocean waters	50	50	50	100	100	100
Large Trees	--	10	--	10	10	--
Seepage pits or cesspools	--	5	5	12	--	--
Disposal Field	--	5	4[4]	5	--	--
On site domestic water service line	1[5]	5	5	5	5	5
Distribution Box	--	--	5	5	--	--
Pressure public water main	10[6]	10	10	10	10	10

NOTE: When disposal fields ~~and~~/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

When facilities are located near tidal or ocean waters, the horizontal distance shall be measured from the historically most landward location of the beach at the mean high tide elevation. Structures or facilities shall be constructed in accordance with Federal, State and local laws to prevent erosion of the beaches and movement of the mean high tide closer than the horizontal distances specified above.

FOOTNOTES TO TABLE UPC APPENDIX K-1

(1) Including porches and steps, whether covered or uncovered, breezeways, roofed port-cocheres, roofed patios, carports, covered walks, covered driveways and similar appurtenances.

(2) See Section 313.3 of the UPC.

(3) The distance may be reduced to not less than twenty-five (25) feet when approved metallic piping is installed. Where special hazards are involved, the distance required shall be increased as may be directed by the County Health Officer or the Administrative Authority.

(4) Plus two (2) feet for each additional foot of depth in excess of one (1) foot below the bottom of the drain line (see Sec. K6(i) of the UPC).

(5) See Sec. 720.0 of the UPC.

(6) For parallel construction. For crossings, approval by the Administrative Authority is required.

(7) This distance shall be increased to 30 feet when the system is located upslope of the structure.

(8) This distance shall be increased to 150 feet when seepage pits are used as a component of the system.

TABLE UPC APPENDIX K-6
(Letters in parenthesis refer to footnotes below)

ABSORPTION AREA REQUIREMENTS

Percolation Rate (Time in minutes required for water to fall one inch)	Required Absorption Area (Sq. ft. per bedroom using standard leach lines. See notes (a) through (e) below.
1 or less	75
2	85
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
over 60 (e)	---

(a) Sufficient usable land area must be available to provide 100% expansion of required absorption area when/if necessary. See Sec. UPC APPENDIX K-1(d) in this Code.

(b) Absorption area should be sufficient to accommodate increased future use stemming from the addition of bedrooms or conversion of unfinished spaces to bedroom use, whenever such changes can be reasonably be anticipated.

(c) The absorption area for leach lines and leaching beds is calculated as trench bottom area only except as provide in Sec. UPC APPENDIX K-3 in this ordinance. Minimum required area for leaching trenches is 150 sq. ft.

(d) The above table allows for the connection of domestic food waste units and automatic clothes washing machines without further increase in absorption area.

(e) Soil having a percolation rate over 60 min/inch is unsuitable for installation of an absorption system.

TABLE UPC APPENDIX K-7

ANALYSIS:

Changes have been made to the sections dealing with exempted work, water supply and distribution, sanitary drainage, required sewers and private sewage disposal systems. These changes are administrative and based on local topographic conditions.

ARTICLE 7 - AMENDMENTS TO THE UNIFORM HOUSING CODE (UHC)

CHAPTER 1 - TITLE AND SCOPE

Section 104 - APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

104.2. RELOCATION. Buildings or structures moved into or within the County shall comply with the provisions of Article 2, Chapter 40 in this ordinance.

Section 105 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. APPEALS BOARD.

203.1 - GENERAL The Housing Advisory and Appeals Board, for the purposes of this housing code, shall be the General Board of Appeals as set forth in Article 2, Chapter 1, Section 105 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 in the UHC.

Sec. 204. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

CHAPTER 3 - PERMITS AND INSPECTIONS

Sec. 302 FEES. Refer to Article 2, Chapter 1, Section 107 in this ordinance.

~~CHAPTER 5 - SPACE AND OCCUPANCY STANDARDS~~

~~Section 503 - ROOM DIMENSIONS~~

~~503.2. FLOOR AREA. 1. Every dwelling unit shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet.~~

~~2. Net floor area, as used herein, shall mean the total number of square feet of floor area in a dwelling unit based upon the interior dimensions of that dwelling unit excluding bathrooms, kitchens, halls, stairwells, closets, storage or utility space, and similar areas.~~

~~No dwelling unit shall be occupied or allowed to be occupied in such a manner that the maximum occupancy of the dwelling unit, as determined below, is exceeded.~~

~~3. Maximum occupancy shall be determined as follows:~~

~~For the first two occupants of any dwelling unit, there shall be a minimum of 220 square feet of net floor area. An additional 100 square feet of floor area shall be provided for every additional occupant of the dwelling unit.~~

~~EXCEPTION: Nothing in this section shall prohibit the use of an efficiency dwelling unit within a structure which complies with the requirements of UBC Section 310.7.~~

CHAPTER 12 - APPEAL

Section 1201 - GENERAL

1201.2. PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 1201 in the UHC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.

The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a substandard building or the premises on which it is located.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 1401 - COMPLIANCE

1401.1. GENERAL. After any order of the Building Official or a Board of Appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor or infraction.

ANALYSIS:

Minor administrative changes have been made to the housing code in regard to enforcement, permits and inspections and appeals. These are administrative changes only.

ARTICLE 8 - AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

CHAPTER 1 - TITLE AND SCOPE

Sec. 104 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

Sec. 205. APPEALS BOARD. The appeals Board for the purposes of the Dangerous Buildings Code shall be the General Board of Appeals as set forth in Article 2 in this ordinance. Appeals

to the Board shall be processed in accordance with the provisions contained in Section 501 in the DBC.

CHAPTER 5 - APPEAL

Section 501 - GENERAL

501.2 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 501 in the DBC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals. The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a dangerous building or the premises on which it is located.

CHAPTER 7 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 701 - COMPLIANCE

701.1 GENERAL. After any order of the Building Official or a board of appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor/infraction.

ANALYSIS:

Minor administrative changes have been made to the dangerous buildings code in regard to enforcement, violations and penalties and appeals. These are administrative changes only.

~~ARTICLE 9 - AMENDMENTS TO APPENDIX CHAPTER 1 OF THE UNIFORM CALIFORNIA CONSERVATION CODE (U CCC)~~

APPENDIX CHAPTER 1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

Section A100 - GENERAL

A100.1 PURPOSE. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

A100.2 SCOPE. The provisions of this Chapter shall apply to all existing buildings in Seismic Zones 3 and 4 which were constructed or under construction, or for which a building permit was issued, prior to May 10, 1962, having at least one unreinforced masonry wall. Except as provided herein, all other provisions of the Uniform Building Code shall apply.

EXCEPTIONS: This code shall not apply to:

1. Detached one or two story family dwellings, detached apartment houses containing less than 5 dwelling units and used solely for residential purposes, and hotels/motels containing less than 5 guest rooms.

2. Essential Facilities as defined in Table 16K of the Uniform Building Code.

3. Hazardous Facilities as defined in Table 16K of the Uniform Building Code.

This does not require alteration of existing electrical, plumbing, mechanical or fire safety systems.

A100.3 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

A100.4 COUNTY ORDINANCE HISTORY. This article together with Article 1, Chapter 8 is a restatement of Ventura County Ordinance No. 3948 which it hereby supersedes. The section numbering has been revised to be consistent with the current numbering sequence found in the U.C.B.C.

Section A101 ADMINISTRATIVE PROVISIONS

A101.1 DEFINITIONS. For the purposes of this Division, the applicable definitions in the Uniform Building Code shall also apply.

HIGH RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of 100 occupants or more as determined by Section 1002.1 and Table 10-A of the Uniform Building Code.

EXCEPTIONS: A high risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum height of 1-1/2 times the story height.

2. Any building used for its intended purpose, as determined by the Building Official for less than 20 hours per week.

LOW RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of less than 20 occupants as determined by Section 1002.1, Table 10-A, of the Uniform Building Code.

MEDIUM RISK BUILDING is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load of 20 occupants or more as determined by Section 1002.1, Table 10-A of the Uniform Building Code.

A101.2 **Rating Classifications.** The rating classifications identified in Table A-9-A are hereby established and each building within the scope of this Division shall be placed in one such rating

classification by the Building Official. The total occupant load of the entire building as determined by Section 1002.1, Table 10-A of the Uniform Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this Division, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

A101.3 **Compliance Requirements.** 1. The owner of each building within the scope of this Division shall, upon service of an order and within the time limits set forth in this Division, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this Division, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within scope of this Division shall comply with the requirements set forth above by submitting to the Building Official for review within the stated time limits:

   A. Within 270 days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this Division; or

   B. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Division; or

   C. Within 120 days after service of the order, plans for installation of wall anchors in accordance with the requirements specified in Section A113 of the UCBC; or

   D. Within 270 days after service of the order, plans for the demolition of the building.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-9-B. These time limits shall begin to run from the date the order is served in accordance with Section A101.4.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners electing to comply with A101.3 of this subsection are also required to comply with Items A101.2 or A101.4 of this subsection provided, however, that the 270-day period provided for in Items A101.2 or A101.4 and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A-9-B shall be extended in accordance with Table No. A-9-C. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A101.4 except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

A101.4 **Administration.**

A101.4.1 Order - Service. A. The Building Official shall, in accordance with the priorities set forth in Table No. A-9-C, issue an order as provided in this section of other owner of each buildings within the scope of this Division.

B. Prior to the service of an order as set forth in Table No. A-9-C, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this Division. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

A101.4.2 Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Division shall be in accordance with the rating classification as shown on Table No. A-9-C. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A-9-C shall be measured from the effective date of this Division. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Division prior to the normal service date for such building set forth in this Division.

A101.4.3 Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Division and, therefore, is required to meet the minimum seismic standards of this Division. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A101.3, which sets forth the owner's alternatives and time limits for compliance.

A101.4.4 Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Division to the Board of Appeals established by Section 105 of the Ventura County Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A101.4 Any such appeal shall be decided by the Board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Division shall be made in accordance with the procedures established in Sections 104.2.7 and 104.2.8 of the Uniform Building Code.

A101.4.5 Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this Division and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Division has not been demonstrated.

If the building is either demolished, found not to be within the scope of this Division or is structurally capable of resisting minimum seismic forces required by this Division as a result of

structural alterations or an analysis, the Building Official shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this Division.

A101.4.6 Enforcement. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section A101.3, the Building Official shall verify that the owner of record of this building has been properly served. If the order has been served on the owner of record, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the Uniform Building Code.

Section A102 GENERAL REQUIREMENTS

A102.1 **GENERAL.** All buildings shall have a seismic resisting system conforming with Section 1603.3 of the Uniform Building Code, except as modified by this Division.

A102.2 **Alterations and Repairs.** Alterations and repairs required to meet the provisions of this Division shall comply with all other applicable requirements of the Uniform Building Code unless specifically provided for in this Division.

(c) A102.3 **Requirements for Plans.** The following construction information shall be included in the plans required by this Division.

1. Accurately dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing material. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned and drawn to scale on the plans.

2. Accurately dimensioned wall elevations showing openings, piers, wall classes as defined in Section A106.3, thicknesses, and heights, wall shear test locations, cracks or damaged portions requiring repairs, the general condition of the mortar joints, and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.

5. The extent and type of parapet corrections which were previously perform, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this Division.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section A113.

TABLE NO. A-9-A
RATING CLASSIFICATIONS

TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A-9-B
TIME LIMITS FOR COMPLIANCE

Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year[1]	180 days[2]	3 years[2]
Wall Anchors	180 days[1]	270 days[2]	1 year[2]

[1]Measured from date of service of order.

[2]Measured from date of building permit issuance.

TABLE A-9-C
EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ANALYSIS:

Administrative changes have been made to the California Conservation Code dealing with time frames for compliance, operational procedures, enforcement and the establishment of service properties. These changes are administrative.

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ORDINANCE NO. 4274

SUMMARY OF PROPOSED ORDINANCE AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:

All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.

An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.

Chapter 2:

The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.

Chapter 3:

The California Electrical Code is adopted with amendments as shown in Article 2 and Article 4.

Chapter 4:

The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.

ATTACHMENT "B"

Chapter 5:

The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.

Chapter 6:

The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.

Chapter 7:

The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.

Chapter 8:

Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Model Codes

Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.

Detached one-story animal shade covers less than 1,000 square feet in area have been added to the list of work not requiring a permit.

The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)

Building Code changes have been made in regards to definitions, high fire hazard areas, structure forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.

Defined words are now shown in bold type to be consistent with the building code and to improve readability.

The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.

The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBC in Appendix Chapter 4, Division 1 - "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.

Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

In Article 4, Amendments to the California Electrical Code (CEC)

Changes to the California Electrical Code have been made centering on administrative powers and duties of enforcement, exempted work, conductors, wiring methods and materials, grounding and emergency systems.

In Article 5, California Mechanical Code (CMC)

Amendments to the mechanical code have been made dealing with local conditions for the installation of factory-built chimneys.

In Article 6, Amendments to the California Plumbing Code (CPC)

Amendments have been made dealing with administrative powers and duties of enforcement, exempted work, definitions, water supply and distributions, sanitary drainage, required sewers and location of sewage disposal systems, and private sewage disposal systems.

In Article 7, Amendments to the Uniform Housing Code (UHC)

Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8, Amendments to the Dangerous Building Code (DBC)

Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)

The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include those dealing with the purpose and scope and administrative provisions.

Prepared By: Neil C. Kleb
Assistant County Counsel

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ORDINANCE NO. 4274

TABLE A-9-C

EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ADOPTED this 5th day of November, 2002 by the following vote:

AYES: Supervisors Bennett, Schilds, Long, Mikels & Flynn

NOES: None

ABSENT: None

John K. Flynn

Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Paul L. Placencia
Deputy Clerk of the Board

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BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

November 5, 2002 at 9:00 a.m.

ORD 4274/206

AMENDING VENTURA COUNTY BUILDING CODE

An Ordinance of the County of Ventura Amending the Ventura County Building Code and Adopting by Reference the Current Editions is presented to the Board at this time, and upon motion of Supervisors Mikels, seconded by Supervisor Schillo, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4274.

Board members vote as follows:

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4274.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ventura County Star, A newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

RMA (2)
AUDITOR
FILES (2)
ITEM 17
11/5/02
KP

Certificate of Publication

Ad No. 512253

In Matter of Publication of:

Ventura Clerk of the Board
Summary Ordinance

State of California)
))§
County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 11, 2002 (2nd copy)

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 18th of December 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

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DEC 20 2002

OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO.4274 AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.
An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.
Chapter 3:
The California Electrical Code is adopted with an amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Mode Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.
Detached one-story animal shade covers less than 1,000 square feet in area have been added to the list of work not requiring a permit.
The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)
Building Code changes have been made in regards to definitions, high fire hazard areas, structure, forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.
Defined words are now shown in bold type to be consistent with the building code and to improve readability.
The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.
The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBS in Appendix Chapter 4, Division I, "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.
Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

Certificate of Publication

Ad No. VC512253

In Matter of Publication of:

County of Ventura County Star Summary of Ordinance No. 4274 (GI02-018)

State of California)

))§

County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Simi Valley Star, Oxnard Star, Moorpark Star, Thousand Oaks Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 11, 2002

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 11th of November 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

RECEIVED
NOV 18 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO.4274 AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the *Ventura County Building Code.*
An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.
Chapter 3:
The California Electrical Code is adopted with an amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with *amendments as shown in Article 2 and Article 7.*
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references *has not changed, however.*

In Article 2, Amendments of General Application to all the Adopted State and Mode Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.
Detached one-story animal shade covers less than 1,000 square feet in area have been added to the *list of work not requiring a permit.*
The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)
Building Code changes have been made in regards to definitions, high fire hazard areas, structure forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.
Defined words are now shown in bold type to be consistent with the building code and to improve readability.
The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.
The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBS in Appendix Chapter 4, Division 1- "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.
Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

In Article 4, Amendments to the California Electrical Code (CED)
Changes to the California Electrical Code have been made centering on administrative powers and duties of enforcement, exempted work, conductors, wiring methods and materials, grounding and emergency systems.
In Article 5, California Mechanical Code (CMC)
Amendments to the mechanical code have been made dealing with local conditions for the installation of factory-built chimneys.
In Article 6, Amendments to the California Plumbing Code (CPC)
Amendments have been made dealing with administrative powers and duties of enforcement, exempted work, definitions, water supply and distributions, sanitary drainage, required sewers and location of sewage disposal systems, and private sewage disposal systems.

In Article 7, Amendments to the Uniform Housing Code (UHC)
Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8 Amendments to the Dangerous Building Code (DBC)
Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)
The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include those dealing with the purpose and scope and administrative provisions.

Passed and adopted this 5th day of Nov. 2002

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn
Noes: None Absent: None
Publish: Nov 11, 2002 Ad No.VC512253

02-018

Certificate of Publication

Ad No(s): 507924

In Matter of Publication of:

Summary of Ordinance

State of California)
((§
County of Ventura)

I, **Sharon K. Palmer,** hereby certify that the **Ventura County Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

October 31, 2002

I certify, under penalty of perjury, that the foregoing is true and correct.

Dated this **13th** day of **November 2002** in San Buenaventura, California.

(Signature)
skp

RECEIVED
NOV 15 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO. AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follow: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Building, 1997 edition; California Electric Code, 2001 edition California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference.

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.

An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.
Chapter 3:
The California Electric Code is adopted with amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with amendments as shown in Article and Article 7.
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Model Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permits, [illegible]
Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8, Amendments to the Dangerous Building Code (DBC)
Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)
The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include these dealing with the purpose and scope and administrative provisions.

Passed and adopted this ___ day of __, 2002.
Ayes: Supervisors Noes: Absent: ___
Publish: Oct 31, 2002 Ad No.VC507924

02-017

Certificate of Publication

Ad No. 497812

In Matter of Publication of:

Ventura County Clerk of Board
Notice of Public Hearing

State of California)
))§
County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 20, 2002 (2nd copy)

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 18th of December 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

NOTICE OF PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN BUILDING CODES, TOGETHER WITH AMENDMENTS THERETO; AND ADOPTING CERTAIN OTHER PROVISIONS REGULATING BUILDINGS AND STRUCTURES

NOTICE IS HEREBY GIVEN that a public hearing, as provided by law, will be held by the Board of Supervisors of the County of Ventura to consider adoption of amendments to the Ventura County Building Code.

The proposed ordinance would adopt by reference current editions of the following California and uniform codes, making them applicable in the unincorporated areas of Ventura County: California Building Code 2001 edition, Uniform Housing Code 1997 edition. Uniform Code for the Abatement of Dangerous Buildings 1997 edition California Electrical Code 2001 edition, California Plumbing Code 2001 edition, California Mechanical Code 2001 edition and the California Conservation Code 2001 edition.

The proposed ordinance would amend certain administrative and regulatory provisions of the Ventura County Building Code.

Said public hearing will be held on Tuesday, November 5, 2002, at 10:00 a.m. in the Board of Supervisors' Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California, at which time any interested person may attend and be heard on this matter.

The Board of Supervisors may or may not adopt the proposed ordinance as result of the public meeting. Final action will be taken at a subsequent meeting of the Board of Supervisors.

The Clerk of the Board of Supervisors will maintain copies of the proposed ordinance and code on file at the Government Center, Hall of Administration, Fourth Floor 800 South Victoria Avenue, Ventura, California for reveiw by interested persons.
Dated this 11th day of October 2002.

JOHN F. JOHNSTON
Clerk of the Board of Supervisors
By: Karen L. Placencia
Deputy Clerk of the Board
Publish: Oct 11, 18, 2002
Ad No.VC497812

RECEIVED
DEC 20 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

02-014

October 8, 2002 at 8:30 a.m.

206

RESOURCE MANAGEMENT AGENCY – Public Hearing and Adoption of an Ordinance Adopting the Proposed Amendments to the Ventura County Building Code (VCBC) and Related Codes. READ ORDINANCE IN TITLE ONLY; CONTINUE FINAL ADOPTION TO NOVEMBER 5, 2002 AT 9:00 A.M.
VARIOUS BUILDING CODES ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

Jack Phillips

244

Cont To 11/5/02
9 am

ORD
L1274

RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

October 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: ADOPTION OF PROPOSED AMENDMENTS TO THE VENTURA COUNTY BUILDING CODE (VCBC) AND RELATED CODES

RECOMMENDED ACTION:

1. Conduct a public hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing Law, for final adoption on November 5, 2002, at 9:00 a.m.

2. At a second meeting on November 5, 2002, at 9:00 a.m., receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective thirty days from the date of final passage, adopt a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law, and direct that the findings be filed with the State Building Standards Commission.

FISCAL/MANDATES IMPACT: None

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

The uniform building codes form the primary basis of authority under which local building departments regulate the construction of buildings and structures. The California Health and Safety Code requires every city or county to utilize virtually the same housing construction standards as those of the State, but with provision for local adjustments to reflect local conditions. The recommended revisions to Ventura County's local ordinance are part of the normal legal process which is prescribed by State law for the adoption of building codes.

The local County building codes which are currently in effect were last amended by the Board in June 1999. This proposed ordinance will update references to the latest editions of the State codes, and will maintain uniformity with nearby city and county jurisdictions, which are completing the same process. Additionally, the proposed ordinance will improve certain of the administrative and regulatory provisions of the Ventura County Building Code (VCBC) to facilitate administration and enforcement of the codes. The VCBC is a compilation of previously-adopted ordinances regulating construction and incorporates State adopted codes and other model codes.

4i12-1.02

Attachment "A" is a copy of the VCBC which incorporates the proposed amendments without strike outs or underlining and has been furnished to the Clerk of the Board for publication as required by law.

Attachment "B" is an abbreviated summary by article of the changes made to the VCBC.

Attachment "C" is a copy of the letter sent out by the Building Official to interested parties requesting their review of the draft VCBC.

Attachment "D" is a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law. Adoption of these express findings is required by Health and Safety Code Section 17922. A county may make modifications in the requirements of the State adopted codes which are reasonably necessary because of local conditions. Changes to State construction standards may not, however, result in standards less than State minimums.

Attachment "E" are the express findings required for adoption.

A copy of the proposed Ventura County Building Code and these attachments are available in the Clerk of the Board's office and at the Building and Safety Counters in the Simi Valley Court House and in the Administration Building in Ventura.

Existing amendments that have not changed from the prior code have been simply brought forward without modification. Changes made by the amendments fall into one of the following categories:

1. Editorial changes that either update references, section numbers, chapter and section titles, or add highlighting of definitions, or make grammatical corrections and clarifying language revisions. These are found in various places throughout the code.

2. Administrative changes that modify permit processes or requirements or other administrative provisions in the code. Prominent administrative changes include those dealing with the title, scope and purpose of the code, violations, organization and enforcement, Boards of Appeal, permits, fees, inspections and certificates of occupancy.

3. Technical changes or "building standards", which actually affect the specific design and approval of a structure. Many of the amendments dealing with "building standards" have been reduced or eliminated as they are now found in the State code itself and are no longer necessary to add by amendment.

   Other technical changes have been made to the codes in regard to definitions, high fire hazard areas, structural forces, foundations, shear walls, gypsum board and plaster, relocated buildings, swimming pools, mobile homes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing, elevators, excavation and grading, wiring methods and materials, factory-built chimneys and sewage disposal systems.

Beginning on September 25, 2002, an initial draft of the proposed VCBC amendments was sent to interested parties, including engineers, architects and draftspersons, builders and contractors, individual citizens and industry groups such as the Ventura County Contractors Association, Building Industries Association, American Institute of Architects, and the Structural Engineers Association and to members of the County's Building Appeals Boards.

This item has been reviewed by the Chief Executive Office, County Counsel and the Auditor-Controller. A legislative version with strikeouts through deleted words and sentences and underlining under new words and sentences is on file with the Clerk of the Board of Supervisors. If you have any questions, please call me at extension 2787.

Jack Phillips

JACK PHILLIPS, BUILDING OFFICIAL

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Attachment "A": Proposed Ventura County Building Code

Attachment "B": Abbreviated Summary of Code Amendments

Attachment "C": Letter from Building Official to Interested Parties

Attachment "D": Resolution Adopting Express Findings Regarding Modification of Uniform Codes Subject to the State Housing Law

Attachment "E": Express Findings Required for Adoption

c: Building Industries Association
American Institute of Architects
Associated General Contractors of California
Ventura County Contractors Association
Structural Engineers Association

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: October 28, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Roberta Rodriguez
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-017

Please publish the attached: **SUMMARY ORDINANCE – Amending the Ventura county Building Code and Related Codes - Hearing – November 5, 2002,**

One (1) time in the issues of THURSDAY, OCTOBER 31, 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.star

2nd Nov 5th 9 am

NOTICE OF PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN BUILDING CODES, TOGETHER WITH AMENDMENTS THERETO; AND ADOPTING CERTAIN OTHER PROVISIONS REGULATING BUILDINGS AND STRUCTURES

NOTICE IS HEREBY GIVEN that a public hearing, as provided by law, will be held by the Board of Supervisors of the County of Ventura to consider adoption of amendments to the Ventura County Building Code.

The proposed ordinance would adopt by reference current editions of the following California and uniform codes, making them applicable in the unincorporated areas of Ventura County: California Building Code 2001 edition, Uniform Housing Code 1997 edition, Uniform Code for the Abatement of Dangerous Buildings 1997 edition, California Electrical Code 2001 edition, California Plumbing Code 2001 edition, California Mechanical Code 2001 edition and the California Conservation Code 2001 edition.

The proposed ordinance would amend certain administrative and regulatory provisions of the Ventura County Building Code.

Said public hearing will be held on Tuesday, November 5, 2002, at 10:00 a.m. in the Board of Supervisors' Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California, at which time any interested person may attend and be heard on this matter.

The Board of Supervisors may or may not adopt the proposed ordinance as a result of the public meeting. Final action will be taken at a subsequent meeting of the Board of Supervisors.

The Clerk of the Board of Supervisors will maintain copies of the proposed ordinance and code on file at the Government Center, Hall of Administration, Fourth Floor, 800 South Victoria Avenue, Ventura, California for review by interested persons. Dated this 11 day of October 2002.

JOHN F. JOHNSTON
Clerk of the Board of Supervisors

By: Karl Racenca
Deputy Clerk of the Board

G:\WPC\WINWORD\4i10-1.02.doc

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: October 3, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Karel Placencia
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-014

Please publish the attached: **FIRST AND SECOND NOTICE OF PUBLIC HEARING – Adoption of Ordinance for Proposed Amendments to the Ventura County Building Code (VCBC) and Related Codes,**

Two (2) times in the issues of FRIDAY, OCTOBER 11ST & 18TH , 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.star

RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

October 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: ADOPTION OF PROPOSED AMENDMENTS TO THE VENTURA COUNTY BUILDING CODE (VCBC) AND RELATED CODES

RECOMMENDED ACTION:

1. Conduct a public hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing Law, for final adoption on November 5, 2002, at 9:00 a.m.

2. At a second meeting on November 5, 2002, at 9:00 a.m., receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective thirty days from the date of final passage, adopt a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law, and direct that the findings be filed with the State Building Standards Commission.

FISCAL/MANDATES IMPACT: None

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

The uniform building codes form the primary basis of authority under which local building departments regulate the construction of buildings and structures. The California Health and Safety Code requires every city or county to utilize virtually the same housing construction standards as those of the State, but with provision for local adjustments to reflect local conditions. The recommended revisions to Ventura County's local ordinance are part of the normal legal process which is prescribed by State law for the adoption of building codes.

The local County building codes which are currently in effect were last amended by the Board in June 1999. This proposed ordinance will update references to the latest editions of the State codes, and will maintain uniformity with nearby city and county jurisdictions, which are completing the same process. Additionally, the proposed ordinance will improve certain of the administrative and regulatory provisions of the Ventura County Building Code (VCBC) to facilitate administration and enforcement of the codes. The VCBC is a compilation of previously-adopted ordinances regulating construction and incorporates State adopted codes and other model codes.

4i12-1.02

Attachment "A" is a copy of the VCBC which incorporates the proposed amendments without strike outs or underlining and has been furnished to the Clerk of the Board for publication as required by law.

Attachment "B" is an abbreviated summary by article of the changes made to the VCBC.

Attachment "C" is a copy of the letter sent out by the Building Official to interested parties requesting their review of the draft VCBC.

Attachment "D" is a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law. Adoption of these express findings is required by Health and Safety Code Section 17922. A county may make modifications in the requirements of the State adopted codes which are reasonably necessary because of local conditions. Changes to State construction standards may not, however, result in standards less than State minimums.

Attachment "E" are the express findings required for adoption.

A copy of the proposed Ventura County Building Code and these attachments are available in the Clerk of the Board's office and at the Building and Safety Counters in the Simi Valley Court House and in the Administration Building in Ventura.

Existing amendments that have not changed from the prior code have been simply brought forward without modification. Changes made by the amendments fall into one of the following categories:

1. Editorial changes that either update references, section numbers, chapter and section titles, or add highlighting of definitions, or make grammatical corrections and clarifying language revisions. These are found in various places throughout the code.

2. Administrative changes that modify permit processes or requirements or other administrative provisions in the code. Prominent administrative changes include those dealing with the title, scope and purpose of the code, violations, organization and enforcement, Boards of Appeal, permits, fees, inspections and certificates of occupancy.

3. Technical changes or "building standards", which actually affect the specific design and approval of a structure. Many of the amendments dealing with "building standards" have been reduced or eliminated as they are now found in the State code itself and are no longer necessary to add by amendment.

   Other technical changes have been made to the codes in regard to definitions, high fire hazard areas, structural forces, foundations, shear walls, gypsum board and plaster, relocated buildings, swimming pools, mobile homes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing, elevators, excavation and grading, wiring methods and materials, factory-built chimneys and sewage disposal systems.

Beginning on September 25, 2002, an initial draft of the proposed VCBC amendments was sent to interested parties, including engineers, architects and draftspersons, builders and contractors, individual citizens and industry groups such as the Ventura County Contractors Association, Building Industries Association, American Institute of Architects, and the Structural Engineers Association and to members of the County's Building Appeals Boards.

This item has been reviewed by the Chief Executive Office, County Counsel and the Auditor-Controller. A legislative version with strikeouts through deleted words and sentences and underlining under new words and sentences is on file with the Clerk of the Board of Supervisors. If you have any questions, please call me at extension 2787.

Jack Phillips

JACK PHILLIPS, BUILDING OFFICIAL

G:\WPC\WINWORD\4i12-1.02.doc

Attachment "A": Proposed Ventura County Building Code

Attachment "B": Abbreviated Summary of Code Amendments

Attachment "C": Letter from Building Official to Interested Parties

Attachment "D": Resolution Adopting Express Findings Regarding Modification of Uniform Codes Subject to the State Housing Law

Attachment "E": Express Findings Required for Adoption

c: Building Industries Association
American Institute of Architects
Associated General Contractors of California
Ventura County Contractors Association
Structural Engineers Association

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
812	NOV. 6 08:58	8054776710	0° 00' 51"	003	OK	N ECM

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: November 6, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Karel Placencia
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-018

Please publish the attached: **ORDINANCE NO. 4274, An Ordinance Amending the Ventura County Building Code and Related Codes,**

One (1) time in the issues of MONDAY, November 11, 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

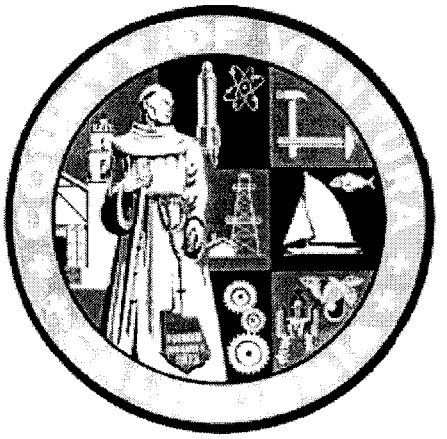
105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24
CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.



Ordinance Number

4274

Date Adopted

11/5/2002

Subject

VENTURA COUNTY ORDINANCE AMENDING THE COUNTY BUILDING CODE AND ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN MODEL CODES AS FOLLOWS: CALIFORNIA BUILDING CODE, 2001 EDITION AND UNIFORM HOUSING CODE, 1997 EDITION

Comments

VENTURA COUNTY

BUILDING CODE

2001 EDITION

Ventura County Ordinance

Compiled by

THE RESOURCE MANAGEMENT AGENCY
DIVISION OF BUILDING AND SAFETY

Ventura

800 South Victoria Avenue, Ventura, CA 93009
(805) 654-2771

East County

3855-F Alamo, Rm. 2019-A
Simi Valley, CA 93065
(805) 582-8064

4i9-1.02

ATTACHMENT "A"

The Ventura County Building Code, as shown herewith, is a compilation of the following ordinances adopted by the Ventura County Board of Supervisors.

Ordinance no.	Effective date
3773	June 19, 1986
3778	July 31, 1986
3904	August 11, 1989
4002	August 14, 1992
4130	June 12, 1997
4188	July 15, 1999

VENTURA COUNTY BUILDING CODE

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ORDINANCE NO. 4274

AN ORDINANCE OF THE COUNTY OF VENTURA AMENDING THE VENTURA COUNTY BUILDING CODE AND ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN MODEL CODES AS FOLLOWS: CALIFORNIA BUILDING CODE, 2001 EDITION; UNIFORM HOUSING CODE, 1997 EDITION; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; CALIFORNIA ELECTRIC CODE, 2001 EDITION; CALIFORNIA PLUMBING CODE, 2001 EDITION; THE CALIFORNIA MECHANICAL CODE, 2001 EDITION; AND APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE, 2001 EDITION, TOGETHER WITH AMENDMENTS THERETO.

The Board of Supervisors of the County of Ventura ordains as follows:

The Ventura County Building Code (VCBC) is hereby amended to read as follows:

ARTICLE 1 - ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND OTHER MODEL CODES BY REFERENCE

CHAPTER 1 - ADOPTION INTO THE VENTURA COUNTY BUILDING CODE

Section 101 VENTURA COUNTY BUILDING CODE DEFINED.

101.1 ELEMENTS. The Ventura County Building Code contained herein is comprised of the following elements:

a) The specified portions of the California Building Standards Codes known as Title 24, Parts 2, 3, 4, 5, 6, 8 and 10; and

b) The model codes referenced by the California Building Standards Code and the model codes herein adopted by reference being:

1) The Uniform Building Code, 1997 Edition.
2) The National Electrical Code, 1999 Edition.
3) The Uniform Mechanical Code, 2000 Edition.
4) The Uniform Plumbing Code, 2000 Edition.
5) The Uniform Code for Building Conservation, 1997 Edition.
6) The Uniform Housing Code, 1997 Edition.
7) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition; and

c) The Ventura County Amendments contained in this ordinance to the above referenced codes.

Taken together, the codes and amendments described above constitute the Ventura County Building Code.

101.2 AMENDMENTS. Ventura County amendments to the California Building Standards Code and the other adopted model codes are found in Articles 3 through 9 of this code.

Section 102 ADMINISTRATION. The administrative provisions referenced in Article 2 - General Application Amendments are applicable to all portions of the Ventura County Building Code.

Section 103. FILING WITH THE CLERK OF THE BOARD. Not less than one (1) certified copy of this Code and of each of the codes adopted by reference herein are on file in the office of the Clerk of the Board of Supervisors, and all such certified copies of the codes shall be kept at that office for public inspection while this Code is in force.

Section 104. COPIES OF CODE FOR SALE TO THE PUBLIC. Copies of the Ventura County Building Code shall be made available in the office of the Division of Building and Safety for examination. Purchase of the codes by the public at a price not to exceed the actual cost thereof to the County plus a reasonable handling charge as established by the Building Official may be available depending on the stock on hand.

CHAPTER 2 - ADOPTION OF THE CALIFORNIA BUILDING CODE (CBC)

Section 101. ADOPTION. That building code known as the "California Building Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 2 - a portion of the "California Building Standards Code", which incorporates by reference the 1997 edition of the Uniform Building Code with adopted California amendments, together with Appendices Chapter 3, Division I; Chapter 3, Division II; Chapter 4, Division II; Chapter 12, Division I; Chapter 12, Division IIA; Chapter 15; Chapter 16, Division IV; Chapter 18; Chapter 29; Chapter 30; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33 promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose and subject matter of which, among other things, is to protect the public health and safety as set out in Section 101.2 of the Uniform Building Code, is hereby adopted and enacted as the primary building code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this Ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Building Code are found in Article 3 of this Code.

CHAPTER 3 - ADOPTION OF THE CALIFORNIA ELECTRICAL CODE (CEC)

Section 101. ADOPTION - That Electrical Code known as the "California Electrical Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 3 - a portion of the "California Building Standards Code", which incorporates by reference the 1999 edition of the National Electrical Code with necessary California amendments, promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269; the purpose of which, among other things is to provide minimum standards for the design, installation, maintenance, and use of electrical wiring and electrical apparatus in order to safeguard persons and property from electrical hazards, is hereby adopted and enacted as the primary Electrical Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein, with specific modifications as indicated in Article 4:

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Electrical Code are found in Article 4 of this code.

CHAPTER 4 - ADOPTION OF THE CALIFORNIA MECHANICAL CODE (CMC)

Section 101. ADOPTION. That mechanical code known as the California Mechanical Code," 2001 Edition and also known as the California Code of Regulations (C.C.R.), Title 24, Part 4 - a portion of the "California Building Standards Code", which incorporates by reference the 2000 edition of the Uniform Mechanical Code with necessary California amendments, and Appendices A, B, C, and D promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, and as amended herein, the purpose and subject matter of which, among other things, is to protect public health and safety as stated in Section 102 of said code, is hereby adopted and enacted as the primary mechanical code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Mechanical Code are found in Article 5 of this code.

CHAPTER 5 - ADOPTION OF THE CALIFORNIA PLUMBING CODE (CPC)

Sec. 101 ADOPTION. That plumbing code known as the "California Plumbing Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 5 - a portion of the "California Building Standards Code", which incorporates by reference the 2000 edition of the Uniform Plumbing Code with necessary California amendments, together with Uniform Plumbing Code Appendices A, B, C, D, E, G-A, H, I, J, K and L promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, the purpose and subject matter of which is to protect public health and safety by establishing minimum regulations for the installation, alteration, or repair or plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Plumbing Code are found in Article 6 of this code.

CHAPTER 6 - ADOPTION OF THE UNIFORM HOUSING CODE (UHC)

Section 101. ADOPTION - That Housing Code known as the "Uniform Housing Code," 1997 Edition which was promulgated and published by the International Conference of Building Officials, 5360 South Workingman Mill Road, Whittier, California 90601, the purposes and subject matter of which among other things is to protect the public health and safety as set out in Section 102 of said Code, is hereby adopted and enacted as the primary Housing Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herewith with specific modifications as indicated below.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the Uniform Housing Code are found in Article 7 of this code.

CHAPTER 7 - ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

Section 101 ADOPTION. That code known as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose of which, among other things, is to protect the public health and safety as set out in Section 102 of this Code, is hereby adopted and enacted as the Code for Abatement of Dangerous Buildings in the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein with specific modifications as indicated below. This Code will be referred to herein as the Dangerous Buildings Code.

Sec. 102 AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments Ventura County amendments to the Dangerous Buildings Code are found in Article 8 of this code.

CHAPTER 8 - ADOPTION OF APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE (CCC)

Sec. 101 ADOPTION: That building conservation code known as the "California Conservation Code", 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 10 - a portion of the "California Building Standards Code" which incorporates by reference Appendix Chapter 1 of the 1997 edition of the Uniform Code for Building Conservation, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as amended herein, the purpose and subject matter of which, among other things, is to promote public safety and welfare by reducing the risk of death or injury from the effects of earthquakes on existing unreinforced masonry bearing wall buildings as stated in Section A101 of said code, is hereby adopted as the primary unreinforced masonry building conservation code of the County and made a part of this code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Sec. 102 AMENDMENTS: Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to Appendix Chapter 1 of the Uniform Code for Building Conservation are found in Article 9 of this code.

ARTICLE 2 - AMENDMENTS OF GENERAL APPLICATION TO ALL OF THE ADOPTED STATE AND MODEL CODES

CHAPTER 1 - ADMINISTRATION

Section 101 TITLE, PURPOSE AND SCOPE

101.1 TITLE. This ordinance shall be known as the "Ventura County Building Code," may be cited as such, and will be referred to herein as "this Code."

This ordinance shall adopt certain State and model codes by reference, together with amendments thereto, as published herein. These referenced codes and amendments shall have the same force and effect as if fully set forth herein.

101.2 PURPOSE. The Board of Supervisors expressly finds that the purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, relocation, and maintenance of all buildings and structures within the County and certain equipment specifically regulated herein.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this code.

101.18 AUTHORITY. This code is adopted pursuant to the statutory authority of Health and Safety Code Section 17910 et seq., known as the "State Housing Law." It is further adopted in conformity with the provisions of Sections 50022.1 to 50022.10, inclusive of the Government Code relating to the adoption of codes by reference.

101.19 APPLICABILITY. This code shall apply within all of the unincorporated territory of Ventura County.

101.20 INTENT. It is the intent of this Article to provide administrative control over all of the applicable sections of the adopted State and model codes even if these sections are not specifically identified in each of the adopted codes.

101.21 CONFLICTS. Wherever conflicts occur between the provisions of this Code and the separate codes adopted by reference hereby, or between different sections within such individual code or codes, the provisions which are more strict or which set the highest standard of health and safety shall govern.

Where conflicts occur between provisions of this code and other duly enacted County codes and ordinances, those provisions becoming law last in time shall govern.

Wherever in this code reference is made to the Appendix, the Appendix shall not apply unless specifically adopted.

101.22 SEVERABILITY. If any article, chapter, section, sub-section, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations. The Board of Supervisors hereby declares that it would have passed this ordinance, and each article, chapter, section, sub-

section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, chapters, sections, sub-sections, sentences, clauses, and phrases be declared unconstitutional or invalid.

101.23 SECTION NUMBERING AND CROSS-REFERENCING SYSTEM FOR CODE AMENDMENTS. To facilitate cross-referencing between the adopted codes as published and the amendments contained herein, amendments are numbered to correspond to the uniform and model code sections which are affected. Thus, "Article 3, Chapter 18 Section 1804" in this ordinance is an amendment to, and supersedes Chapter 18, Section 1804 as published in the California Building Code.

Generally, each numbered sub-section of the adopted codes, for example, UBC subsection 1804.2, is deemed to be separate and distinct from others for the purpose of amendment. An amendment to one sub-section changes only that portion and does not by omission of reference amend or delete any other part of the Section such as UBC Section 1804.7.

Sec. 103 VIOLATIONS.

103.1 GENERAL. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, building service equipment, machine or equipment or cause or permit the same to be done in violation of this Code or to violate any provision of this Code.

103.3 INFRACTIONS. It shall be an infraction of law for any person to remove, deface, or alter a posted notice of the Building Official or duly appointed representative when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this code.

103.4 MISDEMEANORS. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, misdemeanor/infraction, or infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Each and every violation of any provision of this Code is a misdemeanor unless designated by this Code to be an infraction or a misdemeanor/infraction.

103.5 MISDEMEANORS/INFRACTIONS. Every violation of this Code designated a misdemeanor/infraction shall be a misdemeanor; provided that, where the District Attorney has determined that such action would be in the best interests of justice, the District Attorney may specify in the accusatory pleading that the violation shall be an infraction and the violation shall then be prosecuted as an infraction.

103.6 PUNISHMENTS. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both such fine and imprisonment. Any person convicted of an infraction, the penalty for which is not otherwise prescribed, shall be punished by (a) a fine not exceeding one hundred dollars ($100) for the first violation; (b) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance provision within one year; and (c) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance provision within one year.

Sec. 104 - ORGANIZATION AND ENFORCEMENT

104.1 CONTINUANCE OF DIVISION. There is hereby continued within the County the "Division of Building and Safety" of the Resource Management Agency, which division shall be under the administrative and operational control of the Building Official designated by the appointing authority.

104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.2.1 ENFORCEMENT OF CODES. The Building Official is hereby authorized and directed to enforce all the provisions of this Code and of the codes adopted by reference hereby. The decision of the Building Official in enforcing the provisions of this Code or of the codes adopted by reference, or in interpreting the provisions thereof, or in exercising the authority delegated thereby shall be final, subject to appeal as provided in this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Whenever in this Code or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards, or rules or regulations as part of this Code or of any of the codes adopted by reference hereby unless set out in full herein, but they shall be considered and may be used by the Building Official as guides to assist in determining whether or not there has been compliance with the provisions of this Code. The Building Official shall not be bound by the provisions of any such other codes, standards, interpretations, or rules or regulations not expressly adopted by reference in this Code in determining such compliance.

104.2.2 DEPUTIES. In accordance with the prescribed procedures and with the approval of the appointing authority of the County, the Building Official may, from time to time, appoint such number of officers, inspectors, assistants and other employees as shall be necessary to carry out the functions of the Division of Building and Safety and act as duly authorized representatives of the Building Official.

104.2.3 RIGHT OF ENTRY. Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, hazardous, or insanitary, the Building Official or his authorized representative may enter such building, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons having charge or control of the building, structure, or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

104.2.4 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code, or in violation of applicable ordinances of other County agencies, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Whenever the Building Official finds that a building or structure for which a permit has been issued may be flooded or is subject to erosion hazard if the work is completed in the manner proposed, or that the completion of such work will cause the flooding of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of the Ventura

County Flood Control District (P.W.A.), or other qualified County officer for a determination as to such danger. If the Director of the aforementioned District or other qualified County officer reports that substantial danger exists, the Building Official shall order work stopped until plans to alleviate such danger have been reviewed and approved by said Director or County officer.

Failure to order work stopped or to make such referral or both shall not be construed as a representation that danger of flooding or erosion does not or will not exist if the work is completed in the manner proposed.

104.2.5 OCCUPANCY VIOLATIONS. Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that in the event of an unsafe building Section 102 in the Uniform Building Code shall apply.

104.2.6 LIABILITY. The Building Official or his authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the legal department of the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this code.

104.2.11 REPORTS AND RECORDS. The Building Official shall submit a report to the proper County official not less than once a year covering the work of the department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this Code.

The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

104.2.12 POWER OF CITATION. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code section 836.5, the Building Official and certain of his authorized subordinates as hereinafter provided shall have the power of arrest without warrant whenever they have reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a

violation of the provisions of this Code or any other ordinance or statute which the Building Official has a duty to enforce.

The persons who are authorized to make arrests as herein provided shall consist of the Building Official and those of his subordinates as he may from time to time designate, whose duties include inspection and enforcement activities for Ventura County.

In any case in which a person is arrested pursuant to this section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C (commencing with section 853.6) of the California Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this section.

104.2.13 NOTICE OF INTENT TO RECORD NOTICE OF NONCOMPLIANCE AND RECORDATION OF NOTICE OF NONCOMPLIANCE. Whenever the Building Official determines that work has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Building Official shall post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall described the property, shall set forth the noncomplying conditions, and shall inform the owner(s) that the Building Official shall record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeal.

A. If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeal, the Building Official shall record a Notice of Noncompliance.

B. If a timely appeal is filed with the Board of Appeal and the Board finds that the noncomplying conditions have not been corrected and need to be corrected, the Building Official shall record a Notice of Noncompliance.

Under either A or B above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall described the property, shall set forth the noncomplying conditions, and shall state that the property owner(s) have been notified.

If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or removed, the Building Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the noncomplying conditions have been corrected or removed. A fee as set forth in the Ventura County Building Code Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

104.2.14 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT. Whenever the Building Official ascertains that any building service equipment regulated in the referenced technical codes has become hazardous to life, health or property, or becomes insanitary, he shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written order itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When any building service equipment is maintained in violation of this code and in a violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

104.2.15 AUTHORITY TO DISCONNECT UTILITIES. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to a building, structure or building service therein regulated by this code, or the referenced technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupants of the building or structure of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupants of the building or structure, in writing, of such disconnection immediately thereafter.

104.2.16 RECONNECTION AFTER ORDER OF DISCONNECTION. No person shall make connections from any energy, power or fuel supply, nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24 (CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

Sec. 106 PERMITS

106.1 PERMITS REQUIRED. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, building service equipment, machine, equipment, or cause the same to be done, without first obtaining the necessary permit for each such building or structure from the Building Official. The terms "erect, construct, enlarge, alter, repair," etc. as used above shall be deemed to include any and all electrical, plumbing, mechanical, grading, or other work regulated by this Code.

106.1.1 STREAMLINED PERMITS FOR CERTAIN AGRICULTURAL BUILDINGS, GREENHOUSES AND SHADE STRUCTURES. The provisions of this code with respect to plan review and inspection shall not apply to certain agricultural buildings, greenhouses and shade structures as specified herein, provided that all of the following conditions are met:

1. The building or structure is used exclusively as an agricultural building as defined in the Uniform Building Code (U.B.C.), and is not designed, equipped or intended for human occupancy or any use other than as an agricultural building, and

2. The building or structure is detached, single story, not over 15 feet in height as defined in the U.B.C., and is of conventional wood frame (Type V-N) construction, and

3. The floor area of the building or structure does not exceed the following limits:

   a. On sites of 10 acres or more in size: 3,000 square feet.

   b. On sites 2 acres or more but less than 10 acres in size: 1,500 square feet, except for nurseries.

   c. On sites 2 acres or more but less than 10 acres in size: 3,000 square feet for nurseries licensed by the Agricultural Commissioner.

   d. On sites less than 2 acres in size: none.

   e. Shade cloth structures without permanently affixed sides: 12,000 square feet, and

4. The building is determined to be exempt from requirements for preparation of plans by a professional engineer or architect as set forth in the California Professional Engineer's or Architect Act, and

5. A Zoning Clearance as an agricultural building, greenhouse or shade structure for the building or structure is approved by the Planning Division, and

6. Approval from the Environmental Health Division is obtained for properties with septic systems, and

7. Approval from the Flood Control Department of the Public Works Agency is obtained as required, and

8. Approval from the Ventura County Fire Department is obtained relative to access, water supply, fire sprinkler, brush clearance and high fire hazard area requirements for any barn or storage structure designed and constructed to house farm implements, hay, grain, poultry or livestock in excess of 1,500 square feet in area; and where a review for other types of agricultural buildings up to 3,000 square feet in area in not required; and

9. Approval from the Development and Inspection Services Division of the Public Works Agency is obtained when a grading permit is required, and

10. A code complying exit is provided from the building or structure, and

11. There is no plumbing, mechanical or electrical work proposed for the building or structure.

106.1.1.1 FEES FOR STREAMLINED AGRICULTURAL BUILDING PERMITS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to agricultural buildings, greenhouses and shade structures qualifying for the above procedure under the provisions of that subsection.

106.1.1.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.1.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

106.1.2 PERMITS FOR SMALL AGRICULTURAL PRODUCE STANDS. The provisions of this Code with respect to plan review and inspection shall not apply to agricultural produce stands, as specified herein, provided that all of the following conditions are met:

1. A Zoning Clearance for the produce stand is approved by the Planning Division.
2. Approval for the sale of agricultural products is obtained from the Environmental Health Division.
3. Approval from the Environmental Health Division is obtained for properties with septic systems.
4. The produce stand is used exclusively for the sale of agricultural produce only.
5. The floor area of the building does not exceed 400 square feet and is a single story, conventional wood frame structure of type V-N construction.
6. An area equivalent to at least 65% of the area of the longest side is left open and unobstructed during business hours.
7. A code complying exit is provided from the structure.

106.1.2.1 FEES FOR SMALL AGRICULTURAL PRODUCE STANDS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to produce stands qualifying for exemption under the provisions of this subsection.

106.1.2.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.2.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

106.1.3 WAIVER OF PERMIT. The Building Official may, by administrative order, waive permit requirements for work which is not inimical to the public health, safety or welfare, or which because of its temporary nature or special purpose, does not fall within the purview or intention of this Code.

106.1.4 EMERGENCY BUILDING PERMITS. The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

Emergency repairs to plumbing, electrical, and mechanical installations may be initiated prior to obtaining the required permits, provided that such work was urgently necessary and it was impractical to obtain the permits prior to commencement of the work. Permits for all such work shall be obtained as soon as it is practical to do so.

Sec. 106.2 EXEMPTED WORK. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, patio covers, playhouses, playground or athletic equipment and similar uses provided the floor area does not exceed 120 square feet.

2. Fences not over 6 feet high measured from highest point of grade, unless supporting a surcharge or structural element.

3. Oil derricks.

4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

5. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and wood decks not more than 30 inches above grade at any point and not over any basement or story below, nor supporting any structure above.

8. Painting, papering, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported completely by an exterior wall of Group R, Division 3 or Group U, Division 1 Occupancies when projecting not more than 54 inches nor encroaching into required yards.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

13. Freestanding signs not more than 10 feet in height and not more than 72 square feet in area and wall signs not more than 200 square feet in area.

14. Residential television and radio antennas and dish antennas not more than 3 feet in diameter with an approved zone clearance.

15. Commercial antennas not over 15 feet in height when in compliance with the County Zoning Ordinance.

16. Electrolier standards and flag poles not over 35 feet in height when in compliance with the County Zoning Ordinance.

17. Readily removable plastic covered hoop structures without in-ground footings or foundations that are not more than 8' in height.

18. Agricultural wind generating machines except that an electrical or gas permit is required if they are connected to a commercial utility.

19. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade and not more than 1,000 square feet of roof area.

Unless otherwise exempted, separate plumbing, mechanical and electrical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Sec. 106.3 - APPLICATION

106.3.1 APPLICATION FOR PERMIT. To obtain a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

1. Give such information as may be required by the Building Official, County Agencies, or State Law.

2. Be accompanied by such plans, diagrams, computations, schedules, specifications and other data as may be necessary to determine compliance with this Code and other applicable codes, laws, ordinances, rules and regulations.

106.3.2 SUBMITTAL DOCUMENTS.

Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal

documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Computations, diagrams, schedules, soil reports, geological or geotechnical reports, and other data sufficient to show the correctness and adequacy of the plans shall be submitted when required by the Building Official.

A Survey of a lot may be required by the Building Official to assure that a structure is located in accordance with requirements, and/or is situated with respect to Mean Sea Level such that it complies with regulations governing construction in flood-prone areas.

Sec. 106.4 - PERMITS ISSUANCE

106.4.1 PERMIT ISSUANCE AND DENIAL. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees have been paid, he shall issue a permit therefor to the applicant.

Except where special building designs or other mitigating measures have been approved by the Building Official and cooperating officials of other County agencies, a building permit may be denied where physical features of a building site are such that a denial of the building permit is deemed necessary to safeguard life or limb, health, property, or public welfare. Physical features which justify the denial of a permit shall include but shall not be limited to:

1. Precipitous cliffs or other nearby vertical land masses of unknown stability.
2. Unstable soils or geologic conditions.
3. Terrain which is subject to flooding, inundation, or sever soil erosion.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been found complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building or structure will be granted.

106.4.1.1 PERMIT ISSUANCE: RESTRICTIONS. The issuance of permits shall be restricted to those applicants or their authorized representatives who are entitled by the regulations and the exemptions in the State Contractor's License Law, Business and Professions Code, and other applicable statutes to perform work regulated by this Code.

1. Owner-Builder permits may be issued to a property owner building or improving his/her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

(a) The residence is not intended or offered for sale.

(b) The homeowner has actually resided in the residence for the 12 month period prior to the completion of the work for which the permits is issued.

2. Owner-Builder permits may be issued to a property owner building or improving structures thereon who contract for such projects with licensed contractors pursuant to Division 3, Chapter 9, of the California Business and Professions Code.

3. Tenant Improvement permits may be issued to tenants when authorized by the building owner for work within the tenant space.

106.4.4 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days after the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the work authorized by such permit does not receive final inspection approval within 3 years from the issuance date of the permit. Before such work may be recommenced, a new or renewed permit shall first be obtained to do so. The fee therefor shall be based upon the valuation and extent of work remaining to complete the project, but such fee shall not exceed one-half the current permit fee providing no changes have been made or will be made in the original plan and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may perform work under that permit when he is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may, without requiring payment of an additional permit fee, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Demolition permits issued for the correction of violations shall expire after 30 days.

For the purpose of this Section "suspended or abandoned" shall be measured as elapsed time between approved REQUIRED INSPECTIONS as delineated in UBC Sections 108.5 through 108.7.

106.4.5 SUSPENSION OR REVOCATION OF PERMIT. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code or for just cause.

106.4.6 PERMITS TRANSFERABLE. Permits required by this Code may be transferred from the original permittee to second parties when legal requirements have been satisfied, when approved by the Building Official, and when applicable fees have been paid.

106.4.7 ANNUAL MAINTENANCE PERMITS. The Building Official may, upon receipt of the required fee, issue an annual maintenance permit to any authorized person, firm, or corporation regularly engaged in the repair, replacement, or facility maintenance of electrical, plumbing, or mechanical systems regulated by this Code. The annual maintenance permit shall cover maintenance work which is performed on the specific premises of a person, firm or corporation and shall entitle the holder to be issued permits for said work on a monthly basis in lieu of obtaining individual permits prior to each installation or alteration of electrical wiring, plumbing, or mechanical equipment.

The holder of an annual maintenance permit shall report all work done under the permit on a form furnished for the purpose not more than fifteen (15) days following the end of each calendar

month, or as otherwise approved by the Building Official. Each such report shall be accompanied by required fees.

Annual Maintenance Permits shall only be applicable to commercial and industrial facilities.

Sec. 107 - FEES

107.1 GENERAL. Fees for permits and services rendered pursuant to this Code shall be assessed as set forth in this Code, and in accordance with the Ventura County Building Code Fee Schedule as established by the Board of Supervisors.

107.2 BUILDING PERMIT FEES. The fee for each building permit shall be as set forth in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.2.1 ELECTRICAL PERMIT FEES. The fee for each electrical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.2 MECHANICAL PERMIT FEES. The fee for each mechanical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.3 PLUMBING PERMIT FEES. The fee for each plumbing permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.4 OTHER FEES. Other fees charged for services by the Division of Building and Safety shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.3 PLAN REVIEW FEES. When a plan or other data are required to be submitted by Sec. 106.3.2, a plan review fee shall be paid at the time of submitting plans and data for plan review. Said plan review fee shall be 75 percent of the building permit fee as shown in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The plan review fees specified in this subsection are separate fees from the permit fees, and are in addition to the permit fees.

The amount of the plan review fee for the initial submittal of a "Standard Plan" as defined herein shall be the full plan review fee as specified above. The plan review fee for subsequent submittals of a plan which qualifies as a "Standard Plan" shall be one-half of the initial plan review fee. "Standard Plan is hereby defined as a prototype plan for a building or structure which is to be utilized at more than one site, and which incorporates the same essential structural features, design, dimensions and calculations as the original approved plan. A "Standard Plan" shall be void three years after its original approval or upon revision of the applicable codes under which it was initially reviewed, or at the discretion of the Building Official."

When plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged but such fee shall not exceed one-half the initial plan review fee. Corrected plans which are resubmitted to the Division of Building and Safety for approval subsequent to initial plan review shall not be subject to an additional plan review fee. The fee for

additional plan review may be waived by the Building Official when the time consumed in the performance of such service totals less than one-half hour.

107.4 EXPIRATION OF PLAN REVIEW. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When plans are resubmitted for checking after expiration of plan review and no changes have been made or will be made in the original plans and specifications for the work, and no code changes have occurred, the plan review may be renewed for 180 days and the plan review fee may be one-half the current plan review fee provided the re-submittal has not exceeded one year from the expiration date.

107.5 INVESTIGATION FEES: WORK WITHOUT PERMIT.

107.5.2 FEE. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the Ventura County Building and Safety Fee Schedule.

The payment of such investigation fee shall not exempt any person from compliance with all applicable provisions of this code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

107.6 FEE REFUNDS. The Building Official may authorize the refunding of fees upon written application by the original permittee, within the limitations set forth herein:

(a) Permit issuance fees shall be nonrefundable except as provided in subsection (c) below.

(b) Any fee totaling thirty-five dollars ($35) or less, exclusive of any issuance fee, if any, shall be nonrefundable except as specified in subsection (c) below.

(c) 100% of any fee erroneously paid or collected shall be refundable, except for that portion paid for State Seismic Fee (SMIP).

(d) 90% of any plan review fee, less a cancellation fee, shall be refundable when the permit application is withdrawn or canceled prior to commencement of plan review.

(e) 90% of any permit fee, less a cancellation fee and State of California Seismic Fee (SMIP), shall be refundable when none of the work covered by such permit has commenced.

(f) 90% of any Board of Appeals hearing fee, less a cancellation fee, shall be refundable when such hearing is canceled prior to the issuance of a Notice of Hearing pertaining to the case.

Failure of the permittee to make written application for a refund within 180 days of cancellation or expiration of a plan review, permit, hearing, or request for service for which a fee has been paid, shall constitute a waiver of entitlement to a refund. No partial refund shall be authorized nor credit be applied against other fees which may be payable to the Division of Building and Safety when a construction project is canceled or abandoned subsequent to partial completion of the building or work authorized by a permitted.

107.7 CANCELLATION FEE. Refunds of fees for permits and services associated with construction projects which are canceled or withdrawn prior to commencement of plan review, inspection, or performance of other service by the Division of Building and Safety shall be subject to a cancellation fee as set forth in the Ventura County Building and Safety Fee Schedule.

Sec. 108 - INSPECTIONS

108.1. GENERAL.

All construction or work for which a permit is required shall be subject to inspection by the building official to ensure compliance with the requirements of this Code and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701.5.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official by telephone, orally, or in writing when said work is ready for inspection. Such notification shall be given at least one working day before such inspection is desired.

No portion of any building, structure, wiring, plumbing, ductwork or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official. The Building Official shall have authority to remove, or to require the removal of, any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, ductwork, electrical, or mechanical equipment, as necessary to verify compliance with the approved drawing or codes.

108.4 APPROVALS REQUIRED. Work shall not be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required in subsection 108.5 in the UBC and by other applicable laws and ordinances.

There shall be a final inspection and approval on all buildings when completed and ready for occupancy. An approval for occupancy and the issuance of a clearance by the Building Official for the connection of utilities to any building or structure shall be contingent upon compliance with provisions of this Code and any other applicable laws and ordinances.

When, in the judgment of the Building Official, unusual conditions exist which justify the connection of utilities prior to completion of a building or structure, a temporary clearance may be issued for such connection.

SECTION 109 - CERTIFICATE OF OCCUPANCY

109.3 CERTIFICATE ISSUED. After the building official inspects the building or structure and finds no violations of the provisions of this code, including type of occupancy and use of the building, or other laws or regulations enforced by the code enforcement agency, the building official shall issue a Certificate of Occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and mailing address of the owner.
4. The name and mailing address of the tenant.
5. A description of that portion of the building, including floor area (in square feet) for which the certificate is issued.

6. A statement that the described portion of the building has been inspected for compliance with this code for the group and division of occupancy and the use for which the designated occupancy is classified.

7. The name of the building official.

8. The date that the Certificate of Occupancy was issued.

The Certificate of Occupancy shall run concurrently with the tenancy of the building. Subsequent tenants shall be required to obtain a Certificate of Occupancy in their name.

109.4 TEMPORARY OR PARTIAL CERTIFICATE. Upon application by the owner, and for reasonable cause, if the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the entire building is completed, a Temporary or Partial Certificate of Occupancy may be issued for a portion or portions of the building. Such Temporary or Partial Certificate must include compliance with this code for all required access and exiting systems, toilet facilities and fire protection equipment and systems.

Upon completion of the entire structure all Temporary or Partial Certificates shall be surrendered to the building official in exchange for a final Certificate of Occupancy, as specified in UBC Section 109.3.

ARTICLE 3 - AMENDMENTS TO THE CALIFORNIA BUILDING CODE (CBC)

CHAPTER 2 - DEFINITIONS

Sec. 200 - GENERAL AMENDMENTS

See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more specific shall apply.

Sec. 201 - DEFINITIONS

201.1.1 DEFINITIONS. Whenever in this Code, or in any of the codes herein adopted, the following names or terms are used, they shall have the meanings set out herein.

Section 202-A
"APARTMENT HOUSE" shall mean any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums and townhouses.
Section 203-B
"BUILDING OFFICIAL" or **"building official"** shall mean the person appointed by the Director of the Resource Management Agency charged with the administration of the Division of Building and Safety, or a duly authorized representative.
Exceptions: 1. For the purpose of administering APPENDIX Chapter 33 - of the Uniform Building Code as amended, Excavation and Grading, the term "Building Official" shall mean the Director of Public Works Agency, or a duly authorized representative. The Director of Public Works Agency or his duly authorized representative shall assume the power of citation for enforcement of APPENDIX Chapter 33 - as said Power of Citation is described in ARTICLE II - Chapter 1, Section 104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL, subsection 104.2.12 - POWER OF CITATION, in this ordinance.

2. For the purpose of administering those requirements of Chapter 7 and APPENDIX K of the Uniform Plumbing Code pertaining to the approval, permitting and inspection of private sewage disposal systems, the term "Building Official" shall mean the Environmental Health Officer or the Director of Building and Safety, or a duly authorized representative. The Environmental Health Official or his duly authorized representative shall assume the power of citation for the enforcement of Chapter 7 and APPENDIX K of the UPC as said Powers of Citation are described in ARTICLE 2 - Chapter 1, Section 104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL, Subsection 104.2.12 - POWER OF CITATION, in this ordinance.
3. For the purposes of administering provisions of the Uniform Housing Code pertaining to the abatement of health hazards, the term "Building Official" shall mean the manager of the Division of Building and Safety and/or the Environmental Health Officer, or a duly authorized representative.

"BUILDING SERVICE EQUIPMENT" Shall mean the plumbing, mechanical, electrical, and elevator equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of a building or structure for its designated use and occupancy.

Section 204-C
"CHIEF ELECTRICAL INSPECTOR," "ADMINISTRATIVE AUTHORITY" and all other terms and designations indicating the person authorized and directed to carry out, enforce and

exercise governmental rights, privileges and duties shall, unless expressly indicated otherwise, mean the Building Official and any duly authorized deputies, assistants, and inspectors.

"CITY," "COUNTY," and other terms designating the local governmental entity having jurisdiction, shall mean the County of Ventura or the area under its jurisdiction.

Section 205-D

"DIRECTOR OF PUBLIC WORKS" shall mean the Director of Public Works except that it shall mean the Building Official for purposes of directing work of repair or demolition having an estimated cost of $4,000 or less pursuant to Section 1401.3 in the Uniform Housing Code and Section 701.3 in the Dangerous Buildings Code.

Section 206-E

"ENVIRONMENTAL HEALTH OFFICER" or **"ENVIRONMENTAL HEALTH OFFICIAL"** shall mean the duly appointed Director of the Environmental Health Department of the County or a duly authorized representative.

Section 207-F

"FIRE DEPARTMENT" shall mean the Ventura County Fire Protection District or the fire service agency having jurisdiction.

207-F **"FLOOD HAZARD AREA"** is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Control Department of the Public Works Agency.

Section 208-G

GRADE (Adjacent Ground Elevation for Structures within FLOOD HAZARD AREAS) is the point of elevation 12 inches above the highest elevation of the paved portion of the roadway adjacent to the subject lot, or the minimum height above mean sea level, whichever is the highest, as determined by the Flood Control Division of the Public Works Agency. (The Flood Control minimum elevation relates to the lowest habitable floor elevation; therefore, "GRADE" shall be established as the lowest habitable floor minus 6 inches in determining Reference Datum for measuring the maximum height of a structure.)

209-H **HABITABLE SPACE** (room) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls storage or utility space, and similar areas, are not considered habitable space.

EXCEPTION: For structures located within Flood Hazard Areas, bathrooms, toilet compartments, closets and laundry areas shall be considered as Habitable Space.

Section 217-P

"PERSON," "FIRM," or **"CORPORATION"** shall mean any and all entities of whatsoever nature or kind, including but not limited to individuals, owners, tenants, lessees, unions or organizations, cooperatives and trusts, corporations, partnerships whether general or limited, and unincorporated associations and shall include the plural as well as the singular number, the male and female gender, and all governmental entities subject in whole or in part to this Code and the codes adopted by reference herein.

Section 220-S

STORY, FIRST, is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided that such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.

EXCEPTION: For structures located within Flood Hazard Areas, see Section UBC 208 for definition of "GRADE (adjacent Ground Elevations for Structures within FLOOD HAZARD AREAS).

CHAPTER 6 - TYPES OF CONSTRUCTION

SECTION 607 - HIGH FIRE HAZARD AREAS

Sec. UBC 607.1 HIGH FIRE HAZARD AREA DEFINED. For the purpose of this code, certain areas in the unincorporated territory of the County shall be classified as the High Fire Hazard Area by the Ventura County Fire Protection District. The High Fire Hazard Area is defined as any area within 500 feet of uncultivated brush, grass, or forest-covered land wherein an authorized representative of said District determines that a potential fire hazard exists due to the presence of such flammable growth.

Sec. UBC 607.2 CONSTRUCTION REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Buildings or structures hereafter erected, constructed or moved within or into designated high fire hazard areas, including mobilehomes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section. Although their installation is encouraged, neither manual nor automatic fire extinguishing systems or similar water spraying devices may be substituted for the fire protection set forth herein.

607.2.1 ROOFS. Roof coverings shall be fire retardant Class A. as specified in Section 1504 in the UBC.

607.2.2 EXTERIOR WALLS. Fire-resistive protection of exterior walls and openings, as determined by location on property, shall be as required by Section 503 in the UBC.

EXCEPTION: No exterior wall covering of a building shall provide less fire resistance than that afforded by: 7/8-inch exterior cement plaster; 1-inch nominal thickness solid wood siding; 1/2-inch textured plywood siding having a groove depth of 1/8-inch or less; 7/16-inch hardwood siding; 5/8-inch particleboard, exterior type 2-M; or 5/8-inch exterior plywood, T1-11, having a groove depth of 1/4-inch or less. Fire-retardant treated or untreated wood shingle or shake siding shall not be permitted.

607.2.3 UNDERFLOOR AREAS. Where underfloor areas are not enclosed by fire-resistive construction conforming to the requirements of subsection 607.2.2 above, the underside of the floor system shall be fire-protected as set forth in subsection 607.2.4.

607.2.4 PROJECTIONS AND OTHER BUILDING ELEMENTS EXPOSED TO FIRE. Architectural projections such as roof overhangs and soffits, balconies and decks, and other elements of building which have combustible structural elements in the horizontal plane, shall be protected with materials approved for 1-hour fire-resistive construction on the lower, fire-exposed side and shall have 1-hour fire-resistive supporting columns unless the details of construction conform to those for heavy timber as described in Section 605 in the UBC.

EXCEPTIONS: 1. Combustible structural members in horizontal projections may be unprotected timbers of size 4 x 6 or larger when used as rafters or as stair, balcony, or deck supports or for similar purposes.

2. Patios, carports, arbors and open latticework sunshades may be constructed of any materials allowed by this Code.

3. Balconies and decks 30 inches or more above grade may have flooring of not less than 2-inch nominal thickness lumber or material of equivalent fire resistance. Such flooring may be spaced not more than 1/4-inch apart and need not be fire protected on the underside.
   Balconies and decks less than 30 inches above grade shall be solidly floored without gaps and shall be fire-protected on the underside as required by this Section. In lieu of fire protection, such balconies and decks may be enclosed from floor surface to grade in the manner prescribed for exterior walls in subsection 607.2.2 of this Section.
4. Combustible exterior columns directly supporting roofs, stairs, balconies, and decks may be size 4 x 4 or larger. Columns and beams supporting interior floor loads may be size 6 x 6 or larger.

607.2.5 VENTILATION OPENINGS. Attic or foundation ventilation opening or louvers shall not be located at or within 18", measure vertically, of eaves or rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire in adjacent hazardous grass or brush areas.

607.3 WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of UBC 607.2.1 through 607.2.5 above, in whole or in part, for specific construction projects within the High Fire Hazard Area when such waiver is approved by an authorized representative of the Ventura County Fire Protection District, based upon site conditions which justify a reduction in fire resistance.

CHAPTER 16 - DIVISION I - STRUCTURAL FORCES

Sec. 1611 OTHER MINIMUM LOADS.

1611.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1803 SOIL CLASSIFICATION - EXPANSIVE SOIL.

1803.2 EXPANSIVE SOIL. The expansive characteristics of soil shall be determined by procedures in accordance with UBC Standard Number 18-1 and the soils shall be classified according to Table Number 18-1-B of this Code. Foundations for structures bearing on soils with an expansion index greater than 20, as determined by UBC Standard Number 18-2, shall require special design consideration. In the event the soil expansion index varies with depth, the weighted index shall be determined according to Table Number 18-1-C in the UBC. The Soil Expansion Index shall be listed in all soils investigation reports.

A test to determine the soil expansion index shall be conducted for each building site except that in subdivisions the frequency of testing need not exceed one test per five contiguous lots or one test per five acres, whichever are is smaller. Such tests shall be made after rough grading is completed. Tests shall include a determination of the expansion index for the most expansive soil encountered within the top four feet at each test location whether in cut or fill or a combination thereof.

The expansion index for soil on subdivision lots which have not been individually tested shall be assumed to correspond to the highest reading determined by tests on proximate lots.

Section 1804 FOUNDATION INVESTIGATION.

1804.1. GENERAL. The classification of the soil at each building site shall be determined when required by the Building Official. Such determination shall be made by a California-licensed civil engineer experienced in soil engineering.

1804.2 INVESTIGATION. The classification of soil shall be based on observation and necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be required to evaluate soil strength, the effect of moisture variation on soil bearing capacity, compressibility, liquefaction and expansiveness.

In Seismic Zones 3 and 4, when required by the building official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

EXCEPTIONS: 1. The building official may waive this evaluation upon receipt of written opinion of a qualified geotechnical engineer or geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy with or without attached garages and single-story accessory structures thereto.

3. Group U, Division 1 Occupancies.

4. Fences.

5. Detached single-story Group U, Division 3 occupancies.

Whenever, in the opinion of the Building Official, the adequacy and stability of a building site cannot be determined by the test borings or excavations required by this Section he may require a special geologic, geotechnical, hydrologic, seismic, or other investigation and report. Geologic investigations such as those for hillside stability or seismic hazards shall be conducted by a California-certified Engineering Geologist.

1804.7 DRAINAGE AND MOISTURE PROTECTION.

1804.7.1 GENERAL. Provisions shall be made for the control and drainage of surface water around buildings. Concentrated drainage such as rainwater from gutters and downspouts, scuppers, and roof valleys shall be diverted away from building foundations by means of concrete splash blocks and/or other approved non-erosive devices. Underfloor access crawl holes, vents, and similar

openings below grade shall be provided with curbs extending not less than six (6) inches above adjacent grade to prevent surface water from entering the underfloor area.

1804.7.2 ROOF GUTTERS AND DOWNSPOUTS. When buildings are located on expansive soil having an expansion index greater than 50, gutters, downspouts, piping, and/or other non-erosive devices shall be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.

1804.7.3 VAPOR BARRIER. An approved vapor barrier shall be installed below concrete slab-on-grade floors of all residential occupancies in such a manner as to form an effective barrier against the migration of moisture into the slab. When sheet plastic material is employed for this purpose it shall be not less than 6 mils (.006 inch) in thickness. The installation of a vapor barrier shall not impair the effectiveness of required anchor bolts or other structural parts of a building.

Foundations at the perimeter of concrete floor slabs shall form a continuous moisture barrier of portland cement concrete or solid grouted masonry to the depths required by Table UBC 18-1-D in the ordinance.

1804.7.4 GROUNDWATER. Where the probability of groundwater intrusion into underfloor areas is found to exist, foundations and crawl spaces shall be designed to mitigate ponding, excess moisture conditions, and settlement of footings. (Refer to APPENDIX CHAPTER 18 for waterproofing and dampproofing of foundations.)

1806 FOOTINGS.

Section 1806.1. GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with Chapter 18, Division II and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings, foundations, and concrete slab floors at or below grade shall be constructed to comply with Table UBC 18-1-D (Rev.) and footnotes thereto in this ordinance, except when an approved alternative design is provided based on a foundation investigation. UBC Table 18-1-D and footnotes thereto in the UBC is hereby deleted in its entirety, and is replaced by VCBC Table UBC 18-1-D (Rev.) and footnotes thereto, published herewith.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind or wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards. See Section 3302 for subsoil preparation and wood form removal.

1806.11 HOLD-DOWN CONNECTORS.

1. All bolt-holes shall be 1/16" (max) over-sized at the connection of hold-downs to posts.

2. Hold-down connection bolts/nuts shall be torqued ½ turn beyond finger tight or as required by manufacturer.

3. Approved plate washers, in-lieu of cut washers, shall be provided for all plywood shearwall sill plate anchor bolts. See Table "A" below.

4. Approved plate washers, in-lieu of cut washers, shall be provided for hold-down connector bolts at shearwall wood flanges. See Table "A" below.

TABLE - A

MINIMUM SIZE FOR SQUARE PLATE WASHERS

BOLT SIZE	PLATE SIZE
1/2"	3/16" x 2" x 2"
5/8"	1/4" x 2 1/2" x 2 1/2"
3/4"	5/16" x 2 3/4" x 2 3/4"
7/8"	5/16" x 3" x 3"
1"	3/8" x 3 1/2" x 3 1/2"

1806.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Where additional foundation plate anchor bolts are required after foundations are completed, drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

1806.13 GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table UBC 18-1-D (Rev.), whichever is deeper, reinforced as specified for continuous foundations in Table UBC 18-1-D, shall be provided at garage door openings.

1806.14 FIREPLACE FOOTINGS. Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table UBC 18-1-D (Rev.).

TABLE 18-1-D (REV.)
MINIMUM FOUNDATION REQUIREMENTS*

WEIGHTED EXPANSION INDEX	FOUNDATION FOR SLAB & RAISED FLOOR SYSTEM (4) (8)							CONCRETE SLABS (8)		PREMOISTENING OF SOILS UNDER FOOTINGS, PIERS AND SLABS (4) (5)	RESTRICTION ON PIERS UNDER RAISED FLOORS
	NUMBER OF STORIES	STEM THICKNESS	FOOTING WIDTH	FOOTING THICKNESS	ALL PERIMETER FOOTINGS (5)	INTERIOR FOOTINGS FOR SLAB AND RAISED FLOORS (5)	REINFORCEMENT FOR CONTINUOUS FOUNDATIONS (2) (6)	3-1/2" MINIMUM THICKNESS			
					DEPTH BELOW NATURAL SURFACE OF GROUND AND FINISH GRADE			REINFORCEMENT (3)	TOTAL THICKNESS OF SAND (10)		
		(INCHES)									
0 - 20 Very Low (non-expansive)	1 2 3	6 8 10	12 15 18	6 7 8	12 18 24	12 18 24	1-#4 top and bottom	#4 @ 48" o.c. each way, or #3 @ 36" o.c. each way	2"	Moistening of ground recommended prior to placing concrete	Piers allowed for single floor loads only
21-50 Low	1 2 3	6 8 10	12 15 18	6 7 8	15 18 24	12 18 24	1-#4 top and bottom	#4 @ 48" o.c. each way, or #3 @ 36" o.c. each way	4"	120% of optimum moisture required to a depth of 21" below lowest adjacent grade. Testing required.	Piers allowed for single floor loads only
51-90 Medium	1 2	6 8	12 12	6 8	21 21	12 18	1-#4 top and bottom	#3 @ 24" o.c. each way	4"	130% of optimum moisture required to a depth of 27" below lowest adjacent grade. Testing required	Piers not allowed
	3	10	15	8	24	24	#3 bars @ 24" in ext. footing Bend 3' into slab (7)				
91-130 High	1 2	6 8	12 12	8 8	27 27	12 18	2-#4 Top and Bottom	#3 @ 24" o.c. each way	4"	140% of optimum moisture required to a depth of 33" below lowest adjacent grade. Testing required.	Piers not allowed
	3	10	15	8	27	24	#3 bars @ 24" in ext. footing Bend 3' into slab (7)				
Above 130 Very High	Special design by licensed engineer/architect										

*Refer to next page for footnotes (1) through (11).

FOOTNOTES TO TABLE UBC 18-1-D (Rev)

1. Premoistening is required where specified in Table UBC 18-1-D in order to achieve maximum and uniform expansion of the soil prior to construction and thus limit structural distress caused by uneven expansion and shrinkage. Other systems which do not include premoistening may be approved by the Building Official when such alternatives are shown to provide equivalent safeguards against the adverse effects of expansive soil.

2. Reinforcement for continuous foundations shall be placed not less that 3" above the bottom of the footing and not less than 3" below the top of the stem.

3. Reinforcement shall be placed at mid-depth of slab.

4. After premoistening, the specified moisture content of soils shall be maintained until concrete is placed. Required moisture content shall be verified by an approved testing laboratory not more than 24 hours prior to placement of concrete.

5. Crawl spaces under raised floors need not be premoistened except under interior footings. Interior footings which are not enclosed by a continuous perimeter foundation system or equivalent concrete or masonry moisture barrier complying with UBC 1804.7.3 in this ordinance shall be designed and constructed as specified for perimeter footings in Table UBC 18-1-D (Rev.).

6. Foundation stem walls which exceed a height of three times the stem thickness above lowest adjacent grade shall be reinforced in accordance with Chapter 21 and Sec. 1914 in the UBC, or as required by engineering design, whichever is more restrictive.

7. Bent reinforcing bars between exterior footing and slab shall be omitted when floor is designed as an independent, "floating' slab.

8. Where frost conditions or unusual conditions beyond the scope of this table are found, design shall be in accordance with recommendations of a foundation investigation. Concrete slabs shall have a minimum thickness of 4 inches when the expansion index exceeds 50.

9. The ground under a raised floor system may be excavated to the elevation of the top of the perimeter footing, except where otherwise required by engineering design or to mitigate groundwater conditions.

10. When subsoil drainage is required by the building official, refer to Sec. UBC APPENDIX 18.

11. Where a post-tensioning slab system is used, the width and depth of the perimeter footings shall meet the requirements of this table.

CHAPTER 23 - WOOD

TABLE 23-II-G MAXIMUM DIAPHRAGM DIMENSION RATIOS

MATERIAL	HORIZONTAL DIAPHRAGMS	VERTICAL DIAPHRAGMS
	Maximum Span-Width Ratios	Maximum Height-Width Ratios
1. Diagonal sheathing, conventional	3:1	1:1
2. Diagonal sheathing, special	4:1	2:1
3. Wood structural panels and particleboard, nailed all edges	4:1	2:1
4. Wood structural panels and particleboard, blocking omitted at intermediate joints	4:1	NP

TABLE 23-II-1-1 — ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES IN POUNDS PER FOOT FOR WOOD STRUCTURAL PANEL SHEAR WALLS WITH FRAMING OF DOUGLAS FIR-LARCH OR SOUTHERN PINE.[1, 2, 3, 4]

PANEL GRADE	MINIMUM NOMINAL PANEL THICKNESS (INCHES)	MINIMUM NAIL PENETRATION IN FRAMING (INCHES)	PANELS APPLIED DIRECTLY TO FRAMING					PANELS APPLIED OVER ½-INCH (13 mm) OR ⅝-INCH (16 mm) GYPSUM SHEATHING				
			Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm				Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm			
				6	4	3	2		6	4	3	2
	x 25.4 for mm			x 0.0146 for N/mm					x 0.0146 for N/mm			
Structural I	5/16	1 1/4	6d	150	225	293	383	8d	150	225	293	383
	3/8	1 1/2	8d	173[5]	270[5]	345[5]	458[5]	10d[6]	210	323	413	548
	7/16			191[5]	296[5]	379[5]	503[5]					
	15/32			210	323	413	548					
	15/32	1⅝	10d[6]	255	383	499	653	–	–	–	–	–
C-D, C-C Sheathing, plywood panel siding and other grades covered in U.B.C. Standard 23-2 or 23-3	5/16	1¼	6d	135	203	263	338	8d	135	203	263	338
	3/8			150	225	293	383		150	225	293	383
	3/8	1½	8d	165[5]	240[5]	308[5]	398[5]	10d[6]	195	368	368	480
	7/16			180[5]	263[5]	338[5]	439[5]					
	15/32			195	285	368	480					
	15/32	1⅝	10d[6]	233	345	450	578	–	–	–	–	–
	19/32			255	383	499	653					
			Nail Size (Galvanized Casing)					Nail Size (Galvanized Casing)				
Plywood panel siding in grades covered in U.B.C. Standard 23-2	5/16	1¼	6d	105	158	206	270	8d	105	158	206	270
	3/8	1½	8d	120	180	233	308	10d[6]	120	180	233	308

1 All panel edges backed with 2-inch (51 mm) nominal or wider framing. Panels installed either horizontally or vertically. Space nails at 6 inches (152 mm) on center along framing members for ⅜-inch (9.5 mm) and 7/16-inch (11 mm) panels installed on studs spaced 24 inches (610 mm) on center and 12 inches (305 mm) on center for other conditions and panel thicknesses. These values are for short-time loads due to wind or earthquake and must be reduced 25 percent for normal loading.

Allowable shear values for nails in framing members of other species set forth in Table 23-III-FF of Division III shall be calculated for all other grades by multiplying the shear capacities for nails in Structural I by the following factors: 0.82 for species with specific gravity greater than or equal to 0.42 but less than 0.49, and 0.65 for species with a specific gravity less than 0.42.

2 Where panels are applied on both faces of a wall and nail spacing is less than 6 inches (152 mm) on center on either side, panels joints shall be offset to fall on different framing members or framing shall be 3-inch (76 mm) nominal or thicker and nails on each side shall be staggered.

3 Framing at boundary and panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered for all plywood shear walls with shear values exceeding 300#/ft. Nailing edge distance for 3x boundary and panel edge members shall be ½-inch minimum.

4 The maximum allowable shear for 3-ply plywood, less than ⅝-inch thickness, shall not exceed 200#/ft. when used in shearwalls and framing of Douglas Fir-Larch or Southern Pine.

5 The values for ⅜-inch (9.5 mm) and 7/16-inch (11 mm) panels applied direct to framing may be increased to values shown for 15/32-inch (12 mm) panels, provided studs are spaced a maximum of 16 inches (406 mm) on center or panels are applied with long dimension across studs.

6 Fr[illegible]g at adjoining panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered where 10d nails having penetration into framing of more than 1⅝ inches (4[illegible]) are spaced 3 inches (76 mm) or less on center.

CHAPTER 25 - GYPSUM BOARD AND PLASTER

Section 2513 - SHEAR-RESISTING CONSTRUCTION WITH WOOD FRAME.

2513.4 HEIGHT TO LENGTH RATIO. The maximum allowable height-to length ratio for the construction in this section shall be 1 to 1. Wall sections have height-to-length ratios in excess of 1½ to 1 shall be blocked.

TABLE 25-I - ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES
IN POUNDS PER FOOT FOR VERTICAL DIAPHRAGMS OF
LATH AND PLASTER OR GYPSUM BOARD FRAME WALL ASSEMBLIES[1]

	TYPE OF MATERIAL	THICKNESS OF MATERIAL	WALL CONSTRUCTION	NAIL SPACING[2] MAXIMUM (inches)	SHEAR VALUE	MINIMUM NAIL SIZE[3]
		x 25.4 for mm		x 25.4 for mm	x 14.6 for N/m	x 25.4 for mm
1.	Expanded metal, or woven wire lath and portland cement plaster	7/8"	Unblocked	7	90	No. 11 gage 1 1/2" long, 7/16" head[4]
2.	Gypsum lath	3/8" lath and 1/2" plaster	Unblocked	7	30	No. 13 gage, 1 1/8" long, 19/64" head, plasterboard blued nail
3.	Gypsum sheathing board[5]	1/2" x 2' x 8'	Unblocked	7	30	No. 11 gage, 1 3/4" long, 7/16" head, diamond-point, galvanized
		1/2" x 4' 1/2" x 4'	Blocked Unblocked	7 7	30 30	
4.	Gypsum wallboard or veneer base[5]	1/2"	Unblocked	7	30	5d cooler (0.086" dia., 1 5/8" long 15/64" head) or wallboard (0.086" dia., 1 5/8" long, 9/32" head)
				7	30	
			Blocked	7	30	
				7	30	
		5/8"	Unblocked	7	30	6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head)
				7	30	
			Blocked	7	30	
				7	30	
			Blocked Two ply	Base ply: 7 Face ply: 7	60	Base ply - 6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head) Face ply - 8d cooler (0.113" dia., 2 3/8 long, 9/32" head) or wallboard (0.113" dia., 2 3/8" long, 3/8" head

[1]These vertical diaphragms shall not be used to resist loads imposed by masonry or concrete construction. See Section 2513.2. Values shown are for short-term loading due to wind or due to seismic loading in Seismic Zones 0, 1, 2A and 2B. Values shown must be reduced 25 percent for normal loading. The values shown in Items 2, 3 and 4 shall be reduced 50 percent for lading due to earthquake in Seismic Zones 3 and 4.

[2]Applies to nailing at all studs, top and bottom plates and blocking.

[3]Alternate nails may be used if their dimensions are not less than the specified dimensions.

[4]Required minimum nailing shall be No. 11 gage x 1 1/2" long galvanized nails with lath burred to 1/4" from the face of the building paper. Staples and self-barring lath shall not be permitted.

[5]Frame wall assemblies constructed of Portland cement plaster, gypsum sheathing board or gypsum wall board are not permitted to carry shear loads at ground floor of multi-level buildings.

CHAPTER 40

RELOCATED BUILDINGS AND TEMPORARY STRUCTURES

Sec. 40.1. GENERAL REQUIREMENTS. Buildings or structures moved into or within the County shall comply with the provisions of this Code for new buildings or structures except when otherwise permitted by this Code or by State law.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Sec. 40.2. PERMIT(S) REQUIRED. It shall be unlawful for any person, firm, or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office, or similar structure which is relocated as construction requires, into or within the County without first obtaining a permit to do so from the Building Official.

EXCEPTION: Buildings moved to the business premises of a house mover for the purpose of temporary storage.

Sec. 40.2.1 NOTIFICATION OF RELOCATED BUILDING. Prior to issuance of relocation permit for any structure and as a part of the application therefor, a Notice of Relocated Building, on a form furnished by the Building Official, shall be posted at the site of the building proposed to be relocated and at the proposed new site location. This public notice shall be maintained for a minimum of 15 days from the date of the application for relocation permit. During this period, interested parties may submit written comments to the Building Official regarding said proposed relocation. (refer to Sec. 40.5 DENIAL OF PERMIT.)

Sec. 40.3. APPLICATION AND INVESTIGATION FEE. To obtain a permit to relocate a building or structure the applicant shall first file an application therefor as required by Section 106.3 in this ordinance. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by the required investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be non-refundable. If the building to be moved is located outside the County, the applicant shall pay an additional fee as set forth in the Ventura County Building and Safety Fee Schedule to cover increased costs of inspection and mileage.

40.3.1 The Building Official shall make the following findings prior to issuing the permit:

1. That there is evidence of full compliance with the zoning provisions of Ventura County Ordinance Code, Division 8 - PLANNING AND DEVELOPMENT.
2. That the building shall comply, or shall be altered to comply, with current building, electrical, heating and air conditioning, and plumbing code requirements.
3. That all necessary and required documentation has been submitted for review, including, but not limited to, plans and specifications for all required or proposed improvements at the new location, a soils investigation report, a current termite inspection report, a water "will serve" letter from a recognized water provider or an approved water well certificate, a sewer "will serve" letter from a recognized sanitation district or an approved septic system certificate, and a surety bond in the amount determined by the Building Official as set forth in Sec. 11-16 of this Code.

Sec. 40.4. INVESTIGATION AND REPORT. The Building Official shall cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report shall list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions, or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety, or welfare.

The investigation report shall remain valid for a period of 180 days after the building or structure has been inspected, after which time a new investigation and report may be required by the Building Official.

Sec. 40.5. DENIAL OF PERMIT. The Building Official may deny the issuance of a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous.
2. Is infested with pests or is insanitary.
3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair.
4. Is so dilapidated, defective, or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated.
5. Because of age, size design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

Sec. 40.6. SECURITY REQUIRED. The Building Official shall not issue a permit to relocate a building or structure unless the applicant therefor shall first post with the Building Official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the State as surety; a cash bond naming the County of Ventura as payee; or an assignment of certificates or shares issued by a lending institution doing business in this state and insured by the FDIC. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this Section shall:

1. Be in form joint and several.
2. Name the County of Ventura as obligee.
3. Guarantee that the required work will be completed or, when ordered by the Building Official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition.
4. Be in an amount equal to the estimated cost, plus 10 percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official.
5. State therein the legal description or address of the property to which the building or structure is to be relocated.

Sec. 40.7. CONDITIONS OF SECURITY. Every performance bond, cash bond, or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within 180 days from the date of issuance of the permit.

2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety.
3. The term of each bond posted pursuant to this Article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.
4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.
5. Upon default by the principal, the surety shall cause all required work to be performed as set forth in the conditions of the investigation report and relocation permit.
6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean, and restore the site.

Sec. 40.8. PERMIT ISSUANCE AND FEES. Before a permit is issued for the relocation of a building and its reconstruction, repair, and completion at a new site, all required plan review and permit fees shall be paid. The required permits, together with the investigation report, shall comprise the "relocation permit" for the purposes of this Article.
The value to be used in computing the relocation building permit and plan review fees shall be as set forth in Sec. 107.2 in this Code, based upon the estimated cost of all construction necessary to complete the structure.

Sec. 40.9. EXPIRATION OF PERMIT. Permits for the relocation, reconstruction, and repair of a building or structure shall be null and void in accordance with the provisions of Section 106.4.4 in this Code if the building or structure is not relocated to the proposed site and/or the required work commenced within 6 months of the date of issuance of such permits.

Sec. 40.10. PROCEDURE UPON DEFAULT.

40.10.1 PERFORMANCE BOND. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond.
The notice of default shall state the conditions of the bond which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work.
Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified.
The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned, and restored to the satisfaction of the Building Official.

EXCEPTION: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided:

1. A written agreement is executed between Surety and the Division of Building and Safety under which the Division assumes responsibility for causing completion of required work or demolition of the structure; and
2. A cash bond is posted by the Surety in the amount of the performance bond, payable to the County of Ventura, to enable the Building official to cause the required work of repair or demolition to be performed in accordance with Section 40.10.2 in this ordinance.

40.10.2 CASH BOND. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

40.10.3 ASSIGNMENT OF SHARES. When an assignment of share has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or shares or any portion thereof by the lending institution and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contract or otherwise.

Sec. 40.11 RELEASE OF SECURITY.

40.11.1 PERFORMANCE BOND. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.

40.11.2 CASH BOND. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successors or assigns, except any portion thereof that may have been used, cashed, or deducted as provided elsewhere in this Article.

40.11.3 ASSIGNMENT OF SHARES. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the Building Official shall notify the lending institution and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this Article.

CHAPTER 41 - SWIMMING POOLS, ORNAMENTAL POOLS, AND APPURTENANT FENCING

SECTION 41.1 - GENERAL

41.1.1 SCOPE. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

4.1.2 STANDARDS OF QUALITY. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard list below is a recognized standard. (See Section 3504.)

- ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

SECTION 41.1.3 - DEFINITIONS.

For the purpose of this Article certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "swimming pool."

Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346.

Barrier (enclosure) is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

Grade is the underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "spa, nonself-contained" and "spa, self-contained."

In-Ground Pool. See definition of "swimming pool."

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the rounds of a private single-family home.

Separation Fence is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually have a filter, heater and a motor-driven blower. It may be installed indoors or outdoors , on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Spa, Self-Contained, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Swimming Pool, is any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. The term "swimming pool," does not apply to plumbing fixtures such as bathtubs or hydro-therapy tubs; nor does it apply to man-made lakes, reservoirs or farm ponds used primarily for public park purposes, ornamentation, water conservation, irrigation, ground-water recharging basins, or watering of livestock. It shall apply to any water-filled excavation, lined or unlined, within three (3) feet of any structure or property line. (Public pools shall comply also with CCR Title 24).

Swimming Pool, Indoor, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor, is a swimming pool that is not an indoor pool.

Sec. 41.2. POOL DESIGN AND CONSTRUCTION

41.2.1 GENERAL. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, and mechanical codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.

41.2.2 EXPANSIVE SOIL DESIGN. Pools constructed below grade shall be designed on the assumption that their construction is to be in an area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 p.c.f.).

> EXCEPTION: Where tests indicate that soils at a pool site are non-expansive or have low expansion characteristics from the ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less that 30 p.c.f.

In highly expansive soils having an expansion index of 91-130, pools shall be designed for not less than 60 p.c.f. equivalent fluid pressure.

In very highly expansive soils having an expansion index over 130, pool design shall be subject to special requirements based on a site investigation, soil testing, and engineering analysis by a registered civil engineer to determine appropriate design parameters for the site.

41.2.3 HYDROSTATIC UPLIFT. In areas of anticipated high water table or moderate to highly expansive soil an approved hydrostatic relief system or device shall be installed.

41.2.4 THERMAL PROTECTION FOR PLASTIC PIPING. Between the inlet of pool water heating equipment and any plastic water piping connected thereto, a check valve shall be installed to prevent thermal damage to such piping due to backflow.

> EXCEPTION: When rapid or high-rate filters are employed a check valve may be omitted.

Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than five feet of approved metal pipe shall be installed for the purpose of dissipating heat.

41.2.5 SAFEGUARDING SUCTION DRAINS. Bottom drains and suction intakes in pools and spas shall be covered with grates or other protective devices which cannot be removed except with tools. The slots or openings in these covers shall be of such area, shape, and arrangement as to prevent bathers from being drawn thereto with such force as to constitute a safety hazard.

41.2.6 GRAB BARS. Wherever egress from a pool is restricted by the presence of a vertical wall or other barrier which extends more than 12" above the water surface at the pool edge, permanent continuous grab bars, handrails, or other approved equivalent devices shall be installed within 12 inches above the water surface. Such devices shall be capable of being securely grasped, and shall be adequate to support the weight of a user of the pool.

Sec. 41.3. DECKS

41.3.1 GENERAL. A deck shall be provided around below-grade swimming pools except when special engineering design is furnished which indicates that such deck is not necessary for the purpose of maintaining the structural integrity of the pool and/or for controlling surface water and moisture content in the soil adjacent to the pool. Decks shall not be required for spas and hot tubs.

41.3.2 DECK DESIGN AND CONSTRUCTION. Required decks shall be constructed of concrete or other approved impervious material and shall be sloped to provide positive drainage away from the perimeter of the pool. Except as provided below, decks shall have a minimum width of four feet and shall be at least 3-1/2 inches in thickness. Reinforcement shall be #3 bars spaced not over 24 inches o.c. each way, or equivalent reinforcing.

Approved joints shall be provided in the deck at corners, at maximum 10-foot intervals, and wherever necessary in order to control cracking, to allow for differential movement, and to minimize damage to the deck from such movement should it occur.

Joints in decks and coping shall be made watertight with an approved permanent resilient sealant.

41.3.3 CUTOFF WALLS. At the outer perimeter of pool decks a cutoff wall of approved material shall be installed below-grade to a depth of at least 15 inches so as to form a permanent and effective vertical moisture barrier.

EXCEPTIONS: 1. A cutoff wall may be omitted when a deck at least six feet wide is installed.

2. Decks less than four feet in width may be installed provided that the required cutoff wall is increased in depth beyond the minimum by an amount equal to the reduction in deck width.

41.3.4 PRE-SATURATION, HIGHLY EXPANSIVE SOILS. When the soil below a deck has an expansion index of 91 or greater it shall be saturated with water to a depth of at least 18 inches prior to installation of the deck.

41.3.5 DECK BONDING. When decks are to be installed, whether structurally required or not, the reinforcing installed therein shall be electrically bonded together with the pool shell reinforcing and metal parts of electrical equipment associated with the pool water recirculating system and with miscellaneous metal accessories, such as pool slides, diving boards and spring boards, in accordance with NEC Sec. 680-22.

Sec. 41.4. DRAINAGE AND DISPOSAL

41.4.1 SURFACE WATER. Surface water from pool decks shall be collected and conducted through non-erosive devices to a street, storm drain, or other approved watercourse or disposal area.

41.4.2 WASTE WATER. Pool waste water shall be disposed of in accordance with the requirements of the Environmental Health Officer.

41.4.3 DRYWELLS. Drywells shall not be employed for pool wastewater disposal except when specifically approved for the purpose and when it has been determined that such installation is not likely to have adverse effects on the structural stability of the pool or other structures on the site. The Building Official may require a percolation test, soils report, and/or geological report to make such a determination.

Sec. 41.5. SPECIAL INSPECTION. Special inspection as required by Section 1701.5.12 in the UBC shall be provided for pneumatically placed concrete (gunite) in swimming pools.

Sec. 41.6. BARRIER REQUIREMENTS.

41.6.1 OUTDOOR SWIMMING POOL. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch diameter sphere.

   Exceptions:

   1. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.

   2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3. Chain link fences used as the barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate barrier shall have no opening greater that ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 41.6.1 shall be provided.

   Exception: When approved by the building official, one of the following may be used:

   1. Self-closing and self-latching devices installed on all doors with direct access to the pool and the release mechanism located a minimum of 54 inches above the floor.

   2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

   3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 though 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. Outdoor Swimming Pools with an approved safety pool cover shall not be required to provide other barriers.

8. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 7, above, may be approved by the building official of the jurisdiction issuing the applicable building permit.

41.6.2 INDOOR SWIMMING POOL. For an indoor swimming pool, protection shall comply with the requirements of Section 41.6.1, Item 5.

41.6.3 SPAS AND HOT TUBS. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 41.6.1.

Exception: Spas or hot tubs equipped with a listed safety cover shall be exempt from the requirements of Section 41.6.1.

CHAPTER 42 - MOBILEHOMES AND COMMERCIAL COACHES

Sec. 42.1. DEFINITIONS. For the purposes of this Article the terms "mobilehome," "commercial coach," "mobilehome accessory structure," and "foundation system" shall have the meanings set forth in Title 25, California Code of Regulations, and shall also apply to "manufactured housing" and "factory-built housing".

Sec. 42.2. SCOPE. The provisions of this Article shall apply to mobilehomes and commercial coaches installed outside mobilehome parks in all locations where the County of Ventura is the primary enforcement authority for applicable provisions of the State Mobilehome Parks Act, Subchapter 1 of Chapter 2, California Code of Regulations, Title 25.

Sec. 42.3. INSTALLATION PERMIT REQUIRED. No person, firm, or corporation shall install, occupy, or use a mobilehome, mobilehome accessory structure, or commercial coach or cause the same to be done without first obtaining an installation permit therefor. Said installation permit shall be issued subject to compliance with applicable laws and ordinances, including but not limited to:

1. Terms and conditions of a zoning clearance, including time limits established thereby.
2. Requirements for an approved foundation system.
3. Requirements for approved electrical, plumbing, and sewage disposal facilities.
4. Payment of installation permit fees in addition to fees for permits, services or clearances which may otherwise be required.

Sec. 42.4. SPECIAL REQUIREMENTS, COMMERCIAL COACHES

42.4.1 ALLOWABLE AREA. The area of commercial coach units connected in multiple shall not exceed the allowable floor area for the occupancy housed therein and the Type of Construction, in accordance with Section 504 in the UBC.

42.4.2 LOCATION ON PROPERTY. Commercial coaches shall be positioned on a site with sufficient setback from property lines so as to comply with the requirements of Section 503 in the UBC for fire-resistive protection of exterior walls and openings without the necessity for altering the structure or finish materials of the exterior walls of the coach.

42.4.3 STAIRS AND EXITS. Stairs, ramps, handrails, guardrails, landings, and exits shall be provided for commercial coaches as specified in Chapter 10 in the UBC. Such coaches shall also conform to applicable standards of the State of California for making buildings accessible by physically handicapped persons.

42.4.4 SANITARY FACILITIES. Commercial coaches shall be provided with sanitary facilities in accordance with the requirements of this Code which are applicable to the particular occupancy housed therein. Sanitary facilities shall also conform to the applicable standards of the State of California for accessibility to physically handicapped persons.

Sec. 42.5. REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The requirements of Section UBC 607.2 in this ordinance shall be applicable to mobilehomes, mobilehome accessory structures, manufactured or factory-built housing, and commercial coaches installed within High Fire Hazard areas.

Sec. 42.6. SUBSTANDARD OR DANGEROUS MOBILEHOMES AND COMMERCIAL COACHES. All mobilehomes, commercial coaches, or portions thereof, whether permanently or temporarily installed, which are determined to be substandard or dangerous as defined in the Uniform Housing Code or the Dangerous Buildings Code as amended by this ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in such codes.

Sec. 42.7 RECREATIONAL VEHICLES

42.7.1 DEFINITION

See Section 18010 of the California Code of Regulations, Health and Safety Code which reads as follows:

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

(Amended by Stats. 1990, Ch. 765, Sec. 3.)

42.7.2 ALLOWABLE USE

Recreational vehicles may only be used as "temporary dwellings during construction", as long as a building permit for new residential construction or major remodeling is in full force and effect and subject to Zoning Clearance conditions.

Recreational vehicles cannot be used as permanent dwellings or permanent accessory structures on private property, except as specifically allowed under California State law.

CHAPTER 43 - POST-DISASTER RECOVERY AND RECONSTRUCTION

SECTION 43.1 POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

43.1.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Division of Building and Safety as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

43.1.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the County of Ventura following each natural or man-made disaster.

43.1.3 DEFINITIONS.

43.1.3.1 Building Official is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.1.3.2 Safety assessment is a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a natural or man-made disaster.

43.1.4 PLACARDS. The following official placards shall be used to designate the condition of buildings or structures following a disaster.

43.1.4.1 INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

43.1.4.2 RESTRICTED OR LIMITED ENTRY may be posed on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

43.1.4.3 UNSAFE - Do Not Enter or Occupy may be posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

43.1.4.5 SECURING OF UNSAFE BUILDINGS OR STRUCTURES - Buildings or structures that have been determined by the building official to pose a threat to life safety or to be unsafe due to damage may be required by the building official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures shall not be removed without authorization from the building official.

43.1.4.6 REMOVAL OF PLACARDS - Once the placard has been attached to a building or structure, it shall not be removed, altered or covered until authorized by the building official.

43.1.5 VIOLATION. Any violation of Article 3, Chapter 43 of this code is a misdemeanor and shall be subject to punishment according to the provisions of Article 2, Chapter 1, Section 103.

Section 43.2 POST DISASTER ABATEMENT

43.2.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors.

43.2.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura.

43.2.3 DEFINITIONS. For the purpose of the chapter, the following definitions apply:

43.2.3.1 EVENT shall mean any occurrence which results in the declaration of a disaster by the Board of Supervisors, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

43.2.3.2 HISTORIC BUILDING OR STRUCTURE shall be any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

43.2.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

43.2.4 ABATEMENT CRITERIA

43.2.4.1 NOTICE OF DETERMINATION. Except as provided in subsection 43.2.4.2 below, the Building Official shall serve a written Notice of Determination to each property owner as found on the latest available copy of the County Assessor's Role. Said Notice of Determination shall be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and shall also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice shall specify that within forty-eight (48) hours from the time of issuance of the Notice of Determination, the owner or other part of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by the Building Official.

43.2.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice shall be required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the County to give the owner notice prior to abatement, the Building Official may cause the nuisance to be abated by the County with County resources or County contractees.

43.2.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the Building Official within

48 hours of delivery of such notice of determination by the Building Official. Such appeal shall be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should and/or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official shall rescind in writing his former Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan, or should the Building Official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the General Board of Appeals.

43.2.4.4 GENERAL BOARD OF APPEALS HEARING. At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses, submit evidence and to cross-examine the witnesses of the County. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the General Board of Appeals shall act to either uphold, overrule or modify the determination and order of the Building Official . The determination and order of the Building Official shall be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within twenty-four (24) hours of the time the oral decision is rendered.

If the General Board of Appeals upholds the decision of the Building Official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order shall be vacated. The decision of the General Board of Appeals shall be final on the date it is rendered.

43.2.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record shall execute such plan within twenty-four (24) hours of obtaining approval of the plan from the Building Official, or his designee. Within twenty-four (24) hours of completion of the abatement work the owner or other interested party of record shall provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Hazard, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall be reviewed and approved by the Building Official before permanent repairs are performed.

43.2.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Hazard or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public

nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the Building Official.

43.2.4.7 PUBLIC NUISANCE. All structures or portions thereof which, after inspection by an unauthorized County Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be abated by the owner in accordance with the procedures specified in sections 43.2.4.4 and 43.2.4.5.

43.2.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any provisions herein to the contrary, the Building Official is authorized to suspend abatement work by the County, or the County's contractees, and to allow the property owner or other part of legal interest to complete the abatement work.

43.2.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this Chapter.

43.2.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

43.2.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

43.2.5.1 NOTIFICATION OF IMMINENT HAZARD. Within 10 days after the event, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

43.2.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right of way.

43.2.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code.

43.2.5.2 CONDEMNATION PROCEEDINGS. If, ten (10) days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code. The Building Official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

43.2.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building Official shall submit a request to demolish to the Federal Emergency Management Agency, in

accordance with the National Historic Preservation Act of 1986, as amended. Said request shall include all substantiating data.

Section 43.3 DISASTER REPAIR AND RECONSTRUCTION

43.3.1 INTENT. This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The Chapter does not allow exemptions from the Building, Fire Electrical, Mechanical, Plumbing, other codes, or County Ordinances.

43.3.2 APPLICATION OF PROVISIONS.

43.3.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura following each disaster after a local emergency has been declared by the Board of Supervisors.

43.3.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an engineering evaluation as defined in Section 43.3.3.

43.3.3 DEFINITIONS. For the purpose of this chapter, the following definitions apply:

43.3.3.1 ARCHITECT is a person licensed by the State of California to practice architecture as prescribed by the State of California Business and Professions Code.

43.3.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering as prescribed by the State of California Business and Professions Code.

43.3.3.3 CURRENT CODE shall mean the edition of the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County of Ventura in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the Board of Supervisors, County of Ventura.

43.3.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs. All engineering evaluations shall include the engineer's or architects's stamp, wet-signature and license expiration date.

43.3.3.5 ESSENTIAL SERVICE FACILITY shall mean those buildings or structures designated by the County of Ventura to house facilities necessary for emergency operations subsequent to a disaster.

43.3.3.6 REPLACEMENT VALUE is the dollar value, as determined by a Building Official, for replacing a damaged structure with a new structure of the same size, same type of construction and same occupancy, and located on the same site.

43.3.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

43.3.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

43.3.3.9 BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.3.4 REPAIR CRITERIA

43.3.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

43.3.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system shall be repaired with all bracing required by current code.

43.3.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements shall be repaired and/or brought into conformance with the structural requirements of the current codes.

43.3.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the fire and life safety and structural requirements of the current applicable codes.

43.3.4.5 CHIMNEY VALUE EXCLUSION. In group R, Division 3 occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 43.3.5.

43.3.5 REPAIR CRITERIA FOR CHIMNEYS.

43.3.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 31 of the Uniform Building Code. Damaged portions of chimneys shall be removed in accordance with the following criteria.

43.3.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney shall be braced to the roof structure using an approved method.

43.3.5.3 SINGLE STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the firebox.

43.3.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where anchorage is found.

43.3.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound

condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

43.3.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 31 of the Uniform Building Code, alternate systems may be used in accordance with the alternate methods and materials provisions of the Uniform Building Code when approved by the Building Official.

43.3.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure using an approved method.

43.3.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

43.3.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

43.3.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair shall be as included in Section 43.3.4 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code shall apply.

43.3.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

43.3.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the California Conservation Code as adopted by the County of Ventura.

APPENDIX CHAPTER 3, DIVISION II
AGRICULTURAL BUILDINGS

Section 327 - CONSTRUCTION, HEIGHT AND ALLOWABLE AREA

327.2 SPECIAL PROVISIONS FOR AGRICULTURAL BUILDINGS. The area of a Group U, Division 3 Occupancy in a one-story building shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width, regardless of the type of construction.

EXCEPTION: The area of a one-story Group U, Division 3 Occupancy which is used elusively for growing flowers, plants, fruits, vegetables, shrubs, trees, or similar horticultural products (horticultural structure) shall not be limited if the setback from all property lines to the building is not less than twenty (20) feet and if such setback area is maintained open and accessible for fire fighting purposes. In no case shall the distance from property lines be less than that required by zoning regulations. The maximum travel distance to an exit may be increased by 100 feet if the building or structure is provided with an approved fire sprinkler system.

The area of a two-story Group U, Division 3 Occupancy shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width and is provided with an approved automatic fire-extinguishing system throughout, conforming to UBC standard No. 9-1.

Buildings using plastics shall comply with Type V-N construction. Plastics shall be approved plastics as defined in Chapter 2 and regulated by Chapter 26. For foam plastic, see Section 2602.

EXCEPTIONS: 1. When used as skylights or roofs, the areas of plastic skylights shall not be limited.

2. Except where designs must consider snow loads, plastics less than 20 mil (0.51 mm) thick may be used without regard to structural considerations. The structural frame of the building, however, shall comply.

Refer to Section 106.1.1 in this ordinance for permit exceptions which apply to specified agricultural buildings.

APPENDIX CHAPTER 18 - WATERPROOFING AND DAMPPROOFING FOUNDATIONS

Section 1825 - OTHER DAMPPROOFING REQUIREMENTS

1825.1. SUBSOIL DRAINAGE. When required by the building official due to the requirements of Sec. UBC Appendix 1820 and 1821, a base material shall be installed under the floor slab and under-slab drain system shall be installed around the foundation perimeter in accordance with this section.

> EXCEPTION: When the finished ground level is below the floor slab level for more than 25 percent of the perimeter of the building, the base material required by Section 1825.2 need not be provided, and the foundation drain required by Sections 1825.1 - 1825.3 need be provided only around that portion of the building where the ground level is above the floor slab level.

1825.2 BASE MATERIAL. When subsoil drainage is required under Appendix Section 1824, the requirements of Table UBC Table 18-D-1 for a sand bed under slab-on-grade construction shall be superseded by the requirements of this subsection.

Concrete slab-on-grade floors shall be placed over base material not less than 4 inches (102 mm) in thickness consisting of gravel or crushed stone containing not more than 10 percent material that passes a No. 4 sieve, and no material that is retained on a 1½ inch sieve.

Over this base material, dampproofing material shall be installed in compliance with Section 1822. The dampproofing material shall be overlain with a protective layer of 2 inches of sand. Special care shall be taken to prevent damage to the damp proofing membrane. All punctures or tears in the membrane shall be immediately patched and sealed.

APPENDIX CHAPTER 30
ELEVATORS, DUMBWAITERS, ESCALATORS
AND MOVING WALKS

Section 3008 PURPOSE

3008.1 MINIMUM REQUIREMENTS. The purpose of this appendix is to safeguard life, limb, property and public welfare by establishing minimum requirements regulating the design, construction, alteration, operation and maintenance of elevators, dumbwaiters, escalators and moving walks, and by establishing procedures by which these requirements may be enforced.

3008.2 STATE STANDARDS This appendix is intended to supplement the State of California Elevator Codes and Standards, and is applicable only to those areas not superseded by mandate of the State Codes and Standards.

APPENDIX CHAPTER 33 EXCAVATION AND GRADING

SECTION 3305 SCOPE This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

For the purposes of this Chapter, the term **"Building Official"** shall mean the Director of Public Works, as defined in Article 3, Sec. 203-B of this ordinance.

The standards listed below are recognized standards and as such are not adopted as part of this code (see Sections 3502 and 3503).

1. Testing

1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures

1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method

1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method

1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method

1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

3305.1 MINISTERIAL AND DISCRETIONARY PERMITS. The issuance or denial of a grading permit pursuant to this Code is a ministerial act for the purposes of Section 21080, subdivision (b) (1), of the Public Resources Code except in the following four cases:

1. Where the average natural slope within the area to be graded exceeds 10% and the amount of excavation or fill exceeds 10,000 cubic yards (7645.5 m^3);
2. Where the average natural slope within the area to be graded exceeds 35% and the mount of excavation of fill exceeds 1,000 cubic yards (764.6 m^3);
3. Where the proposed graded slopes exceed 25 feet (7620 mm) in vertical height; or
4. Where the proposed grading is to occur within a waterway or wetland' within an area officially designated by the County as a Sensitive Ecological, Archaeological, Scenic, or Biologically Sensitive Area; or within a recognized severe geologically hazardous area.

In each of the four cases listed above, the issuance or denial of a grading permit is discretionary for the purposes of Section 21080, subdivision (a), of the Public Resources Code except in the following three cases in which such issuance or denial is a ministerial act:

1. Where the grading permit is required by a condition imposed upon a discretionary entitlement previously approved by the County of Ventura and the effects of the grading for which the grading permit is required were addressed in an environmental document prepared and certified with respect to that previously approved entitlement; or

2. Where the grading is related to oilfield operations, involving the exploration for or the development or production of oil, and all of the following conditions are satisfied;

(a) The grading will be restricted to an area on which such oilfield operations may lawfully take place pursuant to an outstanding use permit for such operations issued by the county;

(b) The proposed graded slopes will be less than 40 feet (12192 mm) in vertical height;

(c) Before the grading commences, grading bonds are submitted to the Building Official guaranteeing all erosion control facilities, slope planting and slope maintenance necessary to meet then existing county standards; and

(d) Within 60 days of completion of the grading, all slopes created or modified thereby are hydromulched with a native plant and an irrigation system sufficient to ensure establishment of such native plants is installed.

3. Where the grading is related to oilfield operations involving the exploration for or the development of production of oil, and is limited to one or more of the following:

(a) Routine maintenance or repair of existing drill sites or existing roads which does not materially alter the location, size or configuration of the original sites or roads;

(b) Routing dredging of waste materials for which a permit has been issued by the Environmental Health Division of Ventura County Resource Management Agency.

The only discretionary powers to be exercised in conjunction with the issuance or denial of discretionary grading permits shall be exercised by the Building Official, or by the Board of Supervisors on appeal. Those discretionary powers shall be limited to all of those discretionary powers, (i) to issue the permit subject to conditions or changes in the project needed to mitigate significant environmental effects which would otherwise result from the grading, (ii) to deny the permit in order to avoid such effects, or (iii) to issue the permit despite such effects, as are conferred upon the lead agency by the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code) and are generally described in Section 15040 through 15043 of the State CEQA Guidelines (Section 15000 et seq. of Title 14 of the California Administrative Code).

With respect to a discretionary grading permit, the Building Official shall issue or deny the permit only after holding a public hearing, considering the applicable environmental document, if any, and certifying that such document has been prepared in compliance with the California Environmental Quality Act. The Building Official shall give at least 15 days written notice of such hearing to the applicant for the permit and to any owner of real property in the vicinity of the proposed grading whose property interest might be substantially affected by issuance or denial of the permit. The notice shall specify the time, date and place of the hearing, shall give a general description of the grading to which the permit application pertains, shall give a general description of the property on which the grading would occur, and shall state that any interested person will be given an opportunity to present relevant evidence at the hearing. The hearing shall be limited to, and any decision of the Building Official shall be based upon, the environmental issues with respect to which the Building Official has been granted discretion by this section.

Any interested person may appeal the issuance or denial of a discretionary grading permit by filing with the Building Official the appeal fee prescribed by the Board of Supervisors together with a notice of appeal on a form satisfactory to the Building Official within 10 days after the issuance or denial. The hearing on appeal shall be noticed and conducted by the Board of Supervisors in the same manner as the original hearing before the Building Official, except that the notice shall also be given to the appellant. The decision of the Board of Supervisors on appeal shall be issued in writing after the hearing on appeal and shall be final and conclusive when issued. A copy of the decision shall be served upon the applicant for the permit and upon the appellant. If the decision is to order the issuance of a grading permit previously denied or to modify a grading permit previously issued by the Building Official, the written order shall constitute the permit and shall include appropriate conditions.

A ministerial grading permit shall be operative immediately upon issuance. A discretionary grading permit shall become operative on the 15th calendar day after its issuance or, in the case of an appeal, on the date the Board of Supervisors issues its decision upholding or ordering issuance.

SECTION 3306 - PERMITS REQUIRED

3306.1. PERMITS REQUIRED. Except as specified in Section 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the building official.

3306.2 EXEMPTED WORK. A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.

2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells or tunnels or utilities.

6. Mining, quarrying, excavating, processing, stockpiling of rock. sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. Exploratory excavations under the direction of soil engineers or engineering geologists. This shall not exempt grading of access roads or pads for exploration equipment.

8. An excavation which (1) is less than 2 feet (610 mm) in depth, or (2) which does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).

9. A fill less than 1 foot (305 mm)in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth not intended to support structures, which does not exceed 50 cubic yards ($38.3m^3$) on any one lot and does not obstruct a drainage course.

10. Grading under an approved hillside erosion control plan in compliance with the hillside erosion control ordinance.

11. When approved by the building official, sand and gravel backfill behind retaining walls.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

Sec. 3307 HAZARDS.

3307.1 HAZARDS DECLARED A PUBLIC NUISANCE. Any existing excavation, embankment or fill on private property which has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, or fails to comply with the provisions of this Code is hereby declared to be a public nuisance.

3307.2 NOTICE AND ORDER TO ABATE. Whenever the Building Official has determined that such a nuisance exists, he/she shall issue a notice and order to the record owner of the property upon which the nuisance is located. The notice and order shall contain:

(1) The street address, if any, and a legal description sufficient for identification of the property upon which the nuisance is located.;

(2) A statement that the Building Official has found the excavation, embankment or fill to be on a public nuisance and a concise description of the conditions which render it a public nuisance;

(3) An order requiring that all applicable permits be secured and that the nuisance be abated within a specified time determined by the Building Official to be reasonable in circumstances;

(4) A statement that, if the nuisance is not abated within the time specified, the County man cause the work to be done and charge the cost thereof against the property or its owner;

(5) A statement that any person having a legal interest in the property may appeal from the notice and order to the Board of Grading Appeals if the appeal is made in writing as provided in this Section and is filed with the Clerk of the Board of Supervisors within 30 days of service of the notice and order; and

(6) A statement that failure, neglect or refusal to abate the nuisance within the time set forth in the notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals is a misdemeanor.

3307.3 SERVICE OF NOTICE AND ORDER. The notice and order shall be served and posted by the Building Official in the manner and subject to conditions set forth in subdivisions 3307.3, 3307.4 and (e) 3307.5 of Section 401 of the Uniform Code for the Abatement of Dangerous Buildings ("DBC"), as adopted by Article VI of the Ventura County Building Code, with respect to notices and orders relating to dangerous buildings.

3307.4 RECORDATION OF CERTIFICATE RESPECTING NUISANCE. If compliance is not had with the notice and order within the time specified therein or, if an appeal has been filed pursuant to this Section, within the time specified by the Board of Grading Appeals, the Building Official shall file in the Office of the County Recorder for recordation a certificate describing the property and certifying (1) that the excavation, embankment or fill constitutes a public nuisance, and (2) that the owner has been so notified. Whenever the nuisance shall thereafter have been abated, the Building Official shall file in the office of the County Recorder for recordation a new certificate describing the property and certifying that the nuisance has been abated.

3307.5 APPEAL FROM NOTICE AND ORDER. Any person entitled to service under subdivision 3307.3 of this Section may, upon payment of the fee prescribed by the Board of Supervisors for such purposes, appeal from the notice and order to abate the filing with the Clerk of the Board of Supervisors a written appeal in the form prescribed by the Building Official. The appeal shall be filed within 30 days after the date of service of the notice and order. Upon receipt of an appeal, the Clerk shall present it at the next regular or special meeting of the Board of Supervisors which, at such meeting, shall fix a date, time and place for the hearing of the appeal by the Board of Grading Appeals. Notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Clerk either by causing a copy of such notice to be delivered personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his/her address shown on the appeal. Enforcement of a notice and order to abate shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. In connection with the hearing,

the Board of Grading Appeals, and any member thereof, may administer oaths and affirmations and issue subpoenas. The hearing shall be conducted by the Board of Grading Appeals in the manner set forth in DBC Section 604. If, after the hearing, the Board of Grading Appeals determines that the excavation, embankment or fill does not constitute a public nuisance, it shall allow the appeal and cancel the notice and order to abate. If, after the hearing, the Board of Grading Appeals determines otherwise, it shall deny the appeal and set a date by which the nuisance must be abated, which date shall be no earlier that the last day of the period set forth in original notice and order to abate. The decision of the Board of Grading Appeals is final when made.

3307.6 COMPLIANCE WITH NOTICE AND ORDER REQUIRED. It shall be unlawful for any person, firm or corporation to who or to which a notice and order to abate is directed pursuant to this Section to fail, neglect or refuse to obey such order within the time specified in such notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals.

3307.7 ABATEMENT BY COUNTY UPON FAILURE TO COMPLY WITH NOTICE AND ORDER TO ABATE. If the nuisance is not abated within the time set forth in the notice and order to abate or, in the case of an appeal. by the date set by the Board of Grading Appeals, the Board of Supervisors may, without further notice or hearing. direct that the nuisance be abated by the County. Such abatement by the County shall not excuse any prior failure, neglect or refusal to comply with the notice and order to abate and shall be in addition to whatever other remedies may be provided by this Code or other provisions of law.

3307.8 SUMMARY ABATEMENT BY COUNTY IN EMERGENCY. If the nuisance threatens substantial injury to persons or property which is, in the opinion of the Building Official, so imminent as to require immediate corrective measures, the County may summarily abate such nuisance without complying with the provisions of subdivisions 3307.2 through 3307.7 of this Section; provided, however, that the Building Official shall give such notice to the owner of the property as may be practicable in the circumstances.

3307.9 MANNER OF ABATEMENT BY COUNTY; RIGHT OF ENTRY. Abatement by the County may be done directly by County personnel or through contractors in the same manner and subject to the same restrictions as public works. The County and its contractors may enter upon private property to effect such abatement.

3307.10 DETERMINING COST OF ABATEMENT BY COUNTY. The Building Official shall keep an itemized account of the costs of abatement by the County pursuant to subdivision 3307.7 or 3307.8 of this Section and, upon completion of the abatement work, shall prepare an itemized written report showing such cost. The Building Official shall thereupon forward a copy of the report to the Clerk of the Board of Supervisors who shall set a date (at least 10 days after receipt of the report), time and place for a hearing before the Board of Supervisors respecting such report and any objections thereto. Notice of such hearing shall be served and posted at least 10 days prior to the hearing in the manner and subject to the conditions set forth in subdivision 3307.3 of this Section with respect to the notice and order to abate. Such notice of hearing shall contain:

(1) The street address, if any, an a legal description sufficient for identification of the property affected by the report;

(2) A statement that the report has been prepared and is available for inspection in the office of the Building Official;

(3) A statement that the Board of Supervisors will hold a hearing to consider the report and any timely objections thereto;

(4) The date, time and place of such hearing;

(5) A statement that any interested person wishing to object to such report must file, prior to the hearing, a written statement of the grounds for the objection.

Any interested person may file written objections prior to the hearing. Each such objection shall contain a statement of the grounds therefor. A contention that the condition abated did not constitute a public nuisance shall be a ground for objecting to the report only if the report relates to a summary abatement pursuant to subdivision 3307.8 of this Section. At the hearing, the Board of Supervisors shall receive and consider the report, any timely written objections thereto, and such other information as it may deem proper. At the conclusion of the hearing, the Board of Supervisors may make such corrections in the report as it may deem just and, when it is satisfied that the report (as submitted or corrected) is correct, it shall, by resolution, determine the total amount of such cost of abatement attributable to each parcel of land upon which the abatement attributable to each parcel of land upon which the abatement took place.

3307.11 REIMBURSEMENT OF COUNTY FOR COST OF ABATEMENT. At any time within 10 days after the Board of Supervisors has adopted a resolution pursuant to subdivision 3307.10 of this Section determining the cost of abatement by the County, the Building Official may receive payment of such amount and issue receipts therefor. If payment is not received within such period of time, the Building Official shall forward a copy of the resolution to the Auditor-Controller.

3307.11.1 SPECIAL ASSESSMENT FOR COST OF ABATEMENT BY COUNTY. For cost of abatement by the County, pursuant to subdivision 3307.7 or 3307.8 of this Section, for which payment is not made pursuant to subdivision 3307.11 of this Section, shall be a special assessment against the parcel on which the nuisance has been located. Such special assessment shall be levied for the fiscal year commencing on the July 1 next following receipt by the Auditor-Controller of the resolution of the Board of Supervisors determining the amount of such cost. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchases for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

SECTION 3308 - DEFINITIONS. Section 3308 in the Appendix is hereby amended to include in addition to all of the definitions contained therein, the definitions of "Engineering Geologist", and "Isolated and Self Contained Area" as follows:

ENGINEERING GEOLOGIST. Is a certified engineering geologist duly licensed by the state who applies the geological sciences to engineering practice for the purpose of assuring that the geological features affecting the location, design, construction, operation and maintenance of engineering works are recognized and adequately addressed.

ISOLATED, SELF-CONTAINED AREA is that portion of a parcel of land or of contiguous parcels of land under single ownership which meets any one of the following three criteria:

1. The portion is used for growing crops or raising livestock for sale, but not for building sites or for the construction of earthfills which will impound water to a depth of more than 5 feet (1524 mm).
2. The portion contains water impounding structures constructed under the direct control of the U.S. Department of Agriculture, Soil Conservation Service.
3. The portion contains oilfield operations, involving the exploration for or the development or production of oil, which are established under an existing land use entitlement and all of the following criteria are met:

(a) The portion is not visible from a publicly maintained street, road or highway within 1.0 horizontal mile (1.609 km) of such portion;

(b) The portion is not visible from a private residence located within 1.0 horizontal mile (1.609 km) of such portion unless the owner and the tenant or such residence have signed a written waiver of this criterion; and

(c) The portion is so located and configured that grading thereon cannot cause a significant increase in the volume of silt or debris deposited on downstream property owned by any person other than the owner of the portion.

SECTION 3309 - GRADING PERMIT REQUIREMENTS

3309.3 GRADING DESIGNATION. All grading in excess of 1,000 cubic yards (764.6m^3) shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 1,000 cubic yards (764.6 m^3) shall be designated "regular grading" unless the permittee, chooses to have the grading performed as engineered grading, or the Building Official determines that special conditions or unusual hazards exist in which case grading shall conform to the requirements for engineered grading.

3309.9 PERMIT ISSUANCE. The provisions of Section 106.4 as published in the UBC are applicable to grading permits, except that every grading permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the grading and other improvements authorized by such a permit are not completed within 1 year from the date of such permit. The Building Official may extend the time for completion of the grading and other improvements authorized by the grading permit in increments not exceeding 1 year if circumstances beyond the permittee's control have prevented the completion of the project, and necessary time extension fees have been paid.

The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

Sec. 3310 GRADING PERMIT FEES. Grading permits and grading plan review fees shall be as set forth in schedules enacted by the Board of Supervisors. Except as otherwise specified in such schedule, grading permit and grading plan review fees shall not be refundable.

SECTION 3314 - SETBACKS

3314.1 SETBACKS-GENERAL. Cut and fill slopes shall be set back from site boundaries in accordance with this Section. The setbacks and other restrictions specified by this Section are minimum standards and may be increased by the Building Official or by recommendation of a civil engineer, soils engineer, or engineering geologist where necessary to assure slope stability, prevent damage to adjacent properties from deposition or erosion, provide access for slope maintenance and drainage, or otherwise provide for safety of the public.

SECTION 3315 - DRAINAGE AND TERRACING

3315.1 DRAINAGE AND TERRACING-GENERAL. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this Section for cut or fill slopes steeper than 1 unit vertical in 4 units horizontal (25% slope).

ARTICLE 4 - AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE (CEC)

ARTICLE 90 - INTRODUCTION

Sec. 90.1 POWERS AND DUTIES OF THE BUILDING OFFICIAL

90.1.1 CONNECTION TO ELECTRICAL INSTALLATIONS. Except where work is done under an annual electrical maintenance permit, it shall be unlawful for any person, firm, or corporation to make connection from a source of electrical energy or to supply electrical service to any electrical wiring, device, appliance, or equipment which requires a permit for installation, or to cause or permit same to be done, or to continue or allow to continue any such connection unless such person, firm, or corporation shall have obtained evidence from the Building Official that such equipment is authorized to be energized.

90.1.2 AUTHORITY TO ABATE. Any electrical wiring or equipment regulated by this Code, which is unsafe or which constitutes a fire or health hazard or is otherwise dangerous to human life is, for the purpose of this Section, unsafe. Any use of equipment regulated by this Code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Any such unsafe electrical wiring or equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure set forth in the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedure as may be adopted by the County. As an alternative, the Building Official or an authorized representative may institute any other appropriate action to prevent, restrain, correct, or abate the violation.

90.1.3 AUTHORITY TO CONDEMN WIRING AND EQUIPMENT. Whenever the Building Official ascertains that any electrical wiring or equipment, or portion thereof, regulated by this Code has become hazardous to life, health or property, a written order shall be issued to cause such wiring or equipment to be either removed or restored to a safe condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective equipment after receiving such notice.

90.1.4 EXEMPTED WORK. An electrical permit will not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.
2. Repair or replacement of fixed motors, transformers or approved fixed appliances of same type and rating and in the same location.
3. Temporary decorative lighting energized by cord or cable having an attachment plug end to be connected to an approved receptacle.
4. Reinstallation of attachment plug receptacles but not the outlets therefor.
5. Replacement of an overcurrent device of the same capacity and in the same location.
6. Repair or replacement of electrodes or transformers of the same size and capacity for approved signs or gas tube systems.
7. Removal of abandoned electrical wiring.
8. Electrical wiring, devices, appliance or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
9. Low-energy power, control and signal circuits of Class II and III as defined in this code.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

90.1.5 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 1 - GENERAL

Sec. 110.5. CONDUCTORS. Conductors normally used to carry current shall be of copper unless otherwise provided in this Code. Where the conductor material is not specified, the sizes given in this Code shall apply to copper conductors. Where other materials are used, the size shall be changed accordingly.

For aluminum and copper-clad aluminum conductors, see Tables 310-16 through 310-84 and Notes thereto in the NEC. Aluminum wire used under the provisions of this Code shall be a minimum of #6 A.W.G. conductors.

Sec. 110.8. WIRING METHODS. Only wiring methods recognized as suitable are included in this Code. The recognized methods of wiring shall be permitted to be installed in any type of building or occupancy, except as otherwise provided in this Code.
Wiring installations and equipment in existence at the time of passage of this Code may have their existing use continued if such use was legal at the time of passage and provided such continued use is not unsafe.

CHAPTER 2 - WIRING AND PROTECTION

Sec. 250-50(e). "UFER" GROUND REQUIRED. Notwithstanding other provisions of Section 250-50 in the NEC, the electrical service grounding electrode for new construction where concrete footings in direct contact with earth are employed shall be a bare copper conductor installed as specified in Section 250-50(c) in the NEC.

CHAPTER 3 - WIRING METHODS AND MATERIALS

Sec. 336.4. USES PERMITTED. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in agricultural buildings, one-family and two-family dwellings and accessory structures, in multi-family dwellings, and other structures, except as prohibited in Section 336-5. Cables in such structures shall be protected from physical damage. Where installed in cable trays, cables shall be identified for the use.

(FPN): See Section 310-10 for temperature limitation of conductors.

(a) **Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

(b) **Type NMC.** Type NMC cable shall be permitted:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16-in. (1.59-mm) thick, and covered with plaster, adobe, or similar finish.

(c) **Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

CHAPTER 7 - SPECIAL CONDITIONS

ARTICLE 700. EMERGENCY SYSTEMS:

FPN No. 6: For additional requirements for emergency power systems, refer to NFPA-20 "REQUIREMENTS FOR FIRE PUMP WIRING."

ARTICLE 5 - AMENDMENTS TO THE
CALIFORNIA MECHANICAL CODE (CMC)

CHAPTER 1 - ADMINISTRATION

Section 102 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Section 115 - FEES

Sec. 115.1. GENERAL. Refer to Article 2, Chapter 1 Section 107 in this ordinance.

Sec. 115.6 FEE REFUNDS. Refer to Article 2, Chapter 1 Section 107.6 in this ordinance.

CHAPTER 8 - CHIMNEYS AND VENTS

SECTION 812 - TYPES OF CHIMNEYS

812.1 FACTORY-BUILT CHIMNEYS. Factory-built chimneys shall be installed in accordance with the terms of their listing, the manufacturer's installation instructions and the applicable requirements of this code. Factory-built chimneys shall terminate as required for unlisted single-wall metal chimneys in Table 8-4.

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators.

EXCEPTION: Factory built chimneys for residential-type appliances and fireplaces may terminate three (3) feet above the roof opening and two (2) feet above any point of the building within ten (10) feet.

ARTICLE 6 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE (CPC)

CHAPTER 1 - ADMINISTRATION

Section 101.15 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Sec. 102.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL.

102.2.7 AUTHORITY TO ABATE. Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined in this Code, is hereby declared to be a nuisance.
Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this Section, the Administrative Authority shall require the nuisance or violation to be abated. If such abatement is refused, the Administrative Authority shall have recourse to every remedy provided by law to secure abatement.

Sec. 102.3 VIOLATIONS AND PENALTIES

102.3.2 PENALTIES - See Article 2, Chapter 1, Section 103 in this ordinance.

Section 103.1 - PERMITS

103.1.2 EXEMPTED WORK. A plumbing permit will not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste or vent piping, provided that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace all or part thereof with new material, the same shall be considered as new work, and a permit shall be obtained and inspections made, as provided in this code.

103.1.2.2 The clearing of stoppages or the repair of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, or the installation of new water closets on existing drainage connections, providing such repairs or reinstallation do not involve or require the replacement or rearrangement of valves or pipes. If it becomes necessary to remove and replace or rearrange valves, water piping, traps, drainpipe, soil, waste or vent pipes, the same shall be considered as new work, and a permit shall be obtained and inspections made as provided in the code.

103.1.2.3 EXEMPTIONS WITHIN SANITARY DISTRICTS. The provisions of this Code relating to building sewers as defined herein and to permits and fees therefor shall not apply within the boundaries of a sanitary district when the Building Official has determined that such district has adopted and is enforcing ordinances or regulations which are equal to or more restrictive than those contained in this Code.

CHAPTER 2 - DEFINITIONS

Section 202.0 - DEFINITIONS

SEEPAGE PIT. A seepage pit is a rock-filled excavation which receives the effluent from a septic tank and is so designed as to permit such effluent to seep through the bottom and sides of the pit into the surrounding soil.

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Sec. 601.0 RUNNING WATER REQUIRED

Section 601.1.2 REQUIREMENTS FOR WATER WELLS

(a) When the potable water supply for a structure is to be provided by a well, the well must pass the applicable pump and recovery test specified in the Ventura County Water Works Manual, as amended from time to time, for the purpose of demonstrating that the well is likely to remain an adequate source of potable water throughout the expected useful life of the structure.

EXCEPTIONS: A well shall not be required to pass the pump and recovery test if the structure to be served by it:

1. Is connected to a public water system or a state small water system as defined in Section 4010.1 of the Health and Safety Code; or
2. Overlies an aquifer that has been determined by the administrative authority to be adequate to meet all existing and projected demands made upon it for potable water without experiencing overdraft; or
3. Overlies an aquifer that may experience overdrafting but that has nonetheless been determined by the administrative authority, based upon a study and report prepared pursuant to the Ventura County Water works Manual, to be adequate to meet all existing and projected demands made upon it for potable water throughout the expected useful life of the structure.

(b) This section does not preclude the adoption and imposition of additional or more stringent well test requirements and standards in connection with subdivision approvals, conditional use permits, or other discretionary (as opposed to ministerial) permits.

CHAPTER 7 - SANITARY DRAINAGE

Sec. 701.0 MATERIALS OF DRAINAGE SYSTEMS.

701.1 Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, schedule 40 ABS DWV, schedule 40 PVC DWV, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

701.1.1 No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

701.1.2 ABS and PVC DWV piping installations shall be limited to residential construction, not more than two (2) stories in height.

701.1.3 No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (.3m) below ground.

Sec. 713.0 SEWER REQUIRED

713.4 CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEMS. When the applicant seeks to install a conventional private sewage disposal system, the public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.

APPENDIX CHAPTER K - PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. K-1. PRIVATE SEWAGE DISPOSAL: GENERAL REQUIREMENTS. (a) Where permitted by Section 305.2 of the UPC, as adopted and amended by this Code, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The type of system shall be determined on the basis of information contained in the soil report concerning location, soil porosity, groundwater, depth of fractured rock or impervious formations, and hillside stability, and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits, into a combination of subsurface disposal field and seepage pits, into a mound system or into a subsurface sand filtration system.

(d). SEWAGE DISPOSAL EXPANSION AREA. All private sewage disposal systems shall be so designed that additional seepage pits, subsurface drain fields, mound systems or subsurface sand filtration systems, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the 100% expansion area.

(f). PRIVATE SEWAGE DISPOSAL RESTRICTIONS. When there is insufficient lot area or improper soil or geological conditions for adequate and safe sewage disposal for the building or land use proposed, and the Administrative Authority so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Administrative Authority have been submitted and approved. The Administrative Authority may grant exceptions to the requirements of the Code in case of practical difficulty or unnecessary hardship provided that the installation is equivalent to the standards established by this Code and is not inimical to the health, safety or welfare of the general public.

(i). APPROVAL OF ALTERNATE SYSTEMS. Alternate sewage disposal systems as defined in this Code may be installed only by special permission of the Administrative Authority which shall be given only if the Administrative Authority is satisfied that the systems will conform to the following requirements:

1. Treated or untreated effluent shall not be discharged onto the surface of the ground.

2. Wastewater shall be disposed of on the parcel where it is generated, except as provided for in Section 721.2 of the UPC.

3. The reliability of proposed designs for alternate private sewage disposal systems shall be well-documented.

4. The system shall be capable of easy maintenance.

5. Installation and repair shall not require the use of extraordinary materials, parts, or equipment.

6. The system shall require a minimum of mechanical components for its operation.

7. The system shall not be highly energy consumptive.

8. Operation of the system shall not create health hazards, water pollution, or nuisance conditions.

Sec. K-3. AREA OF DISPOSAL FIELDS AND SEEPAGE PITS. The minimum effective absorptive area of disposal fields in square feet of trench bottom, and of seepage pits in square feet of sidewall, shall be predicated on the required septic tank capacity in gallons. The required absorption area shall be as set forth in Table UPC Appendix K-6 in this ordinance for disposal fields, and as set forth in Table K-4 in the UPC for seepage pits. In addition, disposal fields and seepage pits shall conform to the following:

1. When disposal fields are installed, a minimum of one hundred fifty (150) square feet of trench bottom shall be provided for each system exclusive of any hardpan, rock, clay or other impervious formations. Sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption areas. Such increase shall be limited to 50% of the required absorption area.

2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least 50% greater than the requirement for trenches. Perimeter sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption area.

3. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formation. The minimum required area of porous formation shall be provided in one or more seepage pits.

4. No excavation for a leach line or leaching bed shall extend with five (5) feet of the water table nor to a depth where sewage may contaminate an underground water stratum which may be usable for domestic purposes. The applicant shall supply satisfactory evidence of groundwater depth when required by the Administrative Authority.

5. Plastic leaching chambers shall be sized on bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-6 in this code with a 0.70 multiplier.

Sec. K-4. PERCOLATION TESTS. (a) Disposal fields and seepage pits shall be sized in accordance with the percolation tests or analyses required by subsection (b) of this Section.
(b) In order to determine the absorption qualities of soils, the proposed site shall be subjected to percolation tests and/or hydrometer analyses performed under the supervision of a California-registered environmental health specialist, civil engineer, geologist or engineering geologist. Such tests or analyses shall be performed in accordance with standards established by the Administrative Authority.
(c) Each test shall be made with clear water in an excavation which has been thoroughly soaked prior to the test.
(d) No subsurface disposal field shall be permitted to serve a building if percolation test rates are greater than sixty (60) minutes per inch.
(e) No seepage pit shall be permitted to serve a building if the absorption capacity of the soil surrounding the pit is less than 0.83 gal./sq.ft./day.
(f) Test data shall be submitted on a form provided for that purpose and shall include such information as may reasonably be required by the Administrative Authority to determine the correctness and adequacy of the proposed disposal system.

Sec. K-7. SEEPAGE PITS. (a) The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereunto, and on the character and porosity of the surrounding soil as determined by such tests as may be required and shall comply with Sec. UPC Appendix K-3 in this ordinance.

(b) Seepage pits may be used where conditions are unsatisfactory for the installation of leach lines or beds. In no case shall seepage pits extend more than sixty (60) feet below the surface of the ground.
(c) Multiple seepage pit installations shall be connected through an approved distribution box or diversion valve and watertight piping laid on undisturbed or compacted soil.
(d) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet. Seepage pits shall be filled with clean rock 3/4 inches to 2½ inches in diameter, free from fines, except when otherwise approved by the Administrative Authority. Effluent shall be conducted to the bottom of the excavation by means of approved perforated pipe extending to the entire depth of the pit. Approval shall be obtained prior to construction for any pit having an excavation diameter greater than six (6) feet.
(e) Where groundwater is encountered, the bottom of the pit shall be backfilled with clean coarse sand at least ten (10) feet above the ground water encountered.
(f) Each seepage pit shall have a minimum sidewall of ten (10) feet below the inlet.
(g) Connections between a septic tank and seepage pits shall be made with approved watertight pipe. Such pipe shall be laid on natural ground or compacted fill.
(h) Rock fill in seepage pits shall be covered with asphalt-treated building paper, and backfilled with a minimum of eighteen (18) inches of earth.
(i) Subsection (i) of Appendix Section K7 in the UPC is hereby deleted in its entirety.

Sec. K-9. SUBSURFACE DISPOSAL OF INDUSTRIAL WASTE. The discharge of industrial waste into a soil absorption system shall be prohibited unless specifically approved by the Administrative Authority.
Subsections (a) through (g) of Appendix Sec. K9 in the UPC and the Recommended Design criteria for commercial/industrial waste disposal are hereby deleted in their entirety.

Sec. K-13. ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.
(a) DEFINITION. Alternate private sewage disposal systems are specially-designed, engineered, and approved private sewage disposal systems suitable for use in localities where the Administrative Authority has determined that the presence of shallow groundwater, rock, or adverse soil, geologic, or hydrologic conditions makes the use of conventional sewage disposal systems potentially hazardous to public health. Alternate private sewage disposal systems shall be limited to "mound" systems and "subsurface sand filtration" systems as regulated herein.

(b) GENERAL REQUIREMENTS. Designs for alternate private sewage disposal systems may be accepted for review by the Administrative Authority when it has been adequately demonstrated that the character of the soil, geology, or hydrology of the site is such that a conventional private sewage disposal system will not function in accordance with recognized health and sanitation standards. Such systems shall be designed by a California-registered civil engineer or a California-registered geologist, who shall submit written verification upon completion of an alternate private sewage disposal system that the installation is in conformance with the approved design.

Properties served by alternate private sewage disposal systems shall be located within an approved on-site wastewater management district or equivalent governmental agency capable of providing necessary maintenance and repair services for private sewage disposal systems within its boundaries. Such systems shall conform with all applicable rules and regulations adopted by said district or agency.

The design and construction of alternate private sewage disposal systems shall comply with the requirements of this Section and with other appropriate criteria established by the Administrative Authority.

Component parts of alternate private sewage disposal systems shall comply with the applicable setback requirements in Table UPC Appendix K-1 of this Code. The construction and capacity of septic tanks installed as components of alternate systems shall comply with Section K5 and Table K-2 in the UPC.

Leach lines, leaching beds, and seepage pits which are components of alternate systems shall comply with the applicable requirements of this Code. No portion of a distribution bed or related filter material which is a component of a mound or subsurface sand filtration system shall be installed under a walkway, parking area, driveway, or similar paved surface.

The sizing of mound or subsurface sand filtration systems shall be based upon the average percolation rate of the natural soil at the location and depth of the proposed system, and the number of bedrooms or plumbing fixture units, in accordance with this Code and other applicable standards for sizing conventional leachlines, leaching beds and seepage pits. No alternate private sewage disposal system shall be permitted where the percolation rate exceeds sixty (60) minutes per inch.

(c) MOUND SYSTEMS. A mound system is an alternate private sewage disposal system which utilizes pressurized piping to deliver effluent from a septic tank into an above-ground gravel distribution bed, from which the effluent percolates and is filtered through mounded sand fill into natural soil. Typical components of such systems include a septic tank, lift pump and wet well, pressurized effluent piping, a sand fill mound, a distribution bed composed of gravel filter material and perforated distribution piping, a cover of topsoil over the top and sloped sides of the mound.

The lift pump and wet well shall be designed to handle peak flow from the septic tank. In no case shall pump capacity be less than twenty (20) gallons per minute not shall the pump motor be rated at less than one-half horsepower. The pump shall be approved for use in a sewage environment. The liquid holding capacity of the wet well shall be at least 300 gallons for one or two-bedroom dwelling units. An additional 100 gallons capacity shall be provided for each bedroom in excess of two. Equivalent capacity shall be provided for occupancies other than dwellings based on fixture unit calculations as set forth in this Code.

The wet well shall be fitted with automatic high and low level pump controls. Operation of the lift pump shall not cause surges in the liquid level within the tank. An alarm device shall be installed which will provide audio and visual warning signals to occupants of the property in advance of any overflow from the wet well.

Mounds shall not be installed on a slope greater than 12%. The base of the mound shall be located at least two (2) feet above the highest known seasonal groundwater elevation at the site and two (2) feet above fractured bedrock, if any. Fill material comprising the mound shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the fill material onto the mound. The slope of the sides of the mound shall be not steeper than 3 horizontal to 1 vertical.

Distribution beds shall be level and shall be located a minimum of five (5) feet above the highest known seasonal groundwater elevation at the site. Filter material comprising the bed shall be clean gravel varying in size from .75 inch to 2.5 inches. The total thickness of the bed shall be sufficient to provide a minimum of twelve (12) inches of filter material below, and at least two (2) inches of such material above all distribution piping within the bed. Distribution piping shall uniformly distribute effluent over the entire area of the bed. Distribution beds shall be of sufficient size to limit the application rate for effluent to not more than 1.5 gallons per square foot per day.

After filter material has been placed over the piping, the distribution bed shall be covered with untreated building paper, straw, or similar porous material to prevent closure of voids when earth covering is added. Topsoil shall be placed to a depth of at least twelve (12) inches over the top of the distribution bed, and shall be placed on the sloping sides of the mound to a thickness of at least six (6) inches.

(d) SUBSURFACE SAND FILTRATION SYSTEMS. A subsurface sand filtration system is an alternate private sewage disposal system which utilizes gravity to deliver effluent from a septic tank to a subsurface gravel distribution bed, from which the effluent is filtered through a bed of sand to reduce organic matter and pathogenic organisms, and thence percolates into natural soil. Typical components of such systems include a septic tank, effluent piping, a subsurface distribution bed composed of gravel filter material and perforated distribution piping, a sand filtration bed, and a leaching bed, leach lines, or seepage pits.

Distribution beds shall be designed and constructed in a manner similar to that set forth for mound systems in subsection (c) above, using approved, perforated gravity-flow piping in lieu of pressurized piping. Sand filtration beds shall extend not less than five (5) feet vertically below and five (5) feet horizontally from the edges of any distribution bed. Filtration material shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the filtration material into the filter bed excavation.

Section K-14 NON-HAZARDOUS LIQUID WASTE TRANSFER FACILITIES

Definition: A Non-Hazardous Liquid Waste Transfer Facility is a temporary holding facility for non-hazardous liquid waste from recreational vehicle holding tanks and portable toilets. A Non-Hazardous Liquid Waste Transfer Facility consists of a holding tank, liquid waste loading area with washdown equipment, associated piping, and holding tank liquid level alarm system.

1. Holding tank construction shall be consistent with UPC section K5, with the exception that baffles are not required and only one access port is required.

2. All piping, including but not limited to materials, cleanouts, and venting, shall be consistent with UPC sections 715.0 through 720.0, inclusive.

3. Minimum setbacks for holding tanks shall be as follows:

Streams and Watercourses	50 feet
Wells	50 feet
Groundwater	5 feet
Structures	5 feet
Property Line	5 feet
On-Site Domestic Water Line	5 feet
Public Water Main	10 feet

4. Minimum holding tank capacity shall be not less than three times the anticipated daily loading to the holding tank and in no case shall be less than 1,000 gallons.

5. An alarm system constructed of durable, corrosion-resistant material shall be installed on each holding tank. This alarm shall give a conspicuous audio and visual indication whenever the tank becomes two-thirds full.

6. The liquid waste loading area shall consist of an impermeable, easily cleanable area designed and constructed in a manner which prevents the formation of insanitary conditions. A ¾ inch water hose connection shall be installed at the liquid waste loading area to allow connection of a hose for area washdown following holding tank pumping. An approved backflow prevention assembly shall be installed in the water service line to the hose connection. Provisions shall be made to store the washdown hose off the ground. A warning sign shall be posted at the water hose connection reading: DANGER - UNSAFE WATER.

7. Holding tanks shall be pumped by a licensed pumper as needed. Quarterly reports of holding tank pumping shall be submitted to the Ventura County Environmental Health Division by March 30, June 30, September 30, and December 31 of each year.

8. Offer to grant an easement to County Service Area 32 is required. A contractual maintenance agreement with a public utility may also be required.

Section K-15 CLUSTERED SYSTEMS

(a) DEFINITION. Clustered systems are comprised of three or more private sewage disposal systems with soil absorption components located in a common area on a single legal lot.

(b) GENERAL REQUIREMENTS. All components of clustered systems shall comply with all applicable requirements of this Code pertaining to private sewage disposal systems and the following additional requirements:

1. The primary (installed) soil absorption components of the clustered system shall provide 200% of the minimum area calculated for each structure connected to the clustered system pursuant to Section K-3 of this Code.

2. Land area providing for complete replacement of the primary soil absorption components of the clustered system shall be set aside for future expansion, and shall conform with Table UPC Appendix K-1 of this Code.

3. a. For residential structures, each private sewage disposal system comprising the clustered system shall be connected to not more than one dwelling unit within a structure.

b. For non-residential structures, each private sewage disposal system comprising a clustered system shall be connected to one or more structures with a combined daily wastewater discharge not to exceed 1,500 gallons.

4. The soil absorption component of each private sewage disposal system within the clustered system shall be located at least sixteen horizontal feet from the soil absorption component of any other private sewage disposal system within the same clustered system.

5. When a clustered system is (or can become) located on land jointly owned by more than one owner of the structures served (e.g., condominium projects), an easement and agreement approved by the Environmental Health Division providing for access to inspect, maintain, and repair/replace the clustered system shall be recorded in the Office of the County Recorder.

6. A monitoring well, constructed and maintained in conformance with procedures adopted by the Administrative Authority, shall be provided in an approved location.

7. All distribution boxes within the clustered system shall be fitted with risers extending to finish grade elevation.

8. The applicant for each clustered system shall provide a signed statement from a California-Certified Engineering Geologist, certifying the following:

a. The proposed clustered system site is free against the potential hazard from landslide, excessive settlement and slippage.

b. Incorporation of geotechnical and geologic recommendations in concert with safe construction practices is anticipated to result in a site which is considered geotechnically and geologically suitable for the intended use and will not adversely affect adjoining properties.

TABLE UPC APPENDIX K-1
(Superscript numbers refer to footnotes (1) through (8) on next page

LOCATION OF SEWAGE DISPOSAL SYSTEMS

Minimum Horizontal Distance in Feet From:	Building Sewer	Septic Tank	Disposal Field	Seepage Pit	Subsurface Sand Filtration System	Mound System
Building or Structures[1]	2	5	8	8	8	20[7]
Property line adjoining private property	Clear[2]	5	5	8	8	10
Water supply well on suction line	50[3]	50	100	150	100[8]	100
Streams, lakes, tidal waters or ocean waters	50	50	50	100	100	100
Large Trees	--	10	--	10	10	--
Seepage pits or cesspools	--	5	5	12	--	--
Disposal Field	--	5	4[4]	5	--	--
On site domestic water service line	1[5]	5	5	5	5	5
Distribution Box	--	--	5	5	--	--
Pressure public water main	10[6]	10	10	10	10	10

NOTE: When disposal fields or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

When facilities are located near tidal or ocean waters, the horizontal distance shall be measured from the historically most landward location of the beach at the mean high tide elevation. Structures or facilities shall be constructed in accordance with Federal, State and local laws to prevent erosion of the beaches and movement of the mean high tide closer than the horizontal distances specified above.

FOOTNOTES TO TABLE UPC APPENDIX K-1

(1) Including porches and steps, whether covered or uncovered, breezeways, roofed port-cocheres, roofed patios, carports, covered walks, covered driveways and similar appurtenances.

(2) See Section 313.3 of the UPC.

(3) The distance may be reduced to not less than twenty-five (25) feet when approved metallic piping is installed. Where special hazards are involved, the distance required shall be increased as may be directed by the County Health Officer or the Administrative Authority.

(4) Plus two (2) feet for each additional foot of depth in excess of one (1) foot below the bottom of the drain line (see Sec. K6(i) of the UPC).

(5) See Sec. 720.0 of the UPC.

(6) For parallel construction. For crossings, approval by the Administrative Authority is required.

(7) This distance shall be increased to 30 feet when the system is located upslope of the structure.

(8) This distance shall be increased to 150 feet when seepage pits are used as a component of the system.

TABLE UPC APPENDIX K-6
(Letters in parenthesis refer to footnotes below)

ABSORPTION AREA REQUIREMENTS

Percolation Rate (Time in minutes required for water to fall one inch)	Required Absorption Area (Sq. ft. per bedroom using standard leach lines. See notes (a) through (e) below.
1 or less	75
2	85
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
over 60 (e)	---

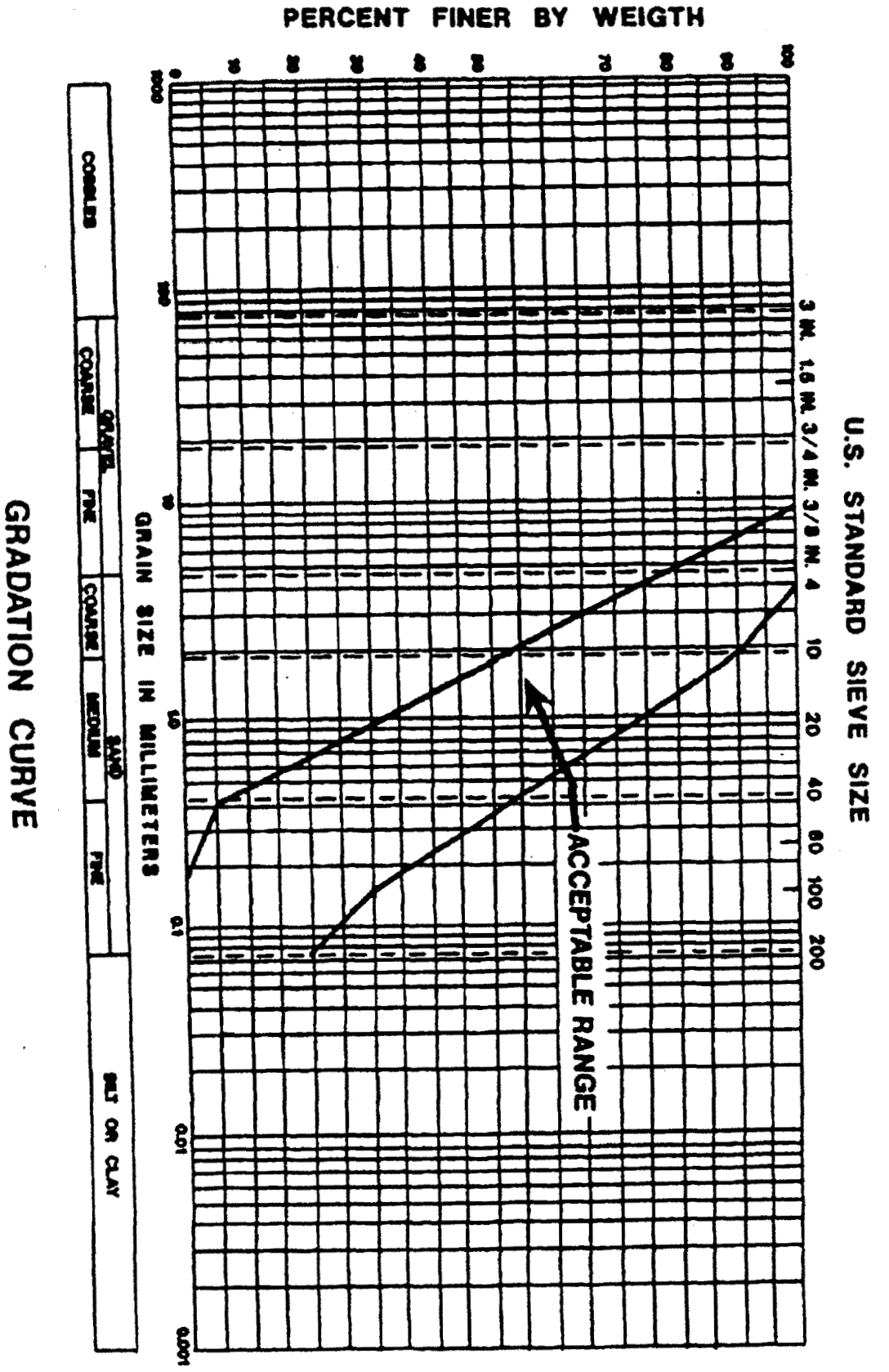
(a) Sufficient usable land area must be available to provide 100% expansion of required absorption area when/if necessary. See Sec. UPC APPENDIX K-1(d) in this Code.

(b) Absorption area should be sufficient to accommodate increased future use stemming from the addition of bedrooms or conversion of unfinished spaces to bedroom use, whenever such changes can be reasonably be anticipated.

(c) The absorption area for leach lines and leaching beds is calculated as trench bottom area only except as provide in Sec. UPC APPENDIX K-3 in this ordinance. Minimum required area for leaching trenches is 150 sq. ft.

(d) The above table allows for the connection of domestic food waste units and automatic clothes washing machines without further increase in absorption area.

(e) Soil having a percolation rate over 60 min/inch is unsuitable for installation of an absorption system.



GRADATION CURVE

TABLE UPC APPENDIX K-7

419-1.02

ARTICLE 7 - AMENDMENTS TO THE UNIFORM HOUSING CODE (UHC)

CHAPTER 1 - TITLE AND SCOPE

Section 104 - APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

104.2. RELOCATION. Buildings or structures moved into or within the County shall comply with the provisions of Article 2, Chapter 40 in this ordinance.

Section 105 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. APPEALS BOARD.

203.1 - GENERAL The Housing Advisory and Appeals Board, for the purposes of this housing code, shall be the General Board of Appeals as set forth in Article 2, Chapter 1, Section 105 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 in the UHC.

Sec. 204. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

CHAPTER 3 - PERMITS AND INSPECTIONS

Sec. 302 FEES. Refer to Article 2, Chapter 1, Section 107 in this ordinance.

CHAPTER 12 - APPEAL

Section 1201 - GENERAL

1201.2. PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 1201 in the UHC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.
The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a substandard building or the premises on which it is located.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 1401 - COMPLIANCE

1401.1. GENERAL. After any order of the Building Official or a Board of Appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor or infraction.

ARTICLE 8 - AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

CHAPTER 1 - TITLE AND SCOPE

Sec. 104 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

Sec. 205. APPEALS BOARD. The appeals Board for the purposes of the Dangerous Buildings Code shall be the General Board of Appeals as set forth in Article 2 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 501 in the DBC.

CHAPTER 5 - APPEAL

Section 501 - GENERAL

501.2 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 501 in the DBC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals. The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a dangerous building or the premises on which it is located.

CHAPTER 7 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 701 - COMPLIANCE

701.1 GENERAL. After any order of the Building Official or a board of appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor/infraction.

ARTICLE 9 - AMENDMENTS TO APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE (CCC)

APPENDIX CHAPTER 1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

Section A100 - GENERAL

A100.1 PURPOSE. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

A100.2 SCOPE. The provisions of this Chapter shall apply to all existing buildings in Seismic Zones 3 and 4 which were constructed or under construction, or for which a building permit was issued, prior to May 10, 1962, having at least one unreinforced masonry wall. Except as provided herein, all other provisions of the Uniform Building Code shall apply.

EXCEPTIONS: This code shall not apply to:

1. Detached one or two story family dwellings, detached apartment houses containing less than 5 dwelling units and used solely for residential purposes, and hotels/motels containing less than 5 guest rooms.

2. Essential Facilities as defined in Table 16K of the Uniform Building Code.

3. Hazardous Facilities as defined in Table 16K of the Uniform Building Code.

This does not require alteration of existing electrical, plumbing, mechanical or fire safety systems.

A100.3 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

A100.4 COUNTY ORDINANCE HISTORY. This article together with Article 1, Chapter 8 is a restatement of Ventura County Ordinance No. 3948 which it hereby supersedes. The section numbering has been revised to be consistent with the current numbering sequence found in the U.C.B.C.

Section A101 ADMINISTRATIVE PROVISIONS

A101.1 DEFINITIONS. For the purposes of this Division, the applicable definitions in the Uniform Building Code shall also apply.

HIGH RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of 100 occupants or more as determined by Section 1002.1 and Table 10-A of the Uniform Building Code.

EXCEPTIONS: A high risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum height of 1-1/2 times the story height.

2. Any building used for its intended purpose, as determined by the Building Official for less than 20 hours per week.

LOW RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of less than 20 occupants as determined by Section 1002.1, Table 10-A, of the Uniform Building Code.

MEDIUM RISK BUILDING is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load of 20 occupants or more as determined by Section 1002.1, Table 10-A of the Uniform Building Code.

A101.2 **Rating Classifications.** The rating classifications identified in Table A-9-A are hereby established and each building within the scope of this Division shall be placed in one such rating classification by the Building Official. The total occupant load of the entire building as determined by Section 1002.1, Table 10-A of the Uniform Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this Division, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

A101.3 **Compliance Requirements.** 1. The owner of each building within the scope of this Division shall, upon service of an order and within the time limits set forth in this Division, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this Division, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within scope of this Division shall comply with the requirements set forth above by submitting to the Building Official for review within the stated time limits:

A. Within 270 days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this Division; or

B. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Division; or

C. Within 120 days after service of the order, plans for installation of wall anchors in accordance with the requirements specified in Section A113 of the UCBC; or

D. Within 270 days after service of the order, plans for the demolition of the building.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-9-B. These time limits shall begin to run from the date the order is served in accordance with Section A101.4.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners electing to comply with A101.3 of this subsection are also required to comply with Items A101.2 or A101.4 of this subsection provided, however, that the 270-day period provided for in Items A101.2 or A101.4 and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A-9-B shall be extended in accordance with Table No. A-9-C. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A101.4 except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

A101.4 **Administration.**

A101.4.1 Order - Service. A. The Building Official shall, in accordance with the priorities set forth in Table No. A-9-C, issue an order as provided in this section of other owner of each buildings within the scope of this Division.

B. Prior to the service of an order as set forth in Table No. A-9-C, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this Division. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

A101.4.2 Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Division shall be in accordance with the rating classification as shown on Table No. A-9-C. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A-9-C shall be measured from the effective date of this Division. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Division prior to the normal service date for such building set forth in this Division.

A101.4.3 Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Division and, therefore, is required to meet the minimum seismic standards of this Division. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A101.3, which sets forth the owner's alternatives and time limits for compliance.

A101.4.4 Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Division to the Board of Appeals established by Section 105 of the Ventura County Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A101.4 Any such appeal shall be decided by the Board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Division shall be made in accordance with the procedures established in Sections 104.2.7 and 104.2.8 of the Uniform Building Code.

A101.4.5 Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this Division and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Division has not been demonstrated.

If the building is either demolished, found not to be within the scope of this Division or is structurally capable of resisting minimum seismic forces required by this Division as a result of structural alterations or an analysis, the Building Official shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this Division.

A101.4.6 Enforcement. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section A101.3, the Building Official shall verify that the owner of record of this building has been properly served. If the order has been served on the owner of record, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the Uniform Building Code.

Section A102 GENERAL REQUIREMENTS

A102.1 **GENERAL.** All buildings shall have a seismic resisting system conforming with Section 1603.3 of the Uniform Building Code, except as modified by this Division.

A102.2 **Alterations and Repairs.** Alterations and repairs required to meet the provisions of this Division shall comply with all other applicable requirements of the Uniform Building Code unless specifically provided for in this Division.

(c) A102.3 **Requirements for Plans.** The following construction information shall be included in the plans required by this Division.

1. Accurately dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing material. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned and drawn to scale on the plans.

2. Accurately dimensioned wall elevations showing openings, piers, wall classes as defined in Section A106.3, thicknesses, and heights, wall shear test locations, cracks or damaged portions requiring repairs, the general condition of the mortar joints, and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.

5. The extent and type of parapet corrections which were previously perform, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this Division.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section A113.

TABLE NO. A-9-A RATING CLASSIFICATIONS	
TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A-9-B TIME LIMITS FOR COMPLIANCE			
Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year[1]	180 days[2]	3 years[2]
Wall Anchors	180 days[1]	270 days[2]	1 year[2]

[1]Measured from date of service of order.

[2]Measured from date of building permit issuance.

TABLE A-9-C EXTENSIONS OF TIME AND SERVICE PRIORITIES			
Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ADOPTED this 5th day of November, 2002 by the following vote:

AYES: Supervisors Bennett, Schultz, Long, Mikels + Flynn

NOES: None

ABSENT: None

John K. Flynn
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Paula R Placencia
Deputy Clerk of the Board

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RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

September 25, 2002

Architects, Engineers, Builders and Other Interested Parties

Re: Your Review and Comments on the 2001 Ventura County Building Code

I have prepared the draft of the 2001 edition of the Ventura County Building Code (V.C.B.C.) and would like you or your organization to review it. Please forward your comments to me. The new draft contains some new amendments to the previously adopted 1998 edition of the VCBC, although the number of amendments is small. I have included a copy of the draft for your review and comments.

In general, the Ventura County amendments have been minimized to follow the State adopted code language more closely. Many of the amendments from prior editions have simply been carried forward with no changes. Overall, the number of changes in this edition is very small compared to years past. One of the reasons for this is that the 1997 Uniform Building Code is being re-adopted by the State. Therefore, there is no change in the building code this time. Consequently, the same amendments still apply.

Most of the administrative amendments deal with local County issues such as the County organization and the division of responsibilities between the Building and Safety Division (for most of the code), the Public Works Agency for grading and flood control requirements, and the Environmental Health Division for housing issues and private sewage disposal systems.

For technical matters, changes have been made to address local seismicity issues, a lessening of permit requirements for agricultural buildings and other structures, and refinements in the requirements for swimming pools.

I am planning to present the ordinance to the Board of Supervisors for adoption soon. I would, therefore, appreciate your written comments as soon as is convenient for you. That will allow me time to analyze and incorporate your comments, if needed.

MAIN OFFICE, L #1720
800 South Victoria Avenue, Ventura, CA 93009 (805) 654-2771 FAX (805) 648-9212
BRANCH OFFICES
East County: 3855-F Alamo Street, L #5915, Room 2019-A, Simi Valley, CA 93065 (805) 582-8064 FAX (805) 582-8085

ATTACHMENT "C"

Thanks for your continued assistance by providing input on the adoption of the code. If you have any questions or would like to discuss any matters with me, feel free to call me at (805) 654-2787.

Sincerely,

Jack Phillips,
Building Official,
County of Ventura

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RESOLUTION NO. 206

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ADOPTING EXPRESS FINDINGS REGARDING MODIFICATION OF UNIFORM CODES WHICH REGULATE BUILDINGS SUBJECT TO THE STATE HOUSING LAW

WHEREAS, pursuant to Health and Safety Code Sections 17958.5 and 17958.7, a County may make such modifications in the requirements of the regulations adopted pursuant to Health and Safety Code Section 17922 as it determines to be reasonably necessary because of local conditions if it makes express findings that such modifications are needed and if such findings, together with the modifications, are made public records on file with the Division of Building and Safety, and filed with the California Building Standards Commission pursuant to Health and Safety Section 17958.7; and

WHEREAS, pursuant to the decision in the case of Baum Electric Co. v. City of Huntington Beach (1973), 33 Cal. App. 3rd 573, a County may make such modifications in the requirements of the regulations adopted pursuant to Health and Safety Code Section 17922 as it deems to be reasonably necessary in order to safeguard life and property if it makes express findings that such modifications are needed and if such findings, together with the modifications, are made public records on file with the Division of Building and Safety;

NOW, THEREFORE, BE IT RESOLVED that it is reasonably necessary because of local conditions to modify certain sections of the uniform codes as shown in the attached "Analysis of Revisions and Statement of Findings for the 2001 Ventura County Building Code."

Upon motion of Supervisor Schultz, seconded by Supervisor Mikels, and duly carried, the foregoing resolution was approved on October 8, 2002.

John K. Flynn
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Laura L. Placencia
Deputy Clerk of the Board

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ATTACHMENT "D"

September 26, 2002

Analysis of Revisions and Statement of Findings for the 2001 Ventura County Building Code

The following analysis discusses the changes included in the Ventura County Building Code as proposed by the Resource Management Agency, Division of Building and Safety.

In the legislative edition of the Ventura County Building Code, newly added words or phrases are shown as underlined. Words or phrases deleted are shown as being stricken out.

This analysis will provide a concise report for the purpose of facilitating the adoption of the proposed code revisions.

This revision adopts the most current editions of the State adopted codes and other "model" codes as follows:

California Building Code - 2001 Edition
California Electric Code - 2001 Edition
California Mechanical Code - 2001 Edition
California Plumbing Code - 2001 Edition
Uniform Housing Code - 1997 Edition
Uniform Code for the Abatement of Dangerous Buildings - 1997 Edition
Appendix Chapter 1 of the California Conservation Code - 2001 Edition

Amendments discussed below are those that have been made since the last adoption of the VCBC. Former amendments that are merely carried forward without change are not addressed as new changes in this analysis.

The amendments to the above-adopted codes are as follows:

REVISIONS THROUGHOUT THE VENTURA COUNTY BUILDING CODE (VCBC):

All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other adopted model codes.

Section numbers have been changed where they have either changed themselves in the adopted codes or were required to be changed because of other changes in the adopted codes.

Titles of chapters or sections have been changed where changes have occurred in the adopted codes.

Various other editorial changes such as re-titling of sections and highlighting defined words in bold occur throughout the code. These changes are editorial only.

REVISIONS BY ARTICLE AND SECTION NUMBER

ARTICLE 1 - ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND OTHER MODEL CODES BY REFERENCE

ATTACHMENT "E"

CHAPTER 1 - ADOPTION INTO THE VENTURA COUNTY BUILDING CODE

Section 104. COPIES OF CODE FOR SALE TO THE PUBLIC. Copies of the Ventura County Building Code shall be made available in the office of the Division of Building and Safety for examination. ~~and~~ pPurchase ~~of the codes~~ by the public at a price not to exceed the actual cost thereof to the County plus a reasonable handling charge as established by the Building Official is ~~may be available depending on the stock on hand~~.

ANALYSIS:

This is an editorial change that has been made to clarify that code books may not always be available for sale.

CHAPTER 2 - ADOPTION OF THE CALIFORNIA BUILDING CODE

Section 101. ADOPTION. That building code known as the "California Building Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 2 - a portion of the "California Building Standards Code", which incorporates by reference the 1997 edition of the Uniform Building Code with adopted California amendments, together with Appendices Chapter 3, Division I; Chapter 3, Division II; Chapter 4, Division II; Chapter 12, Division I; Chapter 12, Division IIA; Chapter 15; Chapter 16, Division IV; Chapter 18; Chapter 29; Chapter 30; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33 promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose and subject matter of which, among other things, is to protect the public health and safety as set out in Section 101.2 of the Uniform Building Code, is hereby adopted and enacted as the primary building code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein subject to the following amendments.

ANALYSIS:

The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.

CHAPTER 3 - ADOPTION OF THE CALIFORNIA ELECTRICAL CODE (CEC)

Section 101. ADOPTION - That Electrical Code known as the "California Electrical Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 3 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1996~~ 1999 edition of the National Electrical Code with necessary California amendments, promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269; the purpose of which, among other things is to provide minimum standards for the design, installation, maintenance, and use of electrical wiring and electrical apparatus in order to safeguard persons and property from electrical hazards, is hereby adopted and enacted as the primary Electrical Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein, with specific modifications as indicated in Article 4:

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the

amendments. Ventura County amendments to the California Electrical Code are found in Article 4 of this code.

ANALYSIS:

The California Electrical Code is adopted with amendments as shown in Article 2 and Article 4.

CHAPTER 4 - ADOPTION OF THE CALIFORNIA MECHANICAL CODE (CMC)

Section 101. ADOPTION. That mechanical code known as the California Mechanical Code, "~~1998~~ 2001 Edition and also known as the California Code of Regulations (C.C.R.), Title 24, Part 4 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1997~~ 2000 edition of the Uniform Mechanical Code with necessary California amendments, and Appendices A, B, C, and D promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, and as amended herein, the purpose and subject matter of which, among other things, is to protect public health and safety as stated in Section 102 of said code, is hereby adopted and enacted as the primary mechanical code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Mechanical Code are found in Article 5 of this code.

ANALYSIS:

The California Mechanical Code and certain appendices are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code edition is now that version published by the International Association of Plumbing and Mechanical Officials.

CHAPTER 5 - ADOPTION OF THE CALIFORNIA PLUMBING CODE (CPC)

Sec. 101 ADOPTION. That plumbing code known as the "California Plumbing Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 5 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1997~~ 2000 edition of the Uniform Plumbing Code with necessary California amendments, together with Uniform Plumbing Code Appendices A, B, C, D, E, G-A, H, I, J, K and L promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, the purpose and subject matter of which is to protect public health and safety by establishing minimum regulations for the installation, alteration, or repair or plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Plumbing Code are found in Article 6 of this code.

ANALYSIS:

The California Plumbing Code and certain appendices are adopted with amendments as shown in Article 2 and Article 6.

CHAPTER 6 - ADOPTION OF THE UNIFORM HOUSING CODE (UHC)

Section 101. ADOPTION - That Housing Code known as the "Uniform Housing Code," 1997 Edition which was promulgated and published by the International Conference of Building Officials, 5360 South Workingman Mill Road, Whittier, California 90601, the purposes and subject matter of which among other things is to protect the public health and safety as set out in Section 102 of said Code, is hereby adopted and enacted as the primary Housing Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herewith with specific modifications as indicated below.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the Uniform Housing Code are found in Article 7 of this code.

ANALYSIS:

The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.

CHAPTER 7 - ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

Section 101 ADOPTION. That code known as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose of which, among other things, is to protect the public health and safety as set out in Section 102 of this Code, is hereby adopted and enacted as the Code for Abatement of Dangerous Buildings in the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein with specific modifications as indicated below. This Code will be referred to herein as the Dangerous Buildings Code.

Sec. 102 AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments Ventura County amendments to the Dangerous Buildings Code are found in Article 8 of this code.

ANALYSIS:

The Uniform Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.

CHAPTER 8 - ADOPTION OF APPENDIX CHAPTER 1 OF THE ~~UNIFORM CALIFORNIA CONSERVATION CODE~~ (U CCC)

Sec. 101 ADOPTION: ~~Appendix Chapter 1 of that code known as the Uniform Code for Building Conservation, 1997 Edition,~~ That building conservation code known as the "California Conservation Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 10 - a portion of the "California Building Standards Code" which incorporates by reference Appendix Chapter 1 of the 1997 Edition of the Uniform Code for Building Conservation, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as amended herein, the purpose and subject matter of which, among other things, is to promote public safety and welfare by reducing the risk of death or injury from the effects of earthquakes on existing unreinforced masonry bearing wall buildings as stated in Section A101 of said code, is hereby adopted as the primary unreinforced masonry building conservation code of the County and made a part of this code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Sec. 102 AMENDMENTS: Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to Appendix Chapter 1 of the Uniform Code for Building Conservation are found in Article 9 of this code.

ANALYSIS:

Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation (UCBC) because of its adoption by the State. The model code it references (the 1997 UCBC) has not changed, however.

ARTICLE 2 - AMENDMENTS OF GENERAL APPLICATION TO ALL OF THE ADOPTED STATE AND MODEL CODES

CHAPTER 1 - ADMINISTRATION

Sec. 103 VIOLATIONS.

103.1 GENERAL. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, building service equipment, machine or equipment or cause or permit the same to be done in violation of this Code or to violate any provision of this Code.

103.3 INFRACTIONS. It shall be an infraction of law for any person to remove, deface, or alter a posted notice of the Building Official or duly appointed representative when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this code.

103.4 MISDEMEANORS. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, misdemeanor/infraction, or infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion

such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Each and every violation of any provision of this Code is a misdemeanor unless designated by this Code to be an infraction or a misdemeanor/infraction.

103.5 MISDEMEANORS/INFRACTIONS. Every violation of this Code designated a misdemeanor/infraction shall be a misdemeanor; provided that, where the District Attorney has determined that such action would be in the best interests of justice, the District Attorney may specify in the accusatory pleading that the violation shall be an infraction and the violation shall then be prosecuted as an infraction.

103.6 PUNISHMENTS. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both such fine and imprisonment. Any person convicted of an infraction, the penalty for which is not otherwise prescribed, shall be punished by (a) a fine not exceeding one hundred dollars ($100) for the first violation; (b) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance provision within one year; and (c) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance provision within one year.

ANALYSIS:

This section has been amended to provide specific definitions and penalties for violations of the codes. This is an administrative change.

104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.2.1 ENFORCEMENT OF CODES. The Building Official is hereby authorized and directed to enforce all the provisions of this Code and of the codes adopted by reference hereby. The decision of the Building Official in enforcing the provisions of this Code or of the codes adopted by reference, or in interpreting the provisions thereof, or in exercising the authority delegated thereby shall be final, subject to appeal as provided in this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Whenever in this Code or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards, or rules or regulations as part of this Code or of any of the codes adopted by reference hereby unless set out in full herein, but they shall be considered and may be used by the Building Official as guides to assist in determining whether or not there has been compliance with the provisions of this Code. The Building Official shall not be bound by the provisions of any such other codes, standards, interpretations, or rules or regulations not expressly adopted by reference in this Code in determining such compliance.

104.2.2 DEPUTIES. In accordance with the prescribed procedures and with the approval of the appointing authority of the County, the Building Official may, from time to time, appoint such number of officers, inspectors, assistants and other employees as shall be necessary to carry out the functions of the Division of Building and Safety and act as duly authorized representatives of the Building Official.

104.2.3 RIGHT OF ENTRY. Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, hazardous, or insanitary, the Building Official or his authorized representative may enter such building, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons having charge or control of the building, structure, or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

104.2.4 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code, or in violation of applicable ordinances of other County agencies, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Whenever the Building Official finds that a building or structure for which a permit has been issued may be flooded or is subject to erosion hazard if the work is completed in the manner proposed, or that the completion of such work will cause the flooding of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of the Ventura County Flood Control District (P.W.A.), or other qualified County officer for a determination as to such danger. If the Director of the aforementioned District or other qualified County officer reports that substantial danger exists, the Building Official shall order work stopped until plans to alleviate such danger have been reviewed and approved by said Director or County officer.

Failure to order work stopped or to make such referral or both shall not be construed as a representation that danger of flooding or erosion does not or will not exist if the work is completed in the manner proposed.

104.2.5 OCCUPANCY VIOLATIONS. Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that in the event of an unsafe building Section 102 in the Uniform Building Code shall apply.

104.2.6 LIABILITY. The Building Official or his authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or

property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the legal department of the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this code.

104.2.11 REPORTS AND RECORDS. The Building Official shall submit a report to the proper County official not less than once a year covering the work of the department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this Code.

The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

104.2.12 POWER OF CITATION. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code section 836.5, the Building Official and certain of his authorized subordinates as hereinafter provided shall have the power of arrest without warrant whenever they have reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a violation of the provisions of this Code or any other ordinance or statute which the Building Official has a duty to enforce.

The persons who are authorized to make arrests as herein provided shall consist of the Building Official and those of his subordinates as he may from time to time designate, whose duties include inspection and enforcement activities for Ventura County.

In any case in which a person is arrested pursuant to this section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C (commencing with section 853.6) of the California Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this section.

104.2.13 NOTICE OF INTENT TO RECORD NOTICE OF NONCOMPLIANCE AND RECORDATION OF NOTICE OF NONCOMPLIANCE. Whenever the Building Official determines that work has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Building Official shall post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall described the property, shall set forth the noncomplying conditions, and shall inform the owner(s) that the Building Official shall record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeal.

A. If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeal, the Building Official shall record a Notice of Noncompliance.

B. If a timely appeal is filed with the Board of Appeal and the Board finds that the noncomplying conditions have not been corrected and need to be corrected, the Building Official shall record a Notice of Noncompliance.

Under either A or B above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall described the property, shall set forth the noncomplying conditions, and shall state that the property owner(s) have been notified.

If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or removed, the Building Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the noncomplying conditions have been corrected or removed. A fee as set forth in the Ventura County Building Code Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

104.2.14 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT. Whenever the Building Official ascertains that any building service equipment regulated in the referenced technical codes has become hazardous to life, health or property, or becomes insanitary, he shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written order itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When any building service equipment is maintained in violation of this code and in a violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

104.2.15 AUTHORITY TO DISCONNECT UTILITIES. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to a building, structure or building service therein regulated by this code, or the referenced technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupants of the building or structure of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupants of the building or structure, in writing, of such disconnection immediately thereafter.

104.2.16 RECONNECTION AFTER ORDER OF DISCONNECTION. No person shall make connections from any energy, power or fuel supply, nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

ANALYSIS:

This section has been modified and expanded to address several issues related to the enforcement of the codes. These include the appointment of deputies, right of entry, stop orders, occupancy violations, liability, reports, power of citation, the recordation of Notices of Non-Compliance, and the authority to condemn service equipment and to disconnect utilities. These are all administrative changes.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24 (CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

ANALYSIS:

This section has been amended to identify the specific Boards of Appeal for Ventura County and to provide clarification about their scope of authority and their operating procedures. This is an administrative change.

106.1.1 STREAMLINED PERMITS FOR CERTAIN AGRICULTURAL BUILDINGS, GREENHOUSES AND SHADE STRUCTURES. The provisions of this code with respect to plan review and inspection shall not apply to certain agricultural buildings, greenhouses and shade structures as specified herein, provided that all of the following conditions are met:

1. The building or structure is used exclusively as an agricultural building as defined in the Uniform Building Code (U.B.C.), and is not designed, equipped or intended for human occupancy or any use other than as an agricultural building, and

2. The building or structure is detached, single story, not over 15 feet in height as defined in the U.B.C., and is of conventional wood frame (Type V-N) construction, and

3. The floor area of the building or structure does not exceed the following limits:

    a. On sites of 10 acres or more in size: 3,000 square feet.

    b. On sites 2 acres or more but less than 10 acres in size: 1,500 square feet, except for nurseries.

    c. On sites 2 acres or more but less than 10 acres in size: 3,000 square feet for nurseries licensed by the Agricultural Commissioner.

    d. On sites less than 2 acres in size: none.

    e. Shade cloth structures without permanently affixed sides: 12,000 square feet, and

4. The building is determined to be exempt from requirements for preparation of plans by a professional engineer or architect as set forth in the California Professional Engineer's or Architect Act, and

5. A Zoning Clearance as an agricultural building, greenhouse or shade structure for the building or structure is approved by the Planning Division, and

6. Approval from the Environmental Health Division is obtained for properties with septic systems, and

7. Approval from the Flood Control Department of the Public Works Agency is obtained as required, and

8. Approval from the Ventura County Fire Department is obtained relative to access, water supply, fire sprinkler, brush clearance and high fire hazard area requirements for any barn or storage structure designed and constructed to house farm implements, hay, grain, poultry or livestock in excess of 1,500 square feet in area; and where a review for other types of agricultural buildings up to 3,000 square feet in area in not required; and

9. Approval from the Development and Inspection Services Division of the Public Works Agency is obtained when a grading permit is required, and

10. A code complying exit is provided from the building or structure, and

11. There is no plumbing, mechanical or electrical work proposed for the building or structure.

106.1.1.1 FEES FOR STREAMLINED AGRICULTURAL BUILDING PERMITS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to agricultural buildings, greenhouses and shade structures qualifying for the above procedure under the provisions of that subsection.

106.1.1.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.1.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

Analysis:

This entire section and the following subsections have been revised to streamline building permits for certain types of agricultural buildings. This new language was developed in conjunction with the Agricultural Policy Advisory Committee and has received their support. This change is an administrative change only.

106.1.2.1 FEES FOR SMALL AGRICULTURAL PRODUCE STANDS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to produce stands qualifying for exemption under the provisions of this subsection.

106.1.2.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.2.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

Analysis:

This language has been divided from a single paragraph format to a three subsection format to agree in layout with the previous section dealing with agricultural buildings. There is no change to the content of the former language except for the new layout. This is an editorial change only.

106.1.4 EMERGENCY BUILDING PERMITS. The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

Emergency repairs to plumbing, electrical, and mechanical installations may be initiated prior to obtaining the required permits, provided that such work was urgently necessary and it was impractical to obtain the permits prior to commencement of the work. Permits for all such work shall be obtained as soon as it is practical to do so.

ANALYSIS:

This section has been added to allow for feasibility in dealing with emergency situations outside of the normal routine. It provides for the capability to act in a timely manner to stabilize or correct emergency situations. This is an administrative change.

Sec. 106.2 EXEMPTED WORK. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, patio covers, playhouses, playground or athletic equipment and similar uses provided the floor area does not exceed 120 square feet.

2. Fences not over 6 feet high measured from highest point of grade, unless supporting a surcharge or structural element.

3. Oil derricks.

4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

5. Retaining walls which are not over 4 feet in height measuresd from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and wood decks not more than 30 inches above grade at any point and not over any basement or story below, nor supporting any structure above.

8. Painting, papering, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported completely by an exterior wall of Group R, Division 3 or Group U, Division 1 Occupancies when projecting not more than 54 inches nor encroaching into required yards.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

13. Freestanding signs not more than 10 feet in height and not more than 72 square feet in area and wall signs not more than 200 square feet in area.

14. Residential television and radio antennas and dish antennas not more than 3 feet in diameter with an approved zone clearance.

15. Commercial antennas not over 15 feet in height when in compliance with the County Zoning Ordinance.

16. Electrolier standards, and flag poles not over 35 feet in height when in compliance with the County Zoning Ordinance.

17. Readily removable plastic covered hoop structures without in-ground footings or foundations that are not more than 8' in height.

18. Agricultural wind generating machines except that an electrical or gas permit is required if they are connected to a commercial utility.

~~19. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade and not more than 1,000 square feet of roof area.~~

Unless otherwise exempted, separate plumbing, mechanical and electrical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Analysis:

Item 1 has been changed to exempt detached patio covers when sized less than 120 square feet and playground or athletic equipment from building permit requirements.

Item 14 has been modified to refer to residential television and radio antennas only.

Item 15 has been added to exempt commercial antennas less than 15 feet in height.

Item 16 has been modified to refer to electrolier standards and flagpoles only.

Item 17 has been added to exempt plastic hoop structures less than 8 feet in height.

Item 18 has been added to exempt certain agricultural wind generating machines.

Item 19 has been added to exempt certain animal shade covers.

All of these changes are administrative.

106.3.2 SUBMITTAL DOCUMENTS. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Computations, diagrams, schedules, soil reports, geological or geotechnical reports, and other data sufficient to show the correctness and adequacy of the plans shall be submitted when required by the Building Official.

A Survey of a lot may be required by the Building Official to assure that a structure is located in accordance with requirements, and/or is situated with respect to Mean Sea Level such that it complies with regulations governing construction in flood-prone areas.

Analysis:

This section has been revised to use the language of the 1997 UBC, except for the paragraphs about geological reports and lot surveys. This is an editorial change only.

Sec. 106.4 - PERMITS ISSUANCE

106.4.1 PERMIT ISSUANCE AND DENIAL. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees have been paid, he shall issue a permit therefor to the applicant.

Except where special building designs or other mitigating measures have been approved by the Building Official and cooperating officials of other County agencies, a building permit may be

denied where physical features of a building site are such that a denial of the building permit is deemed necessary to safeguard life or limb, health, property, or public welfare. Physical features which justify the denial of a permit shall include but shall not be limited to:

1. Precipitous cliffs or other nearby vertical land masses of unknown stability.
2. Unstable soils or geologic conditions.
3. Terrain which is subject to flooding, inundation, or sever soil erosion.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been found complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building or structure will be granted.

106.4.1.1 PERMIT ISSUANCE: RESTRICTIONS. The issuance of permits shall be restricted to those applicants or their authorized representatives who are entitled by the regulations and the exemptions in the State Contractor's License Law, Business and Professions Code, and other applicable statutes to perform work regulated by this Code.

1. Owner-Builder permits may be issued to a property owner building or improving his/her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

   (a) The residence is not intended or offered for sale.

   (b) The homeowner has actually resided in the residence for the 12 month period prior to the completion of the work for which the permits is issued.

2. Owner-Builder permits may be issued to a property owner building or improving structures thereon who contract for such projects with licensed contractors pursuant to Division 3, Chapter 9, of the California Business and Professions Code.

3. Tenant Improvement permits may be issued to tenants when authorized by the building owner for work within the tenant space.

ANALYSIS:

This section has been modified by adding language allowing the denial of a permit because of unstable land masses or soil conditions, precipitous cliffs or terrain subject to flooding, inundation or severe erosion. These changes are administrative but based on geologic and topographical conditions.

106.4.4 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or

work authorized by such permit is not commenced within 180 days after the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the work authorized by such permit does not receive final inspection approval within 3 years from the issuance date of the permit. Before such work may be recommenced, a new or renewed permit shall first be obtained to do so. The fee therefor shall be based upon the valuation and extent of work remaining to complete the project, but such fee shall not exceed one-half the current permit fee providing no changes have been made or will be made in the original plan and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may perform work under that permit when he is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may, without requiring payment of an additional permit fee, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Demolition permits issued for the correction of violations shall expire after 30 days.

For the purpose of this Section "suspended or abandoned" shall be measured as elapsed time between approved REQUIRED INSPECTIONS as delineated in UBC Sections 108.5 through 108.7.

ANALYSIS:

The time limits for permit expiration have been changed to conform to the language of the 1997 UBC. This was done to be consistent with a new computerized tracking system. In addition, a 30-day time limit for demolition permits issued to abate violations has been added. These are editorial and administrative changes.

107.2 BUILDING PERMIT FEES. The fee for each building permit shall be as set forth in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.2.1 ELECTRICAL PERMIT FEES. The fee for each electrical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.2 MECHANICAL PERMIT FEES. The fee for each mechanical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.3 PLUMBING PERMIT FEES. The fee for each plumbing permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.4 OTHER FEES. Other fees charged for services by the Division of Building and Safety shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.3 PLAN REVIEW FEES. When a plan or other data are required to be submitted by Sec. 106.3.2, a plan review fee shall be paid at the time of submitting plans and data for plan review. Said plan review fee shall be ~~65~~ 75 percent of the building permit fee as shown in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The plan review fees specified in this subsection are separate fees from the permit fees ~~and are in addition to the permit fees~~.

The amount of the plan review fee for the initial submittal of a "Standard Plan" as defined herein shall be the full plan review fee as specified above. The plan review fee for subsequent submittals of a plan which qualifies as a "Standard Plan" shall be one-half of the initial plan review fee. "Standard Plan is hereby defined as a prototype plan for a building or structure which is to be utilized at more than one site, and which incorporates the same essential structural features, design, dimensions and calculations as the original approved plan. A "Standard Plan" shall be void three years after its original approval or upon revision of the applicable codes under which it was initially reviewed, or at the discretion of the Building Official."

When plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged but such fee shall not exceed one-half the initial plan review fee. Corrected plans which are resubmitted to the Division of Building and Safety for approval subsequent to initial plan review shall not be subject to an additional plan review fee. The fee for additional plan review may be waived by the Building Official when the time consumed in the performance of such service totals less than one-half hour.

ANALYSIS:

The plan review fee has been increased from 65% to 75% to cover the costs of additional plan review items such as storm water drainage, mobile home regulation, flood control design requirements, and data collection and distribution.

107.4 EXPIRATION OF PLAN REVIEW. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When plans are resubmitted for checking after expiration of plan review and no changes have been made or will be made in the original plans and specifications for the work, and no code changes have occurred, the plan review may be

renewed for 180 days and the plan review fee may be one-half the current plan review fee provided the re-submittal has not exceeded one year from the expiration date.

ANALYSIS:

This section revises the current code language to include an allowance for a renewal of the plan review after it has expired under certain conditions. This is an administrative change.

107.5 INVESTIGATION FEES: WORK WITHOUT PERMIT.

107.5.2 FEE. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the Ventura County Building and Safety Fee Schedule.

The payment of such investigation fee shall not exempt any person from compliance with all applicable provisions of this code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

Analysis:

This is an editorial change to refer to the proper title of the fee schedule.

107.6 FEE REFUNDS. The Building Official may authorize the refunding of fees upon written application by the original permittee, within the limitations set forth herein:

(a) Permit issuance fees shall be nonrefundable except as provided in subsection (c) below.

(b) Any fee totaling thirty-five dollars ($35) or less, exclusive of any issuance fee, if any, shall be nonrefundable except as specified in subsection (c) below.

(c) 100% of any fee erroneously paid or collected shall be refundable, except for that portion paid for State Seismic Fee (SMIP).

(d) 90% of any plan review fee, less a cancellation fee, shall be refundable when the permit application is withdrawn or canceled prior to commencement of plan review.

(e) 90% of any permit fee, less a cancellation fee and State of California Seismic Fee (SMIP), shall be refundable when none of the work covered by such permit has commenced.

(f) 90% of any Board of Appeals hearing fee, less a cancellation fee, shall be refundable when such hearing is canceled prior to the issuance of a Notice of Hearing pertaining to the case.

Failure of the permittee to make written application for a refund within ~~6 months~~ 180 days of cancellation or expiration of a plan review, permit, hearing, or request for service for which a fee has been paid, shall constitute a waiver of entitlement to a refund. No partial refund shall be authorized nor credit be applied against other fees which may be payable to the Division of Building and Safety when a construction project is canceled or abandoned subsequent to partial completion of the building or work authorized by a permitted.

107.7 CANCELLATION FEE. Refunds of fees for permits and services associated with construction projects which are canceled or withdrawn prior to commencement of plan review, inspection, or performance of other service by the Division of Building and Safety shall be subject to a cancellation fee as set forth in the Ventura County Building and Safety Fee Schedule.

ANALYSIS:

This section has been expanded to handle many different cases of fee refunds. It is an administrative change.

Sec. 108 - INSPECTIONS

108.1. GENERAL. All construction or work for which a permit is required shall be subject to inspection by the building official to ensure compliance with the requirements of this Code and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701.5.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official by telephone, orally, or in writing when said work is ready for inspection. Such notification shall be given at least one working day before such inspection is desired.

No portion of any building, structure, wiring, plumbing, ductwork or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official. The Building Official shall have authority to remove, or to require the removal of, any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, ductwork, electrical, or mechanical equipment, as necessary to verify compliance with the approved drawing or codes.

Analysis:

This section has been changed to include language from the 1997 UBC and to include a paragraph addressing when lot surveys may be required. This is an administrative change.

SECTION 109 - CERTIFICATE OF OCCUPANCY

109.4 TEMPORARY OR PARTIAL CERTIFICATE. Upon application by the owner, and for reasonable cause, if the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the entire building is completed, a Temporary or Partial Certificate of Occupancy may be issued for a portion or portions of the building. Such Temporary or Partial Certificate must include compliance with this code for all required access and exiting systems, toilet facilities and fire protection equipment and systems.

Upon completion of the entire structure all Temporary or Partial Certificates shall be surrendered to the building official in exchange for a final Certificate of Occupancy, as specified in UBC Section 109.3.

Analysis:

Minor editorial changes have been made to this section to improve the readability.

~~**TABLE UBC 1-A BUILDING PERMIT FEES**~~

~~TOTAL VALUATION~~	~~FEE~~
~~$1.00 to $500.00~~	~~$23.00~~
~~$501.00 to $2,000.00~~	~~$23.00 for the first $500.00 plus~~ ~~$3.00 for each additional $100.00 or fraction thereof, to and including $2,000.~~
~~$2,001.00 to $25,000.00~~	~~$68.00 for the first $2,000.00 plus $13.25 for each additional $1,000.00 or fraction thereof, to and including $25,000.00.~~
~~$25,001.00 to $50,000.00~~	~~$372.75 for the first $25,000.00 plus $9.50 for each additional $1,000.00 or fraction thereof, to and including $50,000.00.~~
~~$50,001.00 to $100,000.00~~	~~$610.25 for the first $50,000.00 plus $6.75 for each additional $1,000.00 or fraction thereof, to and including $100,000.00.~~
~~$100,001.00 to $500,000.00~~	~~$947.75 for the first $100,000.00 plus $5.25 for each additional $1,000.00 or fraction thereof, to and including $500,000.00.~~
~~$500,001.00 to $1,000,000.00~~	~~$3,047.75 for the first $500,000.00 plus $4.50 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00.~~
~~$1,000,001.00 and up~~	~~$5,297.75 for the first $1,000,000.00 plus $3.00 for each additional $1,000.00 or fraction thereof.~~
~~**Other Inspections and Fees:**~~ ~~Refer to current Ventura County Building Code Fee Schedule.~~	

Analysis:

This table has been deleted from the VCBC as it has been included in the Ventura County Building and Safety Fee Schedule which is adopted as a separate resolution by the Board of Supervisors.

CHAPTER 2 - DEFINITIONS

Section 202-A:

~~"Apartment house"~~ **"APARTMENT HOUSE"** shall mean any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums and townhouses.

Analysis:

Words being defined are now printed in bold type to improve the readability and to make them easier to find. This occurs in various places throughout the code. This is an editorial change.

Section 203-B: "Building Official"

3. For the purposes of administering provisions of the Uniform Housing Code pertaining to the abatement of health hazards ~~associated with private sewage disposal systems~~, the term "Building Official" shall mean the manager of the Division of Building and Safety and/or the Environmental Health Officer, or a duly authorized representative.

Analysis:

In paragraph 3, a reference to "private sewage disposal system" has been deleted which removes the limit on the abatement of health hazards to that item only. This is an administrative change.

Section 207-F:

207-F ~~FLOOD HAZARD AREA~~ **"FLOOD HAZARD AREA"** is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Control ~~Section~~ Division of the Public Works Agency.

Analysis:

Several references to different Public Works Agency "Sections" have been corrected to refer to "Divisions". This is an editorial change.

CHAPTER 6 - TYPES OF CONSTRUCTION

SECTION 607 - HIGH FIRE HAZARD AREAS

Sec. UBC 607.1 HIGH FIRE HAZARD AREA DEFINED. For the purpose of this code, certain areas in the unincorporated territory of the County shall be classified as the High Fire Hazard

Area by the Ventura County Fire Protection District. The High Fire Hazard Area is defined as any area within 500 feet of uncultivated brush, grass, or forest-covered land wherein an authorized representative of said District determines that a potential fire hazard exists due to the presence of such flammable growth.

Sec. UBC 607.2 CONSTRUCTION REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Buildings or structures hereafter erected, constructed or moved within or into designated high fire hazard areas, including mobilehomes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section. Although their installation is encouraged, neither manual nor automatic fire extinguishing systems or similar water spraying devices may be substituted for the fire protection set forth herein.

607.2.1 ROOFS. Roof coverings shall be fire retardant Class A. as specified in Section 1504 in the UBC.

607.2.2 EXTERIOR WALLS. Fire-resistive protection of exterior walls and openings, as determined by location on property, shall be as required by Section 503 in the UBC.

EXCEPTION: No exterior wall covering of a building shall provide less fire resistance than that afforded by: 7/8-inch exterior cement plaster; 1-inch nominal thickness solid wood siding; 1/2-inch textured plywood siding having a groove depth of 1/8-inch or less; 7/16-inch hardwood siding; 5/8-inch particleboard, exterior type 2-M; or 5/8-inch exterior plywood, T1-11, having a groove depth of 1/4-inch or less. Fire-retardant treated or untreated wood shingle or shake siding shall not be permitted.

607.2.3 UNDERFLOOR AREAS. Where underfloor areas are not enclosed by fire-resistive construction conforming to the requirements of subsection 607.2.2 above, the underside of the floor system shall be fire-protected as set forth in subsection 607.2.4.

607.2.4 PROJECTIONS AND OTHER BUILDING ELEMENTS EXPOSED TO FIRE. Architectural projections such as roof overhangs and soffits, balconies and decks, and other elements of building which have combustible structural elements in the horizontal plane, shall be protected with materials approved for 1-hour fire-resistive construction on the lower, fire-exposed side and shall have 1-hour fire-resistive supporting columns unless the details of construction conform to those for heavy timber as described in Section 605 in the UBC.

EXCEPTIONS: 1. Combustible structural members in horizontal projections may be unprotected timbers of size 4 x 6 or larger when used as rafters or as stair, balcony, or deck supports or for similar purposes.

2. Patios, carports, arbors and open latticework sunshades may be constructed of any materials allowed by this Code.

3. Balconies and decks 30 inches or more above grade may have flooring of not less than 2-inch nominal thickness lumber or material of equivalent fire

resistance. Such flooring may be spaced not more than 1/4-inch apart and need not be fire protected on the underside.

Balconies and decks less than 30 inches above grade shall be solidly floored without gaps and shall be fire-protected on the underside as required by this Section. In lieu of fire protection, such balconies and decks may be enclosed from floor surface to grade in the manner prescribed for exterior walls in subsection 607.2.2 of this Section.

4. Combustible exterior columns directly supporting roofs, stairs, balconies, and decks may be size 4 x 4 or larger. Columns and beams supporting interior floor loads may be size 6 x 6 or larger.

607.2.5 VENTILATION OPENINGS. Attic or foundation ventilation opening or louvers shall not be located at or within 18", measure vertically, of eaves or rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire in adjacent hazardous grass or brush areas.

607.3 WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of UBC 607.2.1 through 607.2.5 above, in whole or in part, for specific construction projects within the High Fire Hazard Area when such waiver is approved by an authorized representative of the Ventura County Fire Protection District, based upon site conditions which justify a reduction in fire resistance.

ANALYSIS:

This section has been added to address the special construction requirements for buildings constructed in high fire hazard areas. Theses amendments are necessary because of local climatic and topographical conditions.

CHAPTER 16 - DIVISION I - STRUCTURAL FORCES

Sec. 1611 OTHER MINIMUM LOADS.

1611.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

ANALYSIS:

This section has been added to deal with the testing and acceptance requirements for drilled-in expansion bolt anchors and epoxy-type anchors. This is an administrative change.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1803 SOIL CLASSIFICATION - EXPANSIVE SOIL.

1803.2 EXPANSIVE SOIL. The expansive characteristics of soil shall be determined by procedures in accordance with UBC Standard Number 18-1 and the soils shall be classified according to Table Number 18-1-B of this Code. Foundations for structures bearing on soils with an expansion index greater than 20, as determined by UBC Standard Number 18-2, shall require special design consideration. In the event the soil expansion index varies with depth, the weighted index shall be determined according to Table Number 18-1-C in the UBC. The Soil Expansion Index shall be listed in all soils investigation reports.

A test to determine the soil expansion index shall be conducted for each building site except that in subdivisions the frequency of testing need not exceed one test per five contiguous lots or one test per five acres, whichever are is smaller. Such tests shall be made after rough grading is completed. Tests shall include a determination of the expansion index for the most expansive soil encountered within the top four feet at each test location whether in cut or fill or a combination thereof.

The expansion index for soil on subdivision lots which have not been individually tested shall be assumed to correspond to the highest reading determined by tests on proximate lots.

ANALYSIS:

This section has been modified to clarify the requirements for testing for expansive soils and to provide standards to which to design foundations in areas of moderate to high expansivity. This change is due to the special geologic conditions found in areas of highly expansive soils.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1804 FOUNDATION INVESTIGATION.

1804.2 INVESTIGATION. The classification of soil shall be based on observation and necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be required to evaluate soil strength, the effect of moisture variation on soil bearing capacity, compressibility, liquefaction and expansiveness.

In Seismic Zones 3 and 4, when required by the building official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

EXCEPTIONS: 1. The building official may waive this evaluation upon receipt of written opinion of a qualified geotechnical engineer or geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy with or without attached garages ~~and single-story accessory structures thereto~~.

3. Group U, Division 1 Occupancies.

4. Fences.

5. ~~Detached single-story Group U, Division 3 occupancies.~~

Whenever, in the opinion of the Building Official, the adequacy and stability of a building site cannot be determined by the test borings or excavations required by this section, he may require a special geologic, geotechnical, hydrologic, seismic, or other investigation and report. Geologic investigations such as those for hillside stability or seismic hazards shall be conducted by a California-certified Engineering Geologist.

Analysis:

Exception 2 has been modified to exempt single story structures accessory to single family dwellings. Exception 5 has been added to exempt single story agricultural buildings. These changes are administrative.

1806 FOOTINGS.

Section 1806.1. GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with Chapter 18, Division II and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings, foundations, and concrete slab floors at or below grade shall be constructed to comply with Table UBC 18-1-D (Rev.) and footnotes thereto in this ordinance, except when an approved alternative design is provided based on a foundation investigation. UBC Table 18-1-D and footnotes thereto in the UBC is hereby deleted in its entirety, and is replaced by VCBC Table UBC 18-1-D (Rev.) and footnotes thereto, published herewith.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind or wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards. See Section 3302 for subsoil preparation and wood form removal.

1806.11 HOLD-DOWN CONNECTORS.

1. All bolt-holes shall be 1/16" (max) over-sized at the connection of hold-downs to posts.

2. Hold-down connection bolts/nuts shall be torqued ½ turn beyond finger tight or as required by manufacturer.

3. Approved plate washers, in-lieu of cut washers, shall be provided for all plywood shearwall sill plate anchor bolts. See Table "A" below.

4. Approved plate washers, in-lieu of cut washers, shall be provided for hold-down connector bolts at shearwall wood flanges. See Table "A" below.

TABLE - A

MINIMUM SIZE FOR SQUARE PLATE WASHERS

BOLT SIZE	PLATE SIZE
1/2"	3/16" x 2" x 2"
5/8"	1/4" x 2 1/2" x 2 1/2"
3/4"	5/16" x 2 3/4" x 2 3/4"
7/8"	5/16" x 3" x 3"
1"	3/8" x 3 1/2" x 3 1/2"

1806.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Where additional foundation plate anchor bolts are required after foundations are completed, drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

1806.13 GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table UBC 18-1-D (Rev.), whichever is deeper, reinforced as specified for continuous foundations in Table UBC 18-1-D, shall be provided at garage door openings.

1806.14 FIREPLACE FOOTINGS. Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table UBC 18-1-D (Rev.).

ANALYSIS:

This section has been modified by changes found in Table 18-D due to specific geologic conditions found in Ventura County. These changes are geologically based.

CHAPTER 23 - WOOD

TABLE 23-II-~~I~~G MAXIMUM DIAPHRAGM DIMENSION RATIOS

MATERIAL	HORIZONTAL DIAPHRAGMS	VERTICAL DIAPHRAGMS
	Maximum Span-Width Ratios	Maximum Height-Width Ratios
1. Diagonal sheathing, conventional 2. Diagonal sheathing, special 3. Wood structural panels and particleboard, nailed all edges	3:1 4:1 4:1	~~2:1~~ ~~1:1~~ 2:1 2:1
4. Wood structural panels and particleboard, blocking omitted at intermediate joints	4:1	~~2:1~~ ~~NP~~

Analysis:

This table has been revised to reflect changes made in the 1997 UBC. Footnote 3 in the code has been dropped out due to the high level of seismcity (i.e., Northridge Earthquake) in this region. This is a change based on local geology.

TABLE 23-II-1-1 — ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES IN POUNDS PER FOOT FOR WOOD STRUCTURAL PANEL SHEAR WALLS WITH FRAMING OF DOUGLAS FIR-LARCH OR SOUTHERN PINE.[1, 2, 3, 4]

PANEL GRADE	MINIMUM NOMINAL PANEL THICKNESS (INCHES) x 25.4 for mm	MINIMUM NAIL PENETRATION IN FRAMING (INCHES) x 25.4 for mm	PANELS APPLIED DIRECTLY TO FRAMING: Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (In.) x 25.4 for mm: 6	4	3	2 (x 0.0146 for N/mm)	PANELS APPLIED OVER 1/2-INCH (13 mm) OR 5/8-INCH (16 mm) GYPSUM SHEATHING: Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm: 6	4	3	2 (x 0.0146 for N/mm)
Structural I	5/16	1 1/4	6d	150	225	293	383	8d	150	225	293	383
	3/8	1 1/2	8d	173[5]	270[5]	345[5]	458[5]	10d[6]	210	323	413	548
	7/16			191[5]	296[5]	379[5]	503[5]					
	15/32			210	323	413	548					
	15/32	1 5/8	10d[6]	255	383	499	653	–	–	–	–	–
C-D, C-C Sheathing, plywood panel siding and other grades covered in U.B.C. Standard 23-2 or 23-3	5/16	1 1/4	6d	135	203	263	338	8d	135	203	263	338
	3/8			150	225	293	383		150	225	293	383
	3/8	1 1/2	8d	165[5]	240[5]	308[5]	398[5]	10d[6]	195	368	368	480
	7/16			180[5]	263[5]	338[5]	439[5]					
	15/32			195	285	368	480					
	15/32	1 5/8	10d[6]	233	345	450	578	–	–	–	–	–
	19/32			255	383	499	653					
			Nail Size (Galvanized Casing)					Nail Size (Galvanized Casing)				
Plywood panel siding in grades covered in U.B.C. Standard 23-2	5/16	1 1/4	6d	105	158	206	270	8d	105	158	206	270
	3/8	1 1/2	8d	120	180	233	308	10d[6]	120	180	233	308

[1] All panel edges backed with 2-inch (51 mm) nominal or wider framing. Panels installed either horizontally or vertically. Space nails at 6 inches (152 mm) on center along framing members for 3/8-inch (9.5 mm) and 7/16-inch (11 mm) panels installed on studs spaced 24 inches (610 mm) on center and 12 inches (305 mm) on center for other conditions and panel thicknesses. These values are for short-time loads due to wind or earthquake and must be reduced 25 percent for normal loading.
Allowable shear values for nails in framing members of other species set forth in Table 23-III-FF of Division III shall be calculated for all other grades by multiplying the shear capacities for nails in Structural I by the following factors: 0.82 for species with specific gravity greater than or equal to 0.42 but less than 0.49, and 0.65 for species with a specific gravity less than 0.42.

[2] Where panels are applied on both faces of a wall and nail spacing is less than 6 inches (152 mm) on center on either side, panels joints shall be offset to fall on different framing members or framing shall be 3-inch (76 mm) nominal or thicker and nails on each side shall be staggered.

[3] Framing at boundary and panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered for all plywood shear walls with shear values exceeding 300#/ft. Nailing edge distance for 3x boundary and panel edge members shall be 1/2-inch minimum.

[4] The maximum allowable shear for 3-ply plywood, less than 5/8-inch thickness, shall not exceed 200#/ft. when used in shearwalls and framing of Douglas Fir-Larch or Southern Pine.

[5] The values for 3/8-inch (9.5 mm) and 7/16-inch (11 mm) panels applied direct to framing may be increased to values shown for 15/32-inch (12 mm) panels, provided studs are spaced a maximum of 16 inches (406 mm) on center or panels are applied with long dimension across studs.

[6] Framing at adjoining panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered where 10d nails having penetration into framing of more than 1 5/8 inches (41 mm) are spaced 3 inches (76 mm) or less on center.

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ANALYSIS:

The allowable shear values in this table have been reduced by 25% following the Northridge Earthquake due to actual performance experience. These changes are based on local geologic conditions.

CHAPTER 25 - GYPSUM BOARD AND PLASTER

Section 2513 - SHEAR-RESISTING CONSTRUCTION WITH WOOD FRAME.

2513.4 HEIGHT TO LENGTH RATIO. The maximum allowable height-to length ratio for the construction in this section shall be 1 to 1. Wall sections have height-to-length ratios in excess of 1½ to 1 shall be blocked.

ANALYSIS:

Changes to this section are based on the performance evidence of this type of construction from the Northridge Earthquake. These changes are based on local geologic conditions.

TABLE 25-I - ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES
IN POUNDS PER FOOT FOR VERTICAL DIAPHRAGMS OF
LATH AND PLASTER OR GYPSUM BOARD FRAME WALL ASSEMBLIES[1]

TYPE OF MATERIAL	THICKNESS OF MATERIAL	WALL CONSTRUCTION	NAIL SPACING[2] MAXIMUM (inches)	SHEAR VALUE	MINIMUM NAIL SIZE[3]
	x 25.4 for mm		x 25.4 for mm	x 14.6 for N/m	x 25.4 for mm
1. Expanded metal, or woven wire lath and portland cement plaster	7/8"	Unblocked	7	90	No. 11 gage 1 1/2" long, 7/16" head[4]
2. Gypsum lath	3/8" lath and 1/2" plaster	Unblocked	7	30	No. 13 gage, 1 1/8" long, 19/64" head, plasterboard blued nail
3. Gypsum sheathing board[5]	1/2" x 2' x 8'	Unblocked	7	30	No. 11 gage, 1 3/4" long, 7/16" head, diamond-point, galvanized
	1/2" x 4' 1/2" x 4'	Blocked Unblocked	7 7	30 30	
4. Gypsum wallboard or veneer base[5]	1/2"	Unblocked	7	30	5d cooler (0.086" dia., 1 5/8" long 15/64" head) or wallboard (0.086" dia., 1 5/8" long, 9/32" head)
			7	30	
		Blocked	7	30	
			7	30	
	5/8"	Unblocked	7	30	6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head)
			7	30	
		Blocked	7	30	
			7	30	
		Blocked Two ply	Base ply: 7 Face ply: 7	60	Base ply - 6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head) Face ply - 8d cooler (0.113" dia., 2 3/8 long, 9/32" head) or wallboard (0.113" dia., 2 3/8" long, 3/8" head

[1]These vertical diaphragms shall not be used to resist loads imposed by masonry or concrete construction. See Section 2513.2. Values shown are for short-term loading due to wind or due to seismic loading in Seismic Zones 0, 1, 2A and 2B. Values shown must be reduced 25 percent for normal loading. The values shown in Items 2, 3 and 4 shall be reduced 50 percent for lading due to earthquake in Seismic Zones 3 and 4.
[2]Applies to nailing at all studs, top and bottom plates and blocking.
[3]Alternate nails may be used if their dimensions are not less than the specified dimensions.
[4]Required minimum nailing shall be No. 11 gage x 1 1/2" long galvanized nails with lath burred to 1/4" from the face of the building paper. Staples and self-barring lath shall not be permitted.
[5]Frame wall assemblies constructed of Portland cement plaster, gypsum sheathing board or gypsum wall board are not permitted to carry shear loads at ground floor of multi-level buildings.

ANALYSIS:

The allowable shear values in this table have been reduced by 25% following the Northridge Earthquake due to actual performance experience. These changes are based on local geologic conditions.

CHAPTER 40 RELOCATED BUILDINGS AND TEMPORARY STRUCTURES

Sec. 40.1. GENERAL REQUIREMENTS. Buildings or structures moved into or within the County shall comply with the provisions of this Code for new buildings or structures except when otherwise permitted by this Code or by State law.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Sec. 40.2. PERMIT(S) REQUIRED. It shall be unlawful for any person, firm, or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office, or similar structure which is relocated as construction requires, into or within the County without first obtaining a permit to do so from the Building Official.

EXCEPTION: Buildings moved to the business premises of a house mover for the purpose of temporary storage.

Sec. 40.2.1 NOTIFICATION OF RELOCATED BUILDING. Prior to issuance of relocation permit for any structure and as a part of the application therefor, a Notice of Relocated Building, on a form furnished by the Building Official, shall be posted at the site of the building proposed to be relocated and at the proposed new site location. This public notice shall be maintained for a minimum of 15 days from the date of the application for relocation permit. During this period, interested parties may submit written comments to the Building Official regarding said proposed relocation. (refer to Sec. 40.5 DENIAL OF PERMIT.)

Sec. 40.3. APPLICATION AND INVESTIGATION FEE. To obtain a permit to relocate a building or structure the applicant shall first file an application therefor as required by Section 106.3 in this ordinance. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by the required investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be non-refundable. If the building to be moved is located outside the County, the applicant shall pay an additional fee as set forth in the Ventura County Building and Safety Fee Schedule to cover increased costs of inspection and mileage.

40.3.1 The Building Official shall make the following findings prior to issuing the permit:

1. That there is evidence of full compliance with the zoning provisions of Ventura County Ordinance Code, Division 8 - PLANNING AND DEVELOPMENT.

2. That the building shall comply, or shall be altered to comply, with current building, electrical, heating and air conditioning, and plumbing code requirements.

3. That all necessary and required documentation has been submitted for review, including, but not limited to, plans and specifications for all required or proposed improvements at the new location, a soils investigation report, a current termite inspection report, a water "will serve" letter from a recognized water provider or an approved water well certificate, a sewer "will serve" letter from a recognized sanitation district or an approved septic system certificate, and a surety bond in the amount determined by the Building Official as set forth in Sec. 11-16 of this Code.

Sec. 40.4. INVESTIGATION AND REPORT. The Building Official shall cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report shall list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions, or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety, or welfare.

The investigation report shall remain valid for a period of 180 days after the building or structure has been inspected, after which time a new investigation and report may be required by the Building Official.

Sec. 40.5. DENIAL OF PERMIT. The Building Official may deny the issuance of a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous.

2. Is infested with pests or is insanitary.

3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair.

4. Is so dilapidated, defective, or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated.

5. Because of age, size design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

Sec. 40.6. SECURITY REQUIRED. The Building Official shall not issue a permit to relocate a building or structure unless the applicant therefor shall first post with the Building Official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the State as surety; a cash bond naming the County of Ventura as payee; or an assignment of certificates or shares issued by a lending institution doing business in this state and insured by the FDIC. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this Section shall:

1. Be in form joint and several.

2. Name the County of Ventura as obligee.

3. Guarantee that the required work will be completed or, when ordered by the Building Official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition.

4. Be in an amount equal to the estimated cost, plus 10 percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official.

5. State therein the legal description or address of the property to which the building or structure is to be relocated.

Sec. 40.7. CONDITIONS OF SECURITY. Every performance bond, cash bond, or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within 180 days from the date of issuance of the permit.

2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety.

3. The term of each bond posted pursuant to this Article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.

4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.

5. Upon default by the principal, the surety shall cause all required work to be performed as set forth in the conditions of the investigation report and relocation permit.

6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean, and restore the site.

Sec. 40.8. PERMIT ISSUANCE AND FEES. Before a permit is issued for the relocation of a building and its reconstruction, repair, and completion at a new site, all required plan review and permit fees shall be paid. The required permits, together with the investigation report, shall comprise the "relocation permit" for the purposes of this Article.

The value to be used in computing the relocation building permit and plan review fees shall be as set forth in Sec. 107.2 in this Code, based upon the estimated cost of all construction necessary to complete the structure.

Sec. 40.9. EXPIRATION OF PERMIT. Permits for the relocation, reconstruction, and repair of a building or structure shall be null and void in accordance with the provisions of Section 106.4.4 in this Code if the building or structure is not relocated to the proposed site and/or the required work commenced within 6 months of the date of issuance of such permits.

Sec. 40.10. PROCEDURE UPON DEFAULT.

40.10.1 PERFORMANCE BOND. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond.

The notice of default shall state the conditions of the bond which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work.

Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified.

The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned, and restored to the satisfaction of the Building Official.

EXCEPTION: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided:

1. A written agreement is executed between Surety and the Division of Building and Safety under which the Division assumes responsibility for causing completion of required work or demolition of the structure; and

2. A cash bond is posted by the Surety in the amount of the performance bond, payable to the County of Ventura, to enable the Building official to cause the required work of repair or demolition to be performed in accordance with Section 40.10.2 in this ordinance.

40.10.2 CASH BOND. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

40.10.3 ASSIGNMENT OF SHARES. When an assignment of share has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or shares or any portion thereof by the lending institution and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contract or otherwise.

Sec. 40.11 RELEASE OF SECURITY.

40.11.1 PERFORMANCE BOND. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.

40.11.2 CASH BOND. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successors or assigns, except any portion thereof that may have been used, cashed, or deducted as provided elsewhere in this Article.

40.11.3 ASSIGNMENT OF SHARES. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the Building Official shall notify the lending institution and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this Article.

ANALYSIS:

This entire chapter has been added to deal with moved buildings and to provide the procedures necessary for their proper permitting and installation. This is an administrative change.

CHAPTER 41 SWIMMING POOLS, ORNAMENTAL POOLS, AND APPURTENANT FENCING

SECTION 41.1 - GENERAL

41.1.1 SCOPE. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

4.1.2 STANDARDS OF QUALITY. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard list below is a recognized standard. (See Section 3504.)

ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

SECTION 41.1.3 - DEFINITIONS.

For the purpose of this Article certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "swimming pool."

Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346.

Barrier (enclosure) is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

Grade is the underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "spa, nonself-contained" and "spa, self-contained."

In-Ground Pool. See definition of "swimming pool."

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the rounds of a private single-family home.

Separation Fence is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually have a filter, heater and a motor-driven blower. It may be installed indoors or outdoors , on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Spa, Self-Contained, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Swimming Pool, is any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. The term "swimming pool," does not apply to plumbing fixtures such as bathtubs or hydro-therapy tubs; nor does it apply to man-made lakes,

reservoirs or farm ponds used primarily for public park purposes, ornamentation, water conservation, irrigation, ground-water recharging basins, or watering of livestock. It shall apply to any water-filled excavation, lined or unlined, within three (3) feet of any structure or property line. (Public pools shall comply also with CCR Title 24).

Swimming Pool, Indoor, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor, is a swimming pool that is not an indoor pool.

Sec. 41.2. POOL DESIGN AND CONSTRUCTION

41.2.1 GENERAL. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, and mechanical codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.

41.2.2 EXPANSIVE SOIL DESIGN. Pools constructed below grade shall be designed on the assumption that their construction is to be in an area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 p.c.f.).

> EXCEPTION: Where tests indicate that soils at a pool site are non-expansive or have low expansion characteristics from the ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less that 30 p.c.f.

In highly expansive soils having an expansion index of 91-130, pools shall be designed for not less than 60 p.c.f. equivalent fluid pressure.

In very highly expansive soils having an expansion index over 130, pool design shall be subject to special requirements based on a site investigation, soil testing, and engineering analysis by a registered civil engineer to determine appropriate design parameters for the site.

41.2.3 HYDROSTATIC UPLIFT. In areas of anticipated high water table ~~or moderate or highly expansive soil~~ an approved hydrostatic relief system or device shall be installed.

41.2.4 THERMAL PROTECTION FOR PLASTIC PIPING. Between the inlet of pool water heating equipment and any plastic water piping connected thereto, a check valve shall be installed to prevent thermal damage to such piping due to backflow.

> EXCEPTION: When rapid or high-rate filters are employed a check valve may be omitted.

Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than five feet of approved metal pipe shall be installed for the purpose of dissipating heat.

41.2.5 SAFEGUARDING SUCTION DRAINS. Bottom drains and suction intakes in pools and spas shall be covered with grates or other protective devices which cannot be removed except with tools. The slots or openings in these covers shall be of such area, shape, and

arrangement as to prevent bathers from being drawn thereto with such force as to constitute a safety hazard.

41.2.6 GRAB BARS. Wherever egress from a pool is restricted by the presence of a vertical wall or other barrier which extends more than 12" above the water surface at the pool edge, permanent continuous grab bars, handrails, or other approved equivalent devices shall be installed within 12 inches above of the water surface. Such devices shall be capable of being securely grasped, and shall be adequate to support the weight of a user of the pool.

Sec. 41.3. DECKS

41.3.1 GENERAL. A deck shall be provided around below-grade swimming pools except when special engineering design is furnished which indicates that such deck is not necessary for the purpose of maintaining the structural integrity of the pool and/or for controlling surface water and moisture content in the soil adjacent to the pool. Decks shall not be required for spas and hot tubs.

41.3.2 DECK DESIGN AND CONSTRUCTION. Required decks shall be constructed of concrete or other approved impervious material and shall be sloped to provide positive drainage away from the perimeter of the pool. Except as provided below, decks shall have a minimum width of four feet and shall be at least 3-1/2 inches in thickness. Reinforcement shall be #3 bars spaced not over 24 inches o.c. each way, or equivalent reinforcing.

Approved joints shall be provided in the deck at corners, at maximum 10-foot intervals, and wherever necessary in order to control cracking, to allow for differential movement, and to minimize damage to the deck from such movement should it occur.

Joints in decks and coping shall be made watertight with an approved permanent resilient sealant.

41.3.3 CUTOFF WALLS. At the outer perimeter of pool decks a cutoff wall of approved material shall be installed below-grade to a depth of at least 15 inches so as to form a permanent and effective vertical moisture barrier.

EXCEPTIONS: 1. A cutoff wall may be omitted when a deck at least six feet wide is installed.

2. Decks less than four feet in width may be installed provided that the required cutoff wall is increased in depth beyond the minimum by an amount equal to the reduction in deck width.

41.3.4 PRE-SATURATION, HIGHLY EXPANSIVE SOILS. When the soil below a deck has an expansion index of 91 or greater it shall be saturated with water to a depth of at least 18 inches prior to installation of the deck.

41.3.5 DECK BONDING. When decks are to be installed, whether structurally required or not, the reinforcing installed therein shall be electrically bonded together with the pool shell reinforcing and metal parts of electrical equipment associated with the pool water recirculating system and with miscellaneous metal accessories, such as pool slides, diving boards and spring boards, in accordance with NEC Sec. 680-22.

Sec. 41.4. DRAINAGE AND DISPOSAL

41.4.1 SURFACE WATER. Surface water from pool decks shall be collected and conducted through non-erosive devices to a street, storm drain, or other approved watercourse or disposal area.

41.4.2 WASTE WATER. Pool waste water shall be disposed of in accordance with the requirements of the Environmental Health Officer.

41.4.3 DRYWELLS. Drywells shall not be employed for pool wastewater disposal except when specifically approved for the purpose and when it has been determined that such installation is not likely to have adverse effects on the structural stability of the pool or other structures on the site. The Building Official may require a percolation test, soils report, and/or geological report to make such a determination.

Sec. 41.5. SPECIAL INSPECTION. Special inspection as required by Section 1701.5.12 in the UBC shall be provided for pneumatically placed concrete (gunite) in swimming pools.

Sec. 41.6. BARRIER REQUIREMENTS.

41.6.1 OUTDOOR SWIMMING POOL. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch diameter sphere.

   Exceptions:

   1. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.

   2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3. Chain link fences used as the barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate barrier shall have no opening greater that ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. ~~Pedestrian gates shall swing away from the pool.~~ Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 41.6.1 shall be provided.

   Exception: When approved by the building official, one of the following may be used:

   1. Self-closing and self-latching devices installed on all doors with direct access to the pool and the release mechanism located a minimum of 54 inches above the floor.

   2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

   3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 though 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. Outdoor Swimming Pools with an approved safety pool cover shall not be required to provide other barriers.

8. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 7, above, may be approved by the building official of the jurisdiction issuing the applicable building permit.

41.6.2 INDOOR SWIMMING POOL. For an indoor swimming pool, protection shall comply with the requirements of Section 41.6.1, Item 5.

41.6.3 SPAS AND HOT TUBS. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 41.6.1.

Exception: Spas or hot tubs equipped with a listed safety cover shall be exempt from the requirements of Section 41.6.1.

Analysis:

ENTIRE CHAPTER: This chapter has been rewritten entirely incorporating the requirements of the "Pool Safety Act" passed by the California State Legislature together with requirements from the 1997 UBC Appendix Chapter 4, Division I (Titled "Barriers for Swimming Pools, Spas and Hot Tubs") and local amendments to the chapter carried forward from prior adoptions.

CHAPTER 42 - MOBILEHOMES AND COMMERCIAL COACHES

Sec. 42.1. DEFINITIONS. For the purposes of this Article the terms "mobilehome," "commercial coach," "mobilehome accessory structure," and "foundation system" shall have the meanings set forth in Title 25, California Code of Regulations, and shall also apply to "manufactured housing" and "factory-built housing".

Sec. 42.2. SCOPE. The provisions of this Article shall apply to mobilehomes and commercial coaches installed outside mobilehome parks in all locations where the County of Ventura is the primary enforcement authority for applicable provisions of the State Mobilehome Parks Act, Subchapter 1 of Chapter 2, California Code of Regulations, Title 25.

Sec. 42.3. INSTALLATION PERMIT REQUIRED. No person, firm, or corporation shall install, occupy, or use a mobilehome, mobilehome accessory structure, or commercial coach or cause the same to be done without first obtaining an installation permit therefor. Said installation permit shall be issued subject to compliance with applicable laws and ordinances, including but not limited to:

1. Terms and conditions of a zoning clearance, including time limits established thereby.

2. Requirements for an approved foundation system.

3. Requirements for approved electrical, plumbing, and sewage disposal facilities.

4. Payment of installation permit fees in addition to fees for permits, services or clearances which may otherwise be required.

Sec. 42.4. SPECIAL REQUIREMENTS, COMMERCIAL COACHES

42.4.1 ALLOWABLE AREA. The area of commercial coach units connected in multiple shall not exceed the allowable floor area for the occupancy housed therein and the Type of Construction, in accordance with Section 504 in the UBC.

42.4.2 LOCATION ON PROPERTY. Commercial coaches shall be positioned on a site with sufficient setback from property lines so as to comply with the requirements of Section 503 in the UBC for fire-resistive protection of exterior walls and openings without the necessity for altering the structure or finish materials of the exterior walls of the coach.

42.4.3 STAIRS AND EXITS. Stairs, ramps, handrails, guardrails, landings, and exits shall be provided for commercial coaches as specified in Chapter 10 in the UBC. Such coaches shall also conform to applicable standards of the State of California for making buildings accessible by physically handicapped persons.

42.4.4 SANITARY FACILITIES. Commercial coaches shall be provided with sanitary facilities in accordance with the requirements of this Code which are applicable to the particular occupancy housed therein. Sanitary facilities shall also conform to the applicable standards of the State of California for accessibility to physically handicapped persons.

Sec. 42.5. REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The requirements of Section UBC 607.2 in this ordinance shall be applicable to mobilehomes, mobilehome accessory structures, manufactured or factory-built housing, and commercial coaches installed within High Fire Hazard areas.

Sec. 42.6. SUBSTANDARD OR DANGEROUS MOBILEHOMES AND COMMERCIAL COACHES. All mobilehomes, commercial coaches, or portions thereof, whether permanently or temporarily installed, which are determined to be substandard or dangerous as defined in the Uniform Housing Code or the Dangerous Buildings Code as amended by this ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in such codes.

Sec. 42.7 RECREATIONAL VEHICLES

42.7.1 DEFINITION

See Section 18010 of the California Code of Regulations, Health and Safety Code which reads as follows:

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

(Amended by Stats. 1990, Ch. 765, Sec. 3.)

42.7.2 ALLOWABLE USE

Recreational vehicles may only be used as "temporary dwellings during construction", as long as a building permit for new residential construction or major remodeling is in full force and effect and subject to Zoning Clearance conditions.

Recreational vehicles cannot be used as permanent dwellings or permanent accessory structures on private property, except as specifically allowed under California State law.

ANALYSIS:

This entire chapter has been written identify the requirements for placing mobile homes and commercial coaches on private property. They also coordinate with regulations found in Title 25 of the California Code of Regulations for mobile homes and commercial coaches. These are administrative changes.

CHAPTER 43 - POST-DISASTER RECOVERY AND RECONSTRUCTION

SECTION 43.1 POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

43.1.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Division of Building and Safety as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

43.1.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the County of Ventura following each natural or man-made disaster.

43.1.3 DEFINITIONS.

43.1.3.1 Building Official is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.1.3.2 Safety assessment is a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a natural or man-made disaster.

43.1.4 PLACARDS. The following official placards shall be used to designate the condition of buildings or structures following a disaster.

43.1.4.1 INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

43.1.4.2 RESTRICTED OR LIMITED ENTRY may be posed on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

43.1.4.3 UNSAFE - Do Not Enter or Occupy may be posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

43.1.4.5 SECURING OF UNSAFE BUILDINGS OR STRUCTURES - Buildings or structures that have been determined by the building official to pose a threat to life safety or to be unsafe due to damage may be required by the building official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures shall not be removed without authorization from the building official.

43.1.4.6 REMOVAL OF PLACARDS - Once the placard has been attached to a building or structure, it shall not be removed, altered or covered until authorized by the building official.

43.1.5 VIOLATION. Any violation of Article 3, Chapter 43 of this code is a misdemeanor and shall be subject to punishment according to the provisions of Article 2, Chapter 1, Section 103.

Section 43.2 POST DISASTER ABATEMENT

43.2.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors.

43.2.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura.

43.2.3 DEFINITIONS. For the purpose of the chapter, the following definitions apply:

43.2.3.1 EVENT shall mean any occurrence which results in the declaration of a disaster by the Board of Supervisors, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

43.2.3.2 HISTORIC BUILDING OR STRUCTURE shall be any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

43.2.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

43.2.4 ABATEMENT CRITERIA

43.2.4.1 NOTICE OF DETERMINATION. Except as provided in subsection 43.2.4.2 below, the Building Official shall serve a written Notice of Determination to each property owner as found on the latest available copy of the County Assessor's Role. Said Notice of Determination shall be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and shall also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice shall specify that within forty-eight (48) hours from the time of issuance of the Notice of Determination, the owner or other part of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by the Building Official.

43.2.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice shall be required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the County to give the owner notice prior to abatement, the Building Official may cause the nuisance to be abated by the County with County resources or County contractees.

43.2.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the Building Official within 48 hours of delivery of such notice of determination by the Building Official. Such appeal shall be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should and/or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance

by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official shall rescind in writing his former Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan, or should the Building Official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the General Board of Appeals.

43.2.4.4 GENERAL BOARD OF APPEALS HEARING. At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses, submit evidence and to cross-examine the witnesses of the County. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the General Board of Appeals shall act to either uphold, overrule or modify the determination and order of the Building Official . The determination and order of the Building Official shall be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within twenty-four (24) hours of the time the oral decision is rendered.

If the General Board of Appeals upholds the decision of the Building Official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order shall be vacated. The decision of the General Board of Appeals shall be final on the date it is rendered.

43.2.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record shall execute such plan within twenty-four (24) hours of obtaining approval of the plan from the Building Official, or his designee. Within twenty-four (24) hours of completion of the abatement work the owner or other interested party of record shall provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Hazard, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall be reviewed and approved by the Building Official before permanent repairs are performed.

43.2.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Hazard or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the Building Official.

43.2.4.7 PUBLIC NUISANCE. All structures or portions thereof which, after inspection by an unauthorized County Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be abated by the owner in accordance with the procedures specified in sections 43.2.4.4 and 43.2.4.5.

43.2.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any provisions herein to the contrary, the Building Official is authorized to suspend abatement work by the County, or the County's contractees, and to allow the property owner or other part of legal interest to complete the abatement work.

43.2.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this Chapter.

43.2.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

43.2.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

43.2.5.1 NOTIFICATION OF IMMINENT HAZARD. Within 10 days after the event, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

43.2.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right of way.

43.2.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code.

43.2.5.2 CONDEMNATION PROCEEDINGS. If, ten (10) days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code. The Building Official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

43.2.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building

Official shall submit a request to demolish to the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1986, as amended. Said request shall include all substantiating data.

Section 43.3 DISASTER REPAIR AND RECONSTRUCTION

43.3.1 INTENT. This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The Chapter does not allow exemptions from the Building, Fire Electrical, Mechanical, Plumbing, other codes, or County Ordinances.

43.3.2 APPLICATION OF PROVISIONS.

43.3.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura following each disaster after a local emergency has been declared by the Board of Supervisors.

43.3.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an engineering evaluation as defined in Section 43.3.3.

43.3.3 DEFINITIONS. For the purpose of this chapter, the following definitions apply:

43.3.3.1 ARCHITECT is a person licensed by the State of California to practice architecture as prescribed by the State of California Business and Professions Code.

43.3.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering as prescribed by the State of California Business and Professions Code.

43.3.3.3 CURRENT CODE shall mean the edition of the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County of Ventura in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the Board of Supervisors, County of Ventura.

43.3.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs. All engineering evaluations shall include the engineer's or architects's stamp, wet-signature and license expiration date.

43.3.3.5 ESSENTIAL SERVICE FACILITY shall mean those buildings or structures designated by the County of Ventura to house facilities necessary for emergency operations subsequent to a disaster.

43.3.3.6 REPLACEMENT VALUE is the dollar value, as determined by a Building Official, for replacing a damaged structure with a new structure of the same size, same type of construction and same occupancy, and located on the same site.

43.3.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

43.3.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

43.3.3.9 BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.3.4 REPAIR CRITERIA

43.3.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

43.3.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system shall be repaired with all bracing required by current code.

43.3.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements shall be repaired and/or brought into conformance with the structural requirements of the current codes.

43.3.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the fire and life safety and structural requirements of the current applicable codes.

43.3.4.5 CHIMNEY VALUE EXCLUSION. In group R, Division 3 occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 43.3.5.

43.3.5 REPAIR CRITERIA FOR CHIMNEYS.

43.3.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 31 of the Uniform Building Code. Damaged portions of chimneys shall be removed in accordance with the following criteria.

43.3.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney shall be braced to the roof structure using an approved method.

43.3.5.3 SINGLE STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged

portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the firebox.

43.3.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where anchorage is found.

43.3.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

43.3.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 31 of the Uniform Building Code, alternate systems may be used in accordance with the alternate methods and materials provisions of the Uniform Building Code when approved by the Building Official.

43.3.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure using an approved method.

43.3.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

43.3.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

43.3.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair shall be as included in Section 43.3.4 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code shall apply.

43.3.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

43.3.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the ~~Uniform~~ ~~California Conservation Code~~ as adopted by the County of Ventura.

ANALYSIS:

This entire chapter has been written to address the inspections of damaged property and the placarding of damaged structures, and the permitting requirements for the repair and reconstruction of structures danged by disasters. These changes are administrative and also based on local geologic hazards.

ARTICLE 4 - AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE (CEC)

CHAPTER 2 - WIRING METHODS AND MATERIALS

Sec. 336.4. USES PERMITTED. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in agricultural buildings, one-family and two-family dwellings, and accessory structures, and in multi-family dwellings, and other structures, except as prohibited in Section 336-5. Cables in such structures shall be protected from physical damage. Where installed in cable trays, cables shall be identified for this use.

(FPN): See Section 310-10 for temperature limitation of conductors.

(a) **Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

(b) **Type NMC.** Type NMC cable shall be permitted:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16-in. (1.59-mm) thick, and covered with plaster, adobe, or similar finish.

(c) **Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

Analysis:

This section has been modified to allow the use of Type NM, NMC, and NMS cables in one and two family dwelling accessory structures. This is an administrative change to clarify which structures may be included as "other" structures already allowed under the code.

ARTICLE 5 - AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE (CMC)

CHAPTER 1 - ADMINISTRATION

Section 102 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Section 115 - FEES

Sec. 115.1. GENERAL. Refer to Article 2, Chapter 1 Section 107 in this ordinance.

Sec. 115.6 FEE REFUNDS. Refer to Article 2, Chapter 1 Section 107.6 in this ordinance.

CHAPTER 8 - CHIMNEYS AND VENTS

SECTION 812 - TYPES OF CHIMNEYS

812.1 FACTORY-BUILT CHIMNEYS. Factory-built chimneys shall be installed in accordance with the terms of their listing, the manufacturer's installation instructions and the applicable requirements of this code. Factory-built chimneys shall terminate as required for unlisted single-wall metal chimneys in Table 8-~~D~~ 4.

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators.

EXCEPTION: Factory built chimneys for residential-type appliances and fireplaces may terminate three (3) feet above the roof opening and two (2) feet above any point of the building within ten (10) feet.

ANALYSIS:

This section has been modified to deal with specific chimney requirements in areas of high fire risk. This is a change based on local topographic conditions.

ARTICLE 6 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE (CPC)

CHAPTER 1 - ADMINISTRATION

Section 101.15 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Sec. 102.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL.

102.2.7 AUTHORITY TO ABATE. Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined in this Code, is hereby declared to be a nuisance.

Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this Section, the Administrative Authority shall require the nuisance or violation to be abated. If such abatement is refused, the Administrative Authority shall have recourse to every remedy provided by law to secure abatement.

Sec. 102.3 VIOLATIONS AND PENALTIES

102.3.2 PENALTIES - See Article 2, Chapter 1, Section 103 in this ordinance.

Section 103.1 - PERMITS

103.1.2 EXEMPTED WORK. A plumbing permit will not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste or vent piping, provided that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace all or part thereof with new material, the same shall be considered as new work, and a permit shall be obtained and inspections made, as provided in this code.

103.1.2.2 The clearing of stoppages or the repair of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, or the installation of new water closets on existing drainage connections, providing such repairs or reinstallation do not involve or require the replacement or rearrangement of valves or pipes. If it becomes necessary to remove and replace or rearrange valves, water piping, traps, drainpipe, soil, waste or vent pipes, the same shall be considered as new work, and a permit shall be obtained and inspections made as provided in the code.

103.1.2.3 EXEMPTIONS WITHIN SANITARY DISTRICTS. The provisions of this Code relating to building sewers as defined herein and to permits and fees therefor shall not apply within the boundaries of a sanitary district when the Building Official has determined that such district has adopted and is enforcing ordinances or regulations which are equal to or more restrictive than those contained in this Code.

CHAPTER 2 - DEFINITIONS

Section 202.0 - DEFINITIONS

SEEPAGE PIT. A seepage pit is a rock-filled excavation which receives the effluent from a septic tank and is so designed as to permit such effluent to seep through the bottom and sides of the pit into the surrounding soil.

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Sec. 601.0 RUNNING WATER REQUIRED

Section 601.1.2 REQUIREMENTS FOR WATER WELLS

(a) When the potable water supply for a structure is to be provided by a well, the well must pass the applicable pump and recovery test specified in the Ventura County Water Works Manual, as amended from time to time, for the purpose of demonstrating that the well is likely to remain an adequate source of potable water throughout the expected useful life of the structure.

EXCEPTIONS: A well shall not be required to pass the pump and recovery test if the structure to be served by it:

1. Is connected to a public water system or a state small water system as defined in Section 4010.1 of the Health and Safety Code; or

2. Overlies an aquifer that has been determined by the administrative authority to be adequate to meet all existing and projected demands made upon it for potable water without experiencing overdraft; or

3. Overlies an aquifer that may experience overdrafting but that has nonetheless been determined by the administrative authority, based upon a study and report prepared pursuant to the Ventura County Water works Manual, to be adequate to meet all existing and projected demands made upon it for potable water throughout the expected useful life of the structure.

(b) This section does not preclude the adoption and imposition of additional or more stringent well test requirements and standards in connection with subdivision approvals, conditional use permits, or other discretionary (as opposed to ministerial) permits.

CHAPTER 7 - SANITARY DRAINAGE

Sec. 701.0 MATERIALS OF DRAINAGE SYSTEMS.

701.1 Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, schedule 40 ABS DWV, schedule 40 PVC DWV, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

701.1.1 No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

701.1.2 ABS and PVC DWV piping installations shall be limited to residential construction, not more than two (2) stories in height.

701.1.3 No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (.3m) below ground.

Sec. 713.0 SEWER REQUIRED

713.4 CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEMS. When the applicant seeks to install a conventional private sewage disposal system, the public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.

APPENDIX CHAPTER K - PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. K-1. PRIVATE SEWAGE DISPOSAL: GENERAL REQUIREMENTS. (a) Where permitted by Section 305.2 of the UPC, as adopted and amended by this Code, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The type of system shall be determined on the basis of information contained in the soil report concerning location, soil porosity, groundwater, depth of fractured rock or impervious formations, and hillside stability, and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits, into a combination of subsurface disposal field and seepage pits, into a mound system or into a subsurface sand filtration system.

(d). SEWAGE DISPOSAL EXPANSION AREA. All private sewage disposal systems shall be so designed that additional seepage pits, subsurface drain fields, mound systems or subsurface sand filtration systems, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the 100% expansion area.

(f). PRIVATE SEWAGE DISPOSAL RESTRICTIONS. When there is insufficient lot area or improper soil or geological conditions for adequate and safe sewage disposal for the building or land use proposed, and the Administrative Authority so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Administrative Authority have been submitted and approved. The Administrative Authority may grant exceptions to the requirements of the Code in case of practical difficulty or unnecessary hardship provided that the installation is equivalent to the standards established by this Code and is not inimical to the health, safety or welfare of the general public.

(i). APPROVAL OF ALTERNATE SYSTEMS. Alternate sewage disposal systems as defined in this Code may be installed only by special permission of the Administrative Authority which shall be given only if the Administrative Authority is satisfied that the systems will conform to the following requirements:

1. Treated or untreated effluent shall not be discharged onto the surface of the ground.

2. Wastewater shall be disposed of on the parcel where it is generated, except as provided for in Section 721.2 of the UPC.

3. The reliability of proposed designs for alternate private sewage disposal systems shall be well-documented.

4. The system shall be capable of easy maintenance.

5. Installation and repair shall not require the use of extraordinary materials, parts, or equipment.

6. The system shall require a minimum of mechanical components for its operation.

7. The system shall not be highly energy consumptive.

8. Operation of the system shall not create health hazards, water pollution, or nuisance conditions.

Sec. K-3. AREA OF DISPOSAL FIELDS AND SEEPAGE PITS. The minimum effective absorptive area of disposal fields in square feet of trench bottom, and of seepage pits in square feet of sidewall, shall be predicated on the required septic tank capacity in gallons. The required absorption area shall be as set forth in Table UPC Appendix K-6 in this ordinance for disposal fields, and as set forth in Table K-4 in the UPC for seepage pits. In addition, disposal fields and seepage pits shall conform to the following:

1. When disposal fields are installed, a minimum of one hundred fifty (150) square feet of trench bottom shall be provided for each system exclusive of any hardpan, rock, clay or other impervious formations. Sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption areas. Such increase shall be limited to 50% of the required absorption area.

2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least 50% greater than the requirement for trenches. Perimeter sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption area.

3. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formation. The minimum required area of porous formation shall be provided in one or more seepage pits.

4. No excavation for a leach line or leaching bed shall extend with five (5) feet of the water table nor to a depth where sewage may contaminate an underground water stratum which may be usable for domestic purposes. The applicant shall supply satisfactory evidence of groundwater depth when required by the Administrative Authority.

5. Plastic leaching chambers shall be sized on bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-6 in this code with a 0.70 multiplier.

Sec. K-4. PERCOLATION TESTS. (a) Disposal fields and seepage pits shall be sized in accordance with the percolation tests or analyses required by subsection (b) of this Section.

(b) In order to determine the absorption qualities of soils, the proposed site shall be subjected to percolation tests and/or hydrometer analyses performed under the supervision of a California-registered environmental health specialist, civil engineer, geologist or engineering geologist. Such tests or analyses shall be performed in accordance with standards established by the Administrative Authority.

(c) Each test shall be made with clear water in an excavation which has been thoroughly soaked prior to the test.

(d) No subsurface disposal field shall be permitted to serve a building if percolation test rates are greater than sixty (60) minutes per inch.

(e) No seepage pit shall be permitted to serve a building if the absorption capacity of the soil surrounding the pit is less than 0.83 gal./sq.ft./day.

(f) Test data shall be submitted on a form provided for that purpose and shall include such information as may reasonably be required by the Administrative Authority to determine the correctness and adequacy of the proposed disposal system.

Sec. K-7. SEEPAGE PITS. (a) The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereunto, and on the character and porosity of the surrounding soil as determined by such tests as may be required and shall comply with Sec. UPC Appendix K-3 in this ordinance.

(b) Seepage pits may be used where conditions are unsatisfactory for the installation of leach lines or beds. In no case shall seepage pits extend more than sixty (60) feet below the surface of the ground.

(c) Multiple seepage pit installations shall be connected through an approved distribution box or diversion valve and watertight piping laid on undisturbed or compacted soil.

(d) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet. Seepage pits shall be filled with clean rock 3/4 inches to 2½ inches in diameter, free from fines, except when otherwise approved by the Administrative Authority. Effluent shall be conducted to the bottom of the excavation by means of approved perforated pipe extending to the entire depth of the pit. Approval shall be obtained prior to construction for any pit having an excavation diameter greater than six (6) feet.

(e) Where groundwater is encountered, the bottom of the pit shall be backfilled with clean coarse sand at least ten (10) feet above the ground water encountered.

(f) Each seepage pit shall have a minimum sidewall of ten (10) feet below the inlet.

(g) Connections between a septic tank and seepage pits shall be made with approved watertight pipe. Such pipe shall be laid on natural ground or compacted fill.

(h) Rock fill in seepage pits shall be covered with asphalt-treated building paper, and backfilled with a minimum of eighteen (18) inches of earth.

(i) Subsection (i) of Appendix Section K7 in the UPC is hereby deleted in its entirety.

Sec. K-9. SUBSURFACE DISPOSAL OF INDUSTRIAL WASTE. The discharge of industrial waste into a soil absorption system shall be prohibited unless specifically approved by the Administrative Authority.

Subsections (a) through (g) of Appendix Sec. K9 in the UPC and the Recommended Design criteria for commercial/industrial waste disposal are hereby deleted in their entirety.

Sec. K-13. ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) DEFINITION. Alternate private sewage disposal systems are specially-designed, engineered, and approved private sewage disposal systems suitable for use in localities where the Administrative Authority has determined that the presence of shallow groundwater, rock, or adverse soil, geologic, or hydrologic conditions makes the use of conventional sewage disposal systems potentially hazardous to public health. Alternate private sewage disposal systems shall be limited to "mound" systems and "subsurface sand filtration" systems as regulated herein.

(b) GENERAL REQUIREMENTS. Designs for alternate private sewage disposal systems may be accepted for review by the Administrative Authority when it has been adequately demonstrated that the character of the soil, geology, or hydrology of the site is such that a conventional private sewage disposal system will not function in accordance with recognized health and sanitation standards. Such systems shall be designed by a California- registered civil engineer or a California-registered geologist, who shall submit written verification upon completion of an alternate private sewage disposal system that the installation is in conformance with the approved design.

Properties served by alternate private sewage disposal systems shall be located within an approved on-site wastewater management district or equivalent governmental agency capable of providing necessary maintenance and repair services for private sewage disposal systems within its boundaries. Such systems shall conform with all applicable rules and regulations adopted by said district or agency.

The design and construction of alternate private sewage disposal systems shall comply with the requirements of this Section and with other appropriate criteria established by the Administrative Authority.

Component parts of alternate private sewage disposal systems shall comply with the applicable setback requirements in Table UPC Appendix K-1 of this Code. The construction and capacity of septic tanks installed as components of alternate systems shall comply with Section K-5 and Table K-2 in the UPC.

Leach lines, leaching beds, and seepage pits which are components of alternate systems shall comply with the applicable requirements of this Code. No portion of a distribution bed or related filter material which is a component of a mound or subsurface sand filtration system shall be installed under a walkway, parking area, driveway, or similar paved surface.

The sizing of mound or subsurface sand filtration systems shall be based upon the average percolation rate of the natural soil at the location and depth of the proposed system, and the number of bedrooms or plumbing fixture units, in accordance with this Code and other applicable standards for sizing conventional leachlines, leaching beds and seepage pits. No alternate private sewage disposal system shall be permitted where the percolation rate exceeds sixty (60) minutes per inch.

(c) MOUND SYSTEMS. A mound system is an alternate private sewage disposal system which utilizes pressurized piping to deliver effluent from a septic tank into an above-ground gravel distribution bed, from which the effluent percolates and is filtered through mounded sand fill into natural soil. Typical components of such systems include a septic tank, lift pump and wet well, pressurized effluent piping, a sand fill mound, a distribution bed composed of gravel filter material and perforated distribution piping, a cover of topsoil over the top and sloped sides of the mound.

The lift pump and wet well shall be designed to handle peak flow from the septic tank. In no case shall pump capacity be less than twenty (20) gallons per minute not shall the pump motor be rated at less than one-half horsepower. The pump shall be approved for use in a sewage environment. The liquid holding capacity of the wet well shall be at least 300 gallons for one or two-bedroom dwelling units. An additional 100 gallons capacity shall be provided for each bedroom in excess of two. Equivalent capacity shall be provided for occupancies other than dwellings based on fixture unit calculations as set forth in this Code.

The wet well shall be fitted with automatic high and low level pump controls. Operation of the lift pump shall not cause surges in the liquid level within the tank. An alarm device shall be installed which will provide audio and visual warning signals to occupants of the property in advance of any overflow from the wet well.

Mounds shall not be installed on a slope greater than 12%. The base of the mound shall be located at least two (2) feet above the highest known seasonal groundwater elevation at the

site and two (2) feet above fractured bedrock, if any. Fill material comprising the mound shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the fill material onto the mound. The slope of the sides of the mound shall be not steeper than 3 horizontal to 1 vertical.

Distribution beds shall be level and shall be located a minimum of five (5) feet above the highest known seasonal groundwater elevation at the site. Filter material comprising the bed shall be clean gravel varying in size from .75 inch to 2.5 inches. The total thickness of the bed shall be sufficient to provide a minimum of twelve (12) inches of filter material below, and at least two (2) inches of such material above all distribution piping within the bed. Distribution piping shall uniformly distribute effluent over the entire area of the bed. Distribution beds shall be of sufficient size to limit the application rate for effluent to not more than 1.5 gallons per square foot per day.

After filter material has been placed over the piping, the distribution bed shall be covered with untreated building paper, straw, or similar porous material to prevent closure of voids when earth covering is added. Topsoil shall be placed to a depth of at least twelve (12) inches over the top of the distribution bed, and shall be placed on the sloping sides of the mound to a thickness of at least six (6) inches.

(d) SUBSURFACE SAND FILTRATION SYSTEMS. A subsurface sand filtration system is an alternate private sewage disposal system which utilizes gravity to deliver effluent from a septic tank to a subsurface gravel distribution bed, from which the effluent is filtered through a bed of sand to reduce organic matter and pathogenic organisms, and thence percolates into natural soil. Typical components of such systems include a septic tank, effluent piping, a subsurface distribution bed composed of gravel filter material and perforated distribution piping, a sand filtration bed, and a leaching bed, leach lines, or seepage pits.

Distribution beds shall be designed and constructed in a manner similar to that set forth for mound systems in subsection (c) above, using approved, perforated gravity-flow piping in lieu of pressurized piping. Sand filtration beds shall extend not less than five (5) feet vertically below and five (5) feet horizontally from the edges of any distribution bed. Filtration material shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the filtration material into the filter bed excavation.

Section K-14 NON-HAZARDOUS LIQUID WASTE TRANSFER FACILITIES

Definition: A Non-Hazardous Liquid Waste Transfer Facility is a temporary holding facility for non-hazardous liquid waste from recreational vehicle holding tanks and portable toilets. A Non-Hazardous Liquid Waste Transfer Facility consists of a holding tank, liquid waste loading area with washdown equipment, associated piping, and holding tank liquid level alarm system.

1. Holding tank construction shall be consistent with UPC section K-5, with the exception that baffles are not required and only one access port is required.

2. All piping, including but not limited to materials, cleanouts, and venting, shall be consistent with UPC sections 715.0 through 720.0, inclusive.

3. Minimum setbacks for holding tanks shall be as follows:

Streams and Watercourses	50 feet
Wells	50 feet
Groundwater	5 feet
Structures	5 feet
Property Line	5 feet
On-Site Domestic Water Line	5 feet
Public Water Main	10 feet

4. Minimum holding tank capacity shall be not less than three times the anticipated daily loading to the holding tank and in no case shall be less than 1,000 gallons.

5. An alarm system constructed of durable, corrosion-resistant material shall be installed on each holding tank. This alarm shall give a conspicuous audio and visual indication whenever the tank becomes two-thirds full.

6. The liquid waste loading area shall consist of an impermeable, easily cleanable area designed and constructed in a manner which prevents the formation of insanitary conditions. A ¾ inch water hose connection shall be installed at the liquid waste loading area to allow connection of a hose for area washdown following holding tank pumping. An approved backflow prevention assembly shall be installed in the water service line to the hose connection. Provisions shall be made to store the washdown hose off the ground. A warning sign shall be posted at the water hose connection reading: DANGER - UNSAFE WATER.

7. Holding tanks shall be pumped by a licensed pumper as needed. Quarterly reports of holding tank pumping shall be submitted to the Ventura County Environmental Health Division by March 30, June 30, September 30, and December 31 of each year.

8. Offer to grant an easement to County Service Area 32 is required. A contractual maintenance agreement with a public utility may also be required.

Section K-15 CLUSTERED SYSTEMS

(a) DEFINITION. Clustered systems are comprised of three or more private sewage disposal systems with soil absorption components located in a common area on a single legal lot.

(b) GENERAL REQUIREMENTS. All components of clustered systems shall comply with all applicable requirements of this Code pertaining to private sewage disposal systems and the following additional requirements:

1. The primary (installed) soil absorption components of the clustered system shall provide 200% of the minimum area calculated for each structure connected to the clustered system pursuant to Section K-3 of this Code.

2. Land area providing for complete replacement of the primary soil absorption components of the clustered system shall be set aside for future expansion, and shall conform with Table UPC Appendix K-1 of this Code.

3. a. For residential structures, each private sewage disposal system comprising the clustered system shall be connected to not more than one dwelling unit within a structure.

   b. For non-residential structures, each private sewage disposal system comprising a clustered system shall be connected to one or more structures with a combined daily wastewater discharge not to exceed 1,500 gallons.

4. The soil absorption component of each private sewage disposal system within the clustered system shall be located at least sixteen horizontal feet from the soil absorption component of any other private sewage disposal system within the same clustered system.

5. When a clustered system is (or can become) located on land jointly owned by more than one owner of the structures served (e.g., condominium projects), an easement and agreement approved by the Environmental Health Division providing for access to inspect, maintain, and repair/replace the clustered system shall be recorded in the Office of the County Recorder.

6. A monitoring well, constructed and maintained in conformance with procedures adopted by the Administrative Authority, shall be provided in an approved location.

7. All distribution boxes within the clustered system shall be fitted with risers extending to finish grade elevation.

8. The applicant for each clustered system shall provide a signed statement from a California-Certified Engineering Geologist, certifying the following:

   a. The proposed clustered system site is free against the potential hazard from landslide, excessive settlement and slippage.

   b. Incorporation of geotechnical and geologic recommendations in concert with safe construction practices is anticipated to result in a site which is considered geotechnically and geologically suitable for the intended use and will not adversely affect adjoining properties.

TABLE UPC APPENDIX K-1
(Superscript numbers refer to footnotes (1) through (8) on next page

LOCATION OF SEWAGE DISPOSAL SYSTEMS

Minimum Horizontal Distance in Feet From:	Building Sewer	Septic Tank	Disposal Field	Seepage Pit	Subsurface Sand Filtration System	Mound System
Building or Structures[1]	2	5	8	8	8	20[7]
Property line adjoining private property	Clear[2]	5	5	8	8	10
Water supply well on suction line	50[3]	50	100	150	100[8]	100
Streams, lakes, tidal waters or ocean waters	50	50	50	100	100	100
Large Trees	--	10	--	10	10	--
Seepage pits or cesspools	--	5	5	12	--	--
Disposal Field	--	5	4[4]	5	--	--
On site domestic water service line	1[5]	5	5	5	5	5
Distribution Box	--	--	5	5	--	--
Pressure public water main	10[6]	10	10	10	10	10

NOTE: When disposal fields ~~and~~/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

When facilities are located near tidal or ocean waters, the horizontal distance shall be measured from the historically most landward location of the beach at the mean high tide elevation. Structures or facilities shall be constructed in accordance with Federal, State and local laws to prevent erosion of the beaches and movement of the mean high tide closer than the horizontal distances specified above.

FOOTNOTES TO TABLE UPC APPENDIX K-1

(1) Including porches and steps, whether covered or uncovered, breezeways, roofed port-cocheres, roofed patios, carports, covered walks, covered driveways and similar appurtenances.

(2) See Section 313.3 of the UPC.

(3) The distance may be reduced to not less than twenty-five (25) feet when approved metallic piping is installed. Where special hazards are involved, the distance required shall be increased as may be directed by the County Health Officer or the Administrative Authority.

(4) Plus two (2) feet for each additional foot of depth in excess of one (1) foot below the bottom of the drain line (see Sec. K6(i) of the UPC).

(5) See Sec. 720.0 of the UPC.

(6) For parallel construction. For crossings, approval by the Administrative Authority is required.

(7) This distance shall be increased to 30 feet when the system is located upslope of the structure.

(8) This distance shall be increased to 150 feet when seepage pits are used as a component of the system.

TABLE UPC APPENDIX K-6
(Letters in parenthesis refer to footnotes below)

ABSORPTION AREA REQUIREMENTS

Percolation Rate (Time in minutes required for water to fall one inch)	Required Absorption Area (Sq. ft. per bedroom using standard leach lines. See notes (a) through (e) below.
1 or less	75
2	85
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
over 60 (e)	---

(a) Sufficient usable land area must be available to provide 100% expansion of required absorption area when/if necessary. See Sec. UPC APPENDIX K-1(d) in this Code.

(b) Absorption area should be sufficient to accommodate increased future use stemming from the addition of bedrooms or conversion of unfinished spaces to bedroom use, whenever such changes can be reasonably be anticipated.

(c) The absorption area for leach lines and leaching beds is calculated as trench bottom area only except as provide in Sec. UPC APPENDIX K-3 in this ordinance. Minimum required area for leaching trenches is 150 sq. ft.

(d) The above table allows for the connection of domestic food waste units and automatic clothes washing machines without further increase in absorption area.

(e) Soil having a percolation rate over 60 min/inch is unsuitable for installation of an absorption system.

TABLE UPC APPENDIX K-7

ANALYSIS:

Changes have been made to the sections dealing with exempted work, water supply and distribution, sanitary drainage, required sewers and private sewage disposal systems. These changes are administrative and based on local topographic conditions.

ARTICLE 7 - AMENDMENTS TO THE UNIFORM HOUSING CODE (UHC)

CHAPTER 1 - TITLE AND SCOPE

Section 104 - APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

104.2. RELOCATION. Buildings or structures moved into or within the County shall comply with the provisions of Article 2, Chapter 40 in this ordinance.

Section 105 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. APPEALS BOARD.

203.1 - GENERAL The Housing Advisory and Appeals Board, for the purposes of this housing code, shall be the General Board of Appeals as set forth in Article 2, Chapter 1, Section 105 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 in the UHC.

Sec. 204. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

CHAPTER 3 - PERMITS AND INSPECTIONS

Sec. 302 FEES. Refer to Article 2, Chapter 1, Section 107 in this ordinance.

~~CHAPTER 5 - SPACE AND OCCUPANCY STANDARDS~~

~~Section 503 - ROOM DIMENSIONS~~

~~503.2. FLOOR AREA. 1. Every dwelling unit shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet.~~

~~2. Net floor area, as used herein, shall mean the total number of square feet of floor area in a dwelling unit based upon the interior dimensions of that dwelling unit excluding bathrooms, kitchens, halls, stairwells, closets, storage or utility space, and similar areas.~~

~~No dwelling unit shall be occupied or allowed to be occupied in such a manner that the maximum occupancy of the dwelling unit, as determined below, is exceeded.~~

~~3. Maximum occupancy shall be determined as follows:~~

~~For the first two occupants of any dwelling unit, there shall be a minimum of 220 square feet of net floor area. An additional 100 square feet of floor area shall be provided for every additional occupant of the dwelling unit.~~

~~EXCEPTION: Nothing in this section shall prohibit the use of an efficiency dwelling unit within a structure which complies with the requirements of UBC Section 310.7.~~

CHAPTER 12 - APPEAL

Section 1201 - GENERAL

1201.2. PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 1201 in the UHC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.

The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a substandard building or the premises on which it is located.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 1401 - COMPLIANCE

1401.1. GENERAL. After any order of the Building Official or a Board of Appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor or infraction.

ANALYSIS:

Minor administrative changes have been made to the housing code in regard to enforcement, permits and inspections and appeals. These are administrative changes only.

ARTICLE 8 - AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

CHAPTER 1 - TITLE AND SCOPE

Sec. 104 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

Sec. 205. APPEALS BOARD. The appeals Board for the purposes of the Dangerous Buildings Code shall be the General Board of Appeals as set forth in Article 2 in this ordinance. Appeals

to the Board shall be processed in accordance with the provisions contained in Section 501 in the DBC.

CHAPTER 5 - APPEAL

Section 501 - GENERAL

501.2 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 501 in the DBC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals. The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a dangerous building or the premises on which it is located.

CHAPTER 7 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 701 - COMPLIANCE

701.1 GENERAL. After any order of the Building Official or a board of appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor/infraction.

ANALYSIS:

Minor administrative changes have been made to the dangerous buildings code in regard to enforcement, violations and penalties and appeals. These are administrative changes only.

~~ARTICLE 9 - AMENDMENTS TO APPENDIX CHAPTER 1 OF THE UNIFORM CALIFORNIA CONSERVATION CODE (U CCC)~~

APPENDIX CHAPTER 1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

Section A100 - GENERAL

A100.1 PURPOSE. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

A100.2 SCOPE. The provisions of this Chapter shall apply to all existing buildings in Seismic Zones 3 and 4 which were constructed or under construction, or for which a building permit was issued, prior to May 10, 1962, having at least one unreinforced masonry wall. Except as provided herein, all other provisions of the Uniform Building Code shall apply.

EXCEPTIONS: This code shall not apply to:

1. Detached one or two story family dwellings, detached apartment houses containing less than 5 dwelling units and used solely for residential purposes, and hotels/motels containing less than 5 guest rooms.

2. Essential Facilities as defined in Table 16K of the Uniform Building Code.

3. Hazardous Facilities as defined in Table 16K of the Uniform Building Code.

This does not require alteration of existing electrical, plumbing, mechanical or fire safety systems.

A100.3 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

A100.4 COUNTY ORDINANCE HISTORY. This article together with Article 1, Chapter 8 is a restatement of Ventura County Ordinance No. 3948 which it hereby supersedes. The section numbering has been revised to be consistent with the current numbering sequence found in the U.C.B.C.

Section A101 ADMINISTRATIVE PROVISIONS

A101.1 DEFINITIONS. For the purposes of this Division, the applicable definitions in the Uniform Building Code shall also apply.

HIGH RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of 100 occupants or more as determined by Section 1002.1 and Table 10-A of the Uniform Building Code.

EXCEPTIONS: A high risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum height of 1-1/2 times the story height.

2. Any building used for its intended purpose, as determined by the Building Official for less than 20 hours per week.

LOW RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of less than 20 occupants as determined by Section 1002.1, Table 10-A, of the Uniform Building Code.

MEDIUM RISK BUILDING is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load of 20 occupants or more as determined by Section 1002.1, Table 10-A of the Uniform Building Code.

A101.2 **Rating Classifications.** The rating classifications identified in Table A-9-A are hereby established and each building within the scope of this Division shall be placed in one such rating

classification by the Building Official. The total occupant load of the entire building as determined by Section 1002.1, Table 10-A of the Uniform Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this Division, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

A101.3 **Compliance Requirements.** 1. The owner of each building within the scope of this Division shall, upon service of an order and within the time limits set forth in this Division, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this Division, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within scope of this Division shall comply with the requirements set forth above by submitting to the Building Official for review within the stated time limits:

   A. Within 270 days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this Division; or

   B. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Division; or

   C. Within 120 days after service of the order, plans for installation of wall anchors in accordance with the requirements specified in Section A113 of the UCBC; or

   D. Within 270 days after service of the order, plans for the demolition of the building.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-9-B. These time limits shall begin to run from the date the order is served in accordance with Section A101.4.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners electing to comply with A101.3 of this subsection are also required to comply with Items A101.2 or A101.4 of this subsection provided, however, that the 270-day period provided for in Items A101.2 or A101.4 and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A-9-B shall be extended in accordance with Table No. A-9-C. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A101.4 except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

A101.4 **Administration.**

A101.4.1 Order - Service. A. The Building Official shall, in accordance with the priorities set forth in Table No. A-9-C, issue an order as provided in this section of other owner of each buildings within the scope of this Division.

B. Prior to the service of an order as set forth in Table No. A-9-C, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this Division. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

A101.4.2 Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Division shall be in accordance with the rating classification as shown on Table No. A-9-C. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A-9-C shall be measured from the effective date of this Division. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Division prior to the normal service date for such building set forth in this Division.

A101.4.3 Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Division and, therefore, is required to meet the minimum seismic standards of this Division. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A101.3, which sets forth the owner's alternatives and time limits for compliance.

A101.4.4 Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Division to the Board of Appeals established by Section 105 of the Ventura County Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A101.4 Any such appeal shall be decided by the Board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Division shall be made in accordance with the procedures established in Sections 104.2.7 and 104.2.8 of the Uniform Building Code.

A101.4.5 Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this Division and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Division has not been demonstrated.

If the building is either demolished, found not to be within the scope of this Division or is structurally capable of resisting minimum seismic forces required by this Division as a result of

structural alterations or an analysis, the Building Official shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this Division.

A101.4.6 Enforcement. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section A101.3, the Building Official shall verify that the owner of record of this building has been properly served. If the order has been served on the owner of record, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the Uniform Building Code.

Section A102 GENERAL REQUIREMENTS

A102.1 **GENERAL.** All buildings shall have a seismic resisting system conforming with Section 1603.3 of the Uniform Building Code, except as modified by this Division.

A102.2 **Alterations and Repairs.** Alterations and repairs required to meet the provisions of this Division shall comply with all other applicable requirements of the Uniform Building Code unless specifically provided for in this Division.

(c) A102.3 **Requirements for Plans.** The following construction information shall be included in the plans required by this Division.

1. Accurately dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing material. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned and drawn to scale on the plans.

2. Accurately dimensioned wall elevations showing openings, piers, wall classes as defined in Section A106.3, thicknesses, and heights, wall shear test locations, cracks or damaged portions requiring repairs, the general condition of the mortar joints, and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.

5. The extent and type of parapet corrections which were previously perform, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this Division.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section A113.

TABLE NO. A-9-A
RATING CLASSIFICATIONS

TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A-9-B
TIME LIMITS FOR COMPLIANCE

Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year[1]	180 days[2]	3 years[2]
Wall Anchors	180 days[1]	270 days[2]	1 year[2]

[1]Measured from date of service of order.

[2]Measured from date of building permit issuance.

TABLE A-9-C
EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ANALYSIS:

Administrative changes have been made to the California Conservation Code dealing with time frames for compliance, operational procedures, enforcement and the establishment of service properties. These changes are administrative.

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ORDINANCE NO. 4274

SUMMARY OF PROPOSED ORDINANCE AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:

All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.

An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.

Chapter 2:

The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.

Chapter 3:

The California Electrical Code is adopted with amendments as shown in Article 2 and Article 4.

Chapter 4:

The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.

ATTACHMENT "B"

Chapter 5:

The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.

Chapter 6:

The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.

Chapter 7:

The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.

Chapter 8:

Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Model Codes

Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.

Detached one-story animal shade covers less than 1,000 square feet in area have been added to the list of work not requiring a permit.

The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)

Building Code changes have been made in regards to definitions, high fire hazard areas, structure forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.

Defined words are now shown in bold type to be consistent with the building code and to improve readability.

The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.

The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBC in Appendix Chapter 4, Division 1 - "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.

Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

In Article 4, Amendments to the California Electrical Code (CEC)

Changes to the California Electrical Code have been made centering on administrative powers and duties of enforcement, exempted work, conductors, wiring methods and materials, grounding and emergency systems.

In Article 5, California Mechanical Code (CMC)

Amendments to the mechanical code have been made dealing with local conditions for the installation of factory-built chimneys.

In Article 6, Amendments to the California Plumbing Code (CPC)

Amendments have been made dealing with administrative powers and duties of enforcement, exempted work, definitions, water supply and distributions, sanitary drainage, required sewers and location of sewage disposal systems, and private sewage disposal systems.

In Article 7, Amendments to the Uniform Housing Code (UHC)

Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8, Amendments to the Dangerous Building Code (DBC)

Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)

The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include those dealing with the purpose and scope and administrative provisions.

Prepared By: Neil C. Kleb
Assistant County Counsel

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ORDINANCE NO. 4274

TABLE A-9-C

EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ADOPTED this 5th day of November, 2002 by the following vote:

AYES: Supervisors Bennett, Schilds, Long, Mikels & Flynn

NOES: None

ABSENT: None

John K. Flynn

Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Paul L. Placencia
Deputy Clerk of the Board

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BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

November 5, 2002 at 9:00 a.m.

ORD 4274/206

AMENDING VENTURA COUNTY BUILDING CODE

An Ordinance of the County of Ventura Amending the Ventura County Building Code and Adopting by Reference the Current Editions is presented to the Board at this time, and upon motion of Supervisors Mikels, seconded by Supervisor Schillo, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4274.

Board members vote as follows:

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4274.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ventura County Star, A newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

RMA (2)
AUDITOR
FILES (2)
ITEM 17
11/5/02
KP

Certificate of Publication

Ad No. 512253

In Matter of Publication of:

Ventura Clerk of the Board
Summary Ordinance

State of California)
))§
County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 11, 2002 (2nd copy)

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 18th of December 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

RECEIVED
DEC 20 2002

OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO.4274 AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.
An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.
Chapter 3:
The California Electrical Code is adopted with an amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Mode Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.
Detached one-story animal shade covers less than 1,000 square feet in area have been added to the list of work not requiring a permit.
The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)
Building Code changes have been made in regards to definitions, high fire hazard areas, structure, forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.
Defined words are now shown in bold type to be consistent with the building code and to improve readability.
The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.
The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBS in Appendix Chapter 4, Division I, "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.
Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

Certificate of Publication

Ad No. VC512253

In Matter of Publication of:

County of Ventura County Star Summary of Ordinance No. 4274 (GI02-018)

State of California)

))§

County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Simi Valley Star, Oxnard Star, Moorpark Star, Thousand Oaks Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 11, 2002

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 11th of November 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

RECEIVED
NOV 18 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO.4274 AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the *Ventura County Building Code.*
An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
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Chapter 3:
The California Electrical Code is adopted with an amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with *amendments as shown in Article 2 and Article 7.*
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references *has not changed, however.*

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Detached one-story animal shade covers less than 1,000 square feet in area have been added to the *list of work not requiring a permit.*
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The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBS in Appendix Chapter 4, Division 1- "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.
Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

In Article 4, Amendments to the California Electrical Code (CED)
Changes to the California Electrical Code have been made centering on administrative powers and duties of enforcement, exempted work, conductors, wiring methods and materials, grounding and emergency systems.
In Article 5, California Mechanical Code (CMC)
Amendments to the mechanical code have been made dealing with local conditions for the installation of factory-built chimneys.
In Article 6, Amendments to the California Plumbing Code (CPC)
Amendments have been made dealing with administrative powers and duties of enforcement, exempted work, definitions, water supply and distributions, sanitary drainage, required sewers and location of sewage disposal systems, and private sewage disposal systems.

In Article 7, Amendments to the Uniform Housing Code (UHC)
Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8 Amendments to the Dangerous Building Code (DBC)
Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)
The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include those dealing with the purpose and scope and administrative provisions.

Passed and adopted this 5th day of Nov. 2002

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn
Noes: None Absent: None
Publish: Nov 11, 2002 Ad No.VC512253

02-018

Certificate of Publication

Ad No(s): 507924

In Matter of Publication of:

Summary of Ordinance

State of California)
((§
County of Ventura)

I, **Sharon K. Palmer,** hereby certify that the **Ventura County Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

October 31, 2002

I certify, under penalty of perjury, that the foregoing is true and correct.

Dated this **13th** day of **November 2002** in San Buenaventura, California.

(Signature)
skp

RECEIVED
NOV 15 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO. AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follow: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Building, 1997 edition; California Electric Code, 2001 edition California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference.

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.

An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.
Chapter 3:
The California Electric Code is adopted with amendments as shown in Article 2 and Article 4.
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The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with amendments as shown in Article and Article 7.
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Model Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permits, [illegible]
Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8, Amendments to the Dangerous Building Code (DBC)
Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)
The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include these dealing with the purpose and scope and administrative provisions.

Passed and adopted this ___ day of __, 2002.
Ayes: Supervisors Noes: Absent: ___
Publish: Oct 31, 2002 Ad No.VC507924

02-017

Certificate of Publication

Ad No. 497812

In Matter of Publication of:

Ventura County Clerk of Board
Notice of Public Hearing

State of California)
))§
County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 20, 2002 (2nd copy)

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 18th of December 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

NOTICE OF PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN BUILDING CODES, TOGETHER WITH AMENDMENTS THERETO; AND ADOPTING CERTAIN OTHER PROVISIONS REGULATING BUILDINGS AND STRUCTURES

NOTICE IS HEREBY GIVEN that a public hearing, as provided by law, will be held by the Board of Supervisors of the County of Ventura to consider adoption of amendments to the Ventura County Building Code.

The proposed ordinance would adopt by reference current editions of the following California and uniform codes, making them applicable in the unincorporated areas of Ventura County: California Building Code 2001 edition, Uniform Housing Code 1997 edition. Uniform Code for the Abatement of Dangerous Buildings 1997 edition California Electrical Code 2001 edition, California Plumbing Code 2001 edition, California Mechanical Code 2001 edition and the California Conservation Code 2001 edition.

The proposed ordinance would amend certain administrative and regulatory provisions of the Ventura County Building Code.

Said public hearing will be held on Tuesday, November 5, 2002, at 10:00 a.m. in the Board of Supervisors' Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California, at which time any interested person may attend and be heard on this matter.

The Board of Supervisors may or may not adopt the proposed ordinance as result of the public meeting. Final action will be taken at a subsequent meeting of the Board of Supervisors.

The Clerk of the Board of Supervisors will maintain copies of the proposed ordinance and code on file at the Government Center, Hall of Administration, Fourth Floor 800 South Victoria Avenue, Ventura, California for reveiw by interested persons.
Dated this 11th day of October 2002.

JOHN F. JOHNSTON
Clerk of the Board of Supervisors
By: Karen L. Placencia
Deputy Clerk of the Board
Publish: Oct 11, 18, 2002
Ad No.VC497812

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OFFICE OF CLERK
BOARD OF SUPERVISORS

02-014

October 8, 2002 at 8:30 a.m.

206

RESOURCE MANAGEMENT AGENCY – Public Hearing and Adoption of an Ordinance Adopting the Proposed Amendments to the Ventura County Building Code (VCBC) and Related Codes. READ ORDINANCE IN TITLE ONLY; CONTINUE FINAL ADOPTION TO NOVEMBER 5, 2002 AT 9:00 A.M.
VARIOUS BUILDING CODES ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

Jack Phillips

244

Cont To 11/5/02
9 am

ORD
L1274

RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

October 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: ADOPTION OF PROPOSED AMENDMENTS TO THE VENTURA COUNTY BUILDING CODE (VCBC) AND RELATED CODES

RECOMMENDED ACTION:

1. Conduct a public hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing Law, for final adoption on November 5, 2002, at 9:00 a.m.

2. At a second meeting on November 5, 2002, at 9:00 a.m., receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective thirty days from the date of final passage, adopt a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law, and direct that the findings be filed with the State Building Standards Commission.

FISCAL/MANDATES IMPACT: None

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

The uniform building codes form the primary basis of authority under which local building departments regulate the construction of buildings and structures. The California Health and Safety Code requires every city or county to utilize virtually the same housing construction standards as those of the State, but with provision for local adjustments to reflect local conditions. The recommended revisions to Ventura County's local ordinance are part of the normal legal process which is prescribed by State law for the adoption of building codes.

The local County building codes which are currently in effect were last amended by the Board in June 1999. This proposed ordinance will update references to the latest editions of the State codes, and will maintain uniformity with nearby city and county jurisdictions, which are completing the same process. Additionally, the proposed ordinance will improve certain of the administrative and regulatory provisions of the Ventura County Building Code (VCBC) to facilitate administration and enforcement of the codes. The VCBC is a compilation of previously-adopted ordinances regulating construction and incorporates State adopted codes and other model codes.

4i12-1.02

Attachment "A" is a copy of the VCBC which incorporates the proposed amendments without strike outs or underlining and has been furnished to the Clerk of the Board for publication as required by law.

Attachment "B" is an abbreviated summary by article of the changes made to the VCBC.

Attachment "C" is a copy of the letter sent out by the Building Official to interested parties requesting their review of the draft VCBC.

Attachment "D" is a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law. Adoption of these express findings is required by Health and Safety Code Section 17922. A county may make modifications in the requirements of the State adopted codes which are reasonably necessary because of local conditions. Changes to State construction standards may not, however, result in standards less than State minimums.

Attachment "E" are the express findings required for adoption.

A copy of the proposed Ventura County Building Code and these attachments are available in the Clerk of the Board's office and at the Building and Safety Counters in the Simi Valley Court House and in the Administration Building in Ventura.

Existing amendments that have not changed from the prior code have been simply brought forward without modification. Changes made by the amendments fall into one of the following categories:

1. Editorial changes that either update references, section numbers, chapter and section titles, or add highlighting of definitions, or make grammatical corrections and clarifying language revisions. These are found in various places throughout the code.

2. Administrative changes that modify permit processes or requirements or other administrative provisions in the code. Prominent administrative changes include those dealing with the title, scope and purpose of the code, violations, organization and enforcement, Boards of Appeal, permits, fees, inspections and certificates of occupancy.

3. Technical changes or "building standards", which actually affect the specific design and approval of a structure. Many of the amendments dealing with "building standards" have been reduced or eliminated as they are now found in the State code itself and are no longer necessary to add by amendment.

   Other technical changes have been made to the codes in regard to definitions, high fire hazard areas, structural forces, foundations, shear walls, gypsum board and plaster, relocated buildings, swimming pools, mobile homes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing, elevators, excavation and grading, wiring methods and materials, factory-built chimneys and sewage disposal systems.

Beginning on September 25, 2002, an initial draft of the proposed VCBC amendments was sent to interested parties, including engineers, architects and draftspersons, builders and contractors, individual citizens and industry groups such as the Ventura County Contractors Association, Building Industries Association, American Institute of Architects, and the Structural Engineers Association and to members of the County's Building Appeals Boards.

This item has been reviewed by the Chief Executive Office, County Counsel and the Auditor-Controller. A legislative version with strikeouts through deleted words and sentences and underlining under new words and sentences is on file with the Clerk of the Board of Supervisors. If you have any questions, please call me at extension 2787.

Jack Phillips

JACK PHILLIPS, BUILDING OFFICIAL

G:\WPC\WINWORD\4i12-1.02.doc

Attachment "A": Proposed Ventura County Building Code

Attachment "B": Abbreviated Summary of Code Amendments

Attachment "C": Letter from Building Official to Interested Parties

Attachment "D": Resolution Adopting Express Findings Regarding Modification of Uniform Codes Subject to the State Housing Law

Attachment "E": Express Findings Required for Adoption

c: Building Industries Association
American Institute of Architects
Associated General Contractors of California
Ventura County Contractors Association
Structural Engineers Association

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: October 28, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Roberta Rodriguez
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-017

Please publish the attached: **SUMMARY ORDINANCE – Amending the Ventura county Building Code and Related Codes - Hearing – November 5, 2002,**

One (1) time in the issues of THURSDAY, OCTOBER 31, 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.star

2nd Nov 5th 9 am

NOTICE OF PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN BUILDING CODES, TOGETHER WITH AMENDMENTS THERETO; AND ADOPTING CERTAIN OTHER PROVISIONS REGULATING BUILDINGS AND STRUCTURES

NOTICE IS HEREBY GIVEN that a public hearing, as provided by law, will be held by the Board of Supervisors of the County of Ventura to consider adoption of amendments to the Ventura County Building Code.

The proposed ordinance would adopt by reference current editions of the following California and uniform codes, making them applicable in the unincorporated areas of Ventura County: California Building Code 2001 edition, Uniform Housing Code 1997 edition, Uniform Code for the Abatement of Dangerous Buildings 1997 edition, California Electrical Code 2001 edition, California Plumbing Code 2001 edition, California Mechanical Code 2001 edition and the California Conservation Code 2001 edition.

The proposed ordinance would amend certain administrative and regulatory provisions of the Ventura County Building Code.

Said public hearing will be held on Tuesday, November 5, 2002, at 10:00 a.m. in the Board of Supervisors' Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California, at which time any interested person may attend and be heard on this matter.

The Board of Supervisors may or may not adopt the proposed ordinance as a result of the public meeting. Final action will be taken at a subsequent meeting of the Board of Supervisors.

The Clerk of the Board of Supervisors will maintain copies of the proposed ordinance and code on file at the Government Center, Hall of Administration, Fourth Floor, 800 South Victoria Avenue, Ventura, California for review by interested persons. Dated this 11 day of October 2002.

JOHN F. JOHNSTON
Clerk of the Board of Supervisors

By: Karl Racenca
Deputy Clerk of the Board

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CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: October 3, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Karel Placencia
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-014

Please publish the attached: **FIRST AND SECOND NOTICE OF PUBLIC HEARING – Adoption of Ordinance for Proposed Amendments to the Ventura County Building Code (VCBC) and Related Codes,**

Two (2) times in the issues of FRIDAY, OCTOBER 11ST & 18TH , 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.star

RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

October 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: ADOPTION OF PROPOSED AMENDMENTS TO THE VENTURA COUNTY BUILDING CODE (VCBC) AND RELATED CODES

RECOMMENDED ACTION:

1. Conduct a public hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing Law, for final adoption on November 5, 2002, at 9:00 a.m.

2. At a second meeting on November 5, 2002, at 9:00 a.m., receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective thirty days from the date of final passage, adopt a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law, and direct that the findings be filed with the State Building Standards Commission.

FISCAL/MANDATES IMPACT: None

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

The uniform building codes form the primary basis of authority under which local building departments regulate the construction of buildings and structures. The California Health and Safety Code requires every city or county to utilize virtually the same housing construction standards as those of the State, but with provision for local adjustments to reflect local conditions. The recommended revisions to Ventura County's local ordinance are part of the normal legal process which is prescribed by State law for the adoption of building codes.

The local County building codes which are currently in effect were last amended by the Board in June 1999. This proposed ordinance will update references to the latest editions of the State codes, and will maintain uniformity with nearby city and county jurisdictions, which are completing the same process. Additionally, the proposed ordinance will improve certain of the administrative and regulatory provisions of the Ventura County Building Code (VCBC) to facilitate administration and enforcement of the codes. The VCBC is a compilation of previously-adopted ordinances regulating construction and incorporates State adopted codes and other model codes.

4i12-1.02

Attachment "A" is a copy of the VCBC which incorporates the proposed amendments without strike outs or underlining and has been furnished to the Clerk of the Board for publication as required by law.

Attachment "B" is an abbreviated summary by article of the changes made to the VCBC.

Attachment "C" is a copy of the letter sent out by the Building Official to interested parties requesting their review of the draft VCBC.

Attachment "D" is a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law. Adoption of these express findings is required by Health and Safety Code Section 17922. A county may make modifications in the requirements of the State adopted codes which are reasonably necessary because of local conditions. Changes to State construction standards may not, however, result in standards less than State minimums.

Attachment "E" are the express findings required for adoption.

A copy of the proposed Ventura County Building Code and these attachments are available in the Clerk of the Board's office and at the Building and Safety Counters in the Simi Valley Court House and in the Administration Building in Ventura.

Existing amendments that have not changed from the prior code have been simply brought forward without modification. Changes made by the amendments fall into one of the following categories:

1. Editorial changes that either update references, section numbers, chapter and section titles, or add highlighting of definitions, or make grammatical corrections and clarifying language revisions. These are found in various places throughout the code.

2. Administrative changes that modify permit processes or requirements or other administrative provisions in the code. Prominent administrative changes include those dealing with the title, scope and purpose of the code, violations, organization and enforcement, Boards of Appeal, permits, fees, inspections and certificates of occupancy.

3. Technical changes or "building standards", which actually affect the specific design and approval of a structure. Many of the amendments dealing with "building standards" have been reduced or eliminated as they are now found in the State code itself and are no longer necessary to add by amendment.

   Other technical changes have been made to the codes in regard to definitions, high fire hazard areas, structural forces, foundations, shear walls, gypsum board and plaster, relocated buildings, swimming pools, mobile homes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing, elevators, excavation and grading, wiring methods and materials, factory-built chimneys and sewage disposal systems.

Beginning on September 25, 2002, an initial draft of the proposed VCBC amendments was sent to interested parties, including engineers, architects and draftspersons, builders and contractors, individual citizens and industry groups such as the Ventura County Contractors Association, Building Industries Association, American Institute of Architects, and the Structural Engineers Association and to members of the County's Building Appeals Boards.

This item has been reviewed by the Chief Executive Office, County Counsel and the Auditor-Controller. A legislative version with strikeouts through deleted words and sentences and underlining under new words and sentences is on file with the Clerk of the Board of Supervisors. If you have any questions, please call me at extension 2787.

Jack Phillips

JACK PHILLIPS, BUILDING OFFICIAL

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Attachment "A": Proposed Ventura County Building Code

Attachment "B": Abbreviated Summary of Code Amendments

Attachment "C": Letter from Building Official to Interested Parties

Attachment "D": Resolution Adopting Express Findings Regarding Modification of Uniform Codes Subject to the State Housing Law

Attachment "E": Express Findings Required for Adoption

c: Building Industries Association
American Institute of Architects
Associated General Contractors of California
Ventura County Contractors Association
Structural Engineers Association

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
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CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: November 6, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Karel Placencia
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-018

Please publish the attached: **ORDINANCE NO. 4274, An Ordinance Amending the Ventura County Building Code and Related Codes,**

One (1) time in the issues of MONDAY, November 11, 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

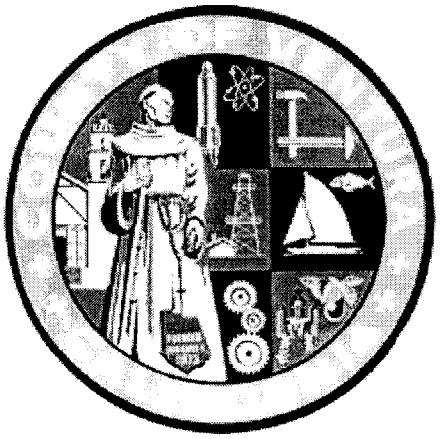
105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24
CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.



Ordinance Number

4274

Date Adopted

11/5/2002

Subject

VENTURA COUNTY ORDINANCE AMENDING THE COUNTY BUILDING CODE AND ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN MODEL CODES AS FOLLOWS: CALIFORNIA BUILDING CODE, 2001 EDITION AND UNIFORM HOUSING CODE, 1997 EDITION

Comments

VENTURA COUNTY

BUILDING CODE

2001 EDITION

Ventura County Ordinance

Compiled by

THE RESOURCE MANAGEMENT AGENCY
DIVISION OF BUILDING AND SAFETY

Ventura

800 South Victoria Avenue, Ventura, CA 93009
(805) 654-2771

East County

3855-F Alamo, Rm. 2019-A
Simi Valley, CA 93065
(805) 582-8064

4i9-1.02

ATTACHMENT "A"

The Ventura County Building Code, as shown herewith, is a compilation of the following ordinances adopted by the Ventura County Board of Supervisors.

Ordinance no.	Effective date
3773	June 19, 1986
3778	July 31, 1986
3904	August 11, 1989
4002	August 14, 1992
4130	June 12, 1997
4188	July 15, 1999

VENTURA COUNTY BUILDING CODE

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ORDINANCE NO. 4274

AN ORDINANCE OF THE COUNTY OF VENTURA AMENDING THE VENTURA COUNTY BUILDING CODE AND ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN MODEL CODES AS FOLLOWS: CALIFORNIA BUILDING CODE, 2001 EDITION; UNIFORM HOUSING CODE, 1997 EDITION; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; CALIFORNIA ELECTRIC CODE, 2001 EDITION; CALIFORNIA PLUMBING CODE, 2001 EDITION; THE CALIFORNIA MECHANICAL CODE, 2001 EDITION; AND APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE, 2001 EDITION, TOGETHER WITH AMENDMENTS THERETO.

The Board of Supervisors of the County of Ventura ordains as follows:

The Ventura County Building Code (VCBC) is hereby amended to read as follows:

ARTICLE 1 - ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND OTHER MODEL CODES BY REFERENCE

CHAPTER 1 - ADOPTION INTO THE VENTURA COUNTY BUILDING CODE

Section 101 VENTURA COUNTY BUILDING CODE DEFINED.

101.1 ELEMENTS. The Ventura County Building Code contained herein is comprised of the following elements:

a) The specified portions of the California Building Standards Codes known as Title 24, Parts 2, 3, 4, 5, 6, 8 and 10; and

b) The model codes referenced by the California Building Standards Code and the model codes herein adopted by reference being:

1) The Uniform Building Code, 1997 Edition.
2) The National Electrical Code, 1999 Edition.
3) The Uniform Mechanical Code, 2000 Edition.
4) The Uniform Plumbing Code, 2000 Edition.
5) The Uniform Code for Building Conservation, 1997 Edition.
6) The Uniform Housing Code, 1997 Edition.
7) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition; and

c) The Ventura County Amendments contained in this ordinance to the above referenced codes.

Taken together, the codes and amendments described above constitute the Ventura County Building Code.

101.2 AMENDMENTS. Ventura County amendments to the California Building Standards Code and the other adopted model codes are found in Articles 3 through 9 of this code.

Section 102 ADMINISTRATION. The administrative provisions referenced in Article 2 - General Application Amendments are applicable to all portions of the Ventura County Building Code.

Section 103. FILING WITH THE CLERK OF THE BOARD. Not less than one (1) certified copy of this Code and of each of the codes adopted by reference herein are on file in the office of the Clerk of the Board of Supervisors, and all such certified copies of the codes shall be kept at that office for public inspection while this Code is in force.

Section 104. COPIES OF CODE FOR SALE TO THE PUBLIC. Copies of the Ventura County Building Code shall be made available in the office of the Division of Building and Safety for examination. Purchase of the codes by the public at a price not to exceed the actual cost thereof to the County plus a reasonable handling charge as established by the Building Official may be available depending on the stock on hand.

CHAPTER 2 - ADOPTION OF THE CALIFORNIA BUILDING CODE (CBC)

Section 101. ADOPTION. That building code known as the "California Building Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 2 - a portion of the "California Building Standards Code", which incorporates by reference the 1997 edition of the Uniform Building Code with adopted California amendments, together with Appendices Chapter 3, Division I; Chapter 3, Division II; Chapter 4, Division II; Chapter 12, Division I; Chapter 12, Division IIA; Chapter 15; Chapter 16, Division IV; Chapter 18; Chapter 29; Chapter 30; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33 promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose and subject matter of which, among other things, is to protect the public health and safety as set out in Section 101.2 of the Uniform Building Code, is hereby adopted and enacted as the primary building code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this Ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Building Code are found in Article 3 of this Code.

CHAPTER 3 - ADOPTION OF THE CALIFORNIA ELECTRICAL CODE (CEC)

Section 101. ADOPTION - That Electrical Code known as the "California Electrical Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 3 - a portion of the "California Building Standards Code", which incorporates by reference the 1999 edition of the National Electrical Code with necessary California amendments, promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269; the purpose of which, among other things is to provide minimum standards for the design, installation, maintenance, and use of electrical wiring and electrical apparatus in order to safeguard persons and property from electrical hazards, is hereby adopted and enacted as the primary Electrical Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein, with specific modifications as indicated in Article 4:

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Electrical Code are found in Article 4 of this code.

CHAPTER 4 - ADOPTION OF THE CALIFORNIA MECHANICAL CODE (CMC)

Section 101. ADOPTION. That mechanical code known as the California Mechanical Code," 2001 Edition and also known as the California Code of Regulations (C.C.R.), Title 24, Part 4 - a portion of the "California Building Standards Code", which incorporates by reference the 2000 edition of the Uniform Mechanical Code with necessary California amendments, and Appendices A, B, C, and D promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, and as amended herein, the purpose and subject matter of which, among other things, is to protect public health and safety as stated in Section 102 of said code, is hereby adopted and enacted as the primary mechanical code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Mechanical Code are found in Article 5 of this code.

CHAPTER 5 - ADOPTION OF THE CALIFORNIA PLUMBING CODE (CPC)

Sec. 101 ADOPTION. That plumbing code known as the "California Plumbing Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 5 - a portion of the "California Building Standards Code", which incorporates by reference the 2000 edition of the Uniform Plumbing Code with necessary California amendments, together with Uniform Plumbing Code Appendices A, B, C, D, E, G-A, H, I, J, K and L promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, the purpose and subject matter of which is to protect public health and safety by establishing minimum regulations for the installation, alteration, or repair or plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Plumbing Code are found in Article 6 of this code.

CHAPTER 6 - ADOPTION OF THE UNIFORM HOUSING CODE (UHC)

Section 101. ADOPTION - That Housing Code known as the "Uniform Housing Code," 1997 Edition which was promulgated and published by the International Conference of Building Officials, 5360 South Workingman Mill Road, Whittier, California 90601, the purposes and subject matter of which among other things is to protect the public health and safety as set out in Section 102 of said Code, is hereby adopted and enacted as the primary Housing Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herewith with specific modifications as indicated below.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the Uniform Housing Code are found in Article 7 of this code.

CHAPTER 7 - ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

Section 101 ADOPTION. That code known as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose of which, among other things, is to protect the public health and safety as set out in Section 102 of this Code, is hereby adopted and enacted as the Code for Abatement of Dangerous Buildings in the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein with specific modifications as indicated below. This Code will be referred to herein as the Dangerous Buildings Code.

Sec. 102 AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments Ventura County amendments to the Dangerous Buildings Code are found in Article 8 of this code.

CHAPTER 8 - ADOPTION OF APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE (CCC)

Sec. 101 ADOPTION: That building conservation code known as the "California Conservation Code", 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 10 - a portion of the "California Building Standards Code" which incorporates by reference Appendix Chapter 1 of the 1997 edition of the Uniform Code for Building Conservation, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as amended herein, the purpose and subject matter of which, among other things, is to promote public safety and welfare by reducing the risk of death or injury from the effects of earthquakes on existing unreinforced masonry bearing wall buildings as stated in Section A101 of said code, is hereby adopted as the primary unreinforced masonry building conservation code of the County and made a part of this code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Sec. 102 AMENDMENTS: Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to Appendix Chapter 1 of the Uniform Code for Building Conservation are found in Article 9 of this code.

ARTICLE 2 - AMENDMENTS OF GENERAL APPLICATION TO ALL OF THE ADOPTED STATE AND MODEL CODES

CHAPTER 1 - ADMINISTRATION

Section 101 TITLE, PURPOSE AND SCOPE

101.1 TITLE. This ordinance shall be known as the "Ventura County Building Code," may be cited as such, and will be referred to herein as "this Code."

This ordinance shall adopt certain State and model codes by reference, together with amendments thereto, as published herein. These referenced codes and amendments shall have the same force and effect as if fully set forth herein.

101.2 PURPOSE. The Board of Supervisors expressly finds that the purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, relocation, and maintenance of all buildings and structures within the County and certain equipment specifically regulated herein.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this code.

101.18 AUTHORITY. This code is adopted pursuant to the statutory authority of Health and Safety Code Section 17910 et seq., known as the "State Housing Law." It is further adopted in conformity with the provisions of Sections 50022.1 to 50022.10, inclusive of the Government Code relating to the adoption of codes by reference.

101.19 APPLICABILITY. This code shall apply within all of the unincorporated territory of Ventura County.

101.20 INTENT. It is the intent of this Article to provide administrative control over all of the applicable sections of the adopted State and model codes even if these sections are not specifically identified in each of the adopted codes.

101.21 CONFLICTS. Wherever conflicts occur between the provisions of this Code and the separate codes adopted by reference hereby, or between different sections within such individual code or codes, the provisions which are more strict or which set the highest standard of health and safety shall govern.

Where conflicts occur between provisions of this code and other duly enacted County codes and ordinances, those provisions becoming law last in time shall govern.

Wherever in this code reference is made to the Appendix, the Appendix shall not apply unless specifically adopted.

101.22 SEVERABILITY. If any article, chapter, section, sub-section, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations. The Board of Supervisors hereby declares that it would have passed this ordinance, and each article, chapter, section, sub-

section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, chapters, sections, sub-sections, sentences, clauses, and phrases be declared unconstitutional or invalid.

101.23 SECTION NUMBERING AND CROSS-REFERENCING SYSTEM FOR CODE AMENDMENTS. To facilitate cross-referencing between the adopted codes as published and the amendments contained herein, amendments are numbered to correspond to the uniform and model code sections which are affected. Thus, "Article 3, Chapter 18 Section 1804" in this ordinance is an amendment to, and supersedes Chapter 18, Section 1804 as published in the California Building Code.

Generally, each numbered sub-section of the adopted codes, for example, UBC subsection 1804.2, is deemed to be separate and distinct from others for the purpose of amendment. An amendment to one sub-section changes only that portion and does not by omission of reference amend or delete any other part of the Section such as UBC Section 1804.7.

Sec. 103 VIOLATIONS.

103.1 GENERAL. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, building service equipment, machine or equipment or cause or permit the same to be done in violation of this Code or to violate any provision of this Code.

103.3 INFRACTIONS. It shall be an infraction of law for any person to remove, deface, or alter a posted notice of the Building Official or duly appointed representative when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this code.

103.4 MISDEMEANORS. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, misdemeanor/infraction, or infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Each and every violation of any provision of this Code is a misdemeanor unless designated by this Code to be an infraction or a misdemeanor/infraction.

103.5 MISDEMEANORS/INFRACTIONS. Every violation of this Code designated a misdemeanor/infraction shall be a misdemeanor; provided that, where the District Attorney has determined that such action would be in the best interests of justice, the District Attorney may specify in the accusatory pleading that the violation shall be an infraction and the violation shall then be prosecuted as an infraction.

103.6 PUNISHMENTS. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both such fine and imprisonment. Any person convicted of an infraction, the penalty for which is not otherwise prescribed, shall be punished by (a) a fine not exceeding one hundred dollars ($100) for the first violation; (b) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance provision within one year; and (c) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance provision within one year.

Sec. 104 - ORGANIZATION AND ENFORCEMENT

104.1 CONTINUANCE OF DIVISION. There is hereby continued within the County the "Division of Building and Safety" of the Resource Management Agency, which division shall be under the administrative and operational control of the Building Official designated by the appointing authority.

104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.2.1 ENFORCEMENT OF CODES. The Building Official is hereby authorized and directed to enforce all the provisions of this Code and of the codes adopted by reference hereby. The decision of the Building Official in enforcing the provisions of this Code or of the codes adopted by reference, or in interpreting the provisions thereof, or in exercising the authority delegated thereby shall be final, subject to appeal as provided in this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Whenever in this Code or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards, or rules or regulations as part of this Code or of any of the codes adopted by reference hereby unless set out in full herein, but they shall be considered and may be used by the Building Official as guides to assist in determining whether or not there has been compliance with the provisions of this Code. The Building Official shall not be bound by the provisions of any such other codes, standards, interpretations, or rules or regulations not expressly adopted by reference in this Code in determining such compliance.

104.2.2 DEPUTIES. In accordance with the prescribed procedures and with the approval of the appointing authority of the County, the Building Official may, from time to time, appoint such number of officers, inspectors, assistants and other employees as shall be necessary to carry out the functions of the Division of Building and Safety and act as duly authorized representatives of the Building Official.

104.2.3 RIGHT OF ENTRY. Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, hazardous, or insanitary, the Building Official or his authorized representative may enter such building, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons having charge or control of the building, structure, or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

104.2.4 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code, or in violation of applicable ordinances of other County agencies, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Whenever the Building Official finds that a building or structure for which a permit has been issued may be flooded or is subject to erosion hazard if the work is completed in the manner proposed, or that the completion of such work will cause the flooding of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of the Ventura

County Flood Control District (P.W.A.), or other qualified County officer for a determination as to such danger. If the Director of the aforementioned District or other qualified County officer reports that substantial danger exists, the Building Official shall order work stopped until plans to alleviate such danger have been reviewed and approved by said Director or County officer.

Failure to order work stopped or to make such referral or both shall not be construed as a representation that danger of flooding or erosion does not or will not exist if the work is completed in the manner proposed.

104.2.5 OCCUPANCY VIOLATIONS. Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that in the event of an unsafe building Section 102 in the Uniform Building Code shall apply.

104.2.6 LIABILITY. The Building Official or his authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the legal department of the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this code.

104.2.11 REPORTS AND RECORDS. The Building Official shall submit a report to the proper County official not less than once a year covering the work of the department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this Code.

The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

104.2.12 POWER OF CITATION. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code section 836.5, the Building Official and certain of his authorized subordinates as hereinafter provided shall have the power of arrest without warrant whenever they have reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a

violation of the provisions of this Code or any other ordinance or statute which the Building Official has a duty to enforce.

The persons who are authorized to make arrests as herein provided shall consist of the Building Official and those of his subordinates as he may from time to time designate, whose duties include inspection and enforcement activities for Ventura County.

In any case in which a person is arrested pursuant to this section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C (commencing with section 853.6) of the California Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this section.

104.2.13 NOTICE OF INTENT TO RECORD NOTICE OF NONCOMPLIANCE AND RECORDATION OF NOTICE OF NONCOMPLIANCE. Whenever the Building Official determines that work has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Building Official shall post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall described the property, shall set forth the noncomplying conditions, and shall inform the owner(s) that the Building Official shall record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeal.

A. If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeal, the Building Official shall record a Notice of Noncompliance.

B. If a timely appeal is filed with the Board of Appeal and the Board finds that the noncomplying conditions have not been corrected and need to be corrected, the Building Official shall record a Notice of Noncompliance.

Under either A or B above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall described the property, shall set forth the noncomplying conditions, and shall state that the property owner(s) have been notified.

If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or removed, the Building Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the noncomplying conditions have been corrected or removed. A fee as set forth in the Ventura County Building Code Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

104.2.14 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT. Whenever the Building Official ascertains that any building service equipment regulated in the referenced technical codes has become hazardous to life, health or property, or becomes insanitary, he shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written order itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When any building service equipment is maintained in violation of this code and in a violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

104.2.15 AUTHORITY TO DISCONNECT UTILITIES. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to a building, structure or building service therein regulated by this code, or the referenced technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupants of the building or structure of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupants of the building or structure, in writing, of such disconnection immediately thereafter.

104.2.16 RECONNECTION AFTER ORDER OF DISCONNECTION. No person shall make connections from any energy, power or fuel supply, nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24 (CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

Sec. 106 PERMITS

106.1 PERMITS REQUIRED. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, building service equipment, machine, equipment, or cause the same to be done, without first obtaining the necessary permit for each such building or structure from the Building Official. The terms "erect, construct, enlarge, alter, repair," etc. as used above shall be deemed to include any and all electrical, plumbing, mechanical, grading, or other work regulated by this Code.

106.1.1 STREAMLINED PERMITS FOR CERTAIN AGRICULTURAL BUILDINGS, GREENHOUSES AND SHADE STRUCTURES. The provisions of this code with respect to plan review and inspection shall not apply to certain agricultural buildings, greenhouses and shade structures as specified herein, provided that all of the following conditions are met:

1. The building or structure is used exclusively as an agricultural building as defined in the Uniform Building Code (U.B.C.), and is not designed, equipped or intended for human occupancy or any use other than as an agricultural building, and

2. The building or structure is detached, single story, not over 15 feet in height as defined in the U.B.C., and is of conventional wood frame (Type V-N) construction, and

3. The floor area of the building or structure does not exceed the following limits:

   a. On sites of 10 acres or more in size: 3,000 square feet.

   b. On sites 2 acres or more but less than 10 acres in size: 1,500 square feet, except for nurseries.

   c. On sites 2 acres or more but less than 10 acres in size: 3,000 square feet for nurseries licensed by the Agricultural Commissioner.

   d. On sites less than 2 acres in size: none.

   e. Shade cloth structures without permanently affixed sides: 12,000 square feet, and

4. The building is determined to be exempt from requirements for preparation of plans by a professional engineer or architect as set forth in the California Professional Engineer's or Architect Act, and

5. A Zoning Clearance as an agricultural building, greenhouse or shade structure for the building or structure is approved by the Planning Division, and

6. Approval from the Environmental Health Division is obtained for properties with septic systems, and

7. Approval from the Flood Control Department of the Public Works Agency is obtained as required, and

8. Approval from the Ventura County Fire Department is obtained relative to access, water supply, fire sprinkler, brush clearance and high fire hazard area requirements for any barn or storage structure designed and constructed to house farm implements, hay, grain, poultry or livestock in excess of 1,500 square feet in area; and where a review for other types of agricultural buildings up to 3,000 square feet in area in not required; and

9. Approval from the Development and Inspection Services Division of the Public Works Agency is obtained when a grading permit is required, and

10. A code complying exit is provided from the building or structure, and

11. There is no plumbing, mechanical or electrical work proposed for the building or structure.

106.1.1.1 FEES FOR STREAMLINED AGRICULTURAL BUILDING PERMITS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to agricultural buildings, greenhouses and shade structures qualifying for the above procedure under the provisions of that subsection.

106.1.1.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.1.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

106.1.2 PERMITS FOR SMALL AGRICULTURAL PRODUCE STANDS. The provisions of this Code with respect to plan review and inspection shall not apply to agricultural produce stands, as specified herein, provided that all of the following conditions are met:

1. A Zoning Clearance for the produce stand is approved by the Planning Division.
2. Approval for the sale of agricultural products is obtained from the Environmental Health Division.
3. Approval from the Environmental Health Division is obtained for properties with septic systems.
4. The produce stand is used exclusively for the sale of agricultural produce only.
5. The floor area of the building does not exceed 400 square feet and is a single story, conventional wood frame structure of type V-N construction.
6. An area equivalent to at least 65% of the area of the longest side is left open and unobstructed during business hours.
7. A code complying exit is provided from the structure.

106.1.2.1 FEES FOR SMALL AGRICULTURAL PRODUCE STANDS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to produce stands qualifying for exemption under the provisions of this subsection.

106.1.2.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.2.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

106.1.3 WAIVER OF PERMIT. The Building Official may, by administrative order, waive permit requirements for work which is not inimical to the public health, safety or welfare, or which because of its temporary nature or special purpose, does not fall within the purview or intention of this Code.

106.1.4 EMERGENCY BUILDING PERMITS. The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

Emergency repairs to plumbing, electrical, and mechanical installations may be initiated prior to obtaining the required permits, provided that such work was urgently necessary and it was impractical to obtain the permits prior to commencement of the work. Permits for all such work shall be obtained as soon as it is practical to do so.

Sec. 106.2 EXEMPTED WORK. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, patio covers, playhouses, playground or athletic equipment and similar uses provided the floor area does not exceed 120 square feet.

2. Fences not over 6 feet high measured from highest point of grade, unless supporting a surcharge or structural element.

3. Oil derricks.

4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

5. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and wood decks not more than 30 inches above grade at any point and not over any basement or story below, nor supporting any structure above.

8. Painting, papering, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported completely by an exterior wall of Group R, Division 3 or Group U, Division 1 Occupancies when projecting not more than 54 inches nor encroaching into required yards.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

13. Freestanding signs not more than 10 feet in height and not more than 72 square feet in area and wall signs not more than 200 square feet in area.

14. Residential television and radio antennas and dish antennas not more than 3 feet in diameter with an approved zone clearance.

15. Commercial antennas not over 15 feet in height when in compliance with the County Zoning Ordinance.

16. Electrolier standards and flag poles not over 35 feet in height when in compliance with the County Zoning Ordinance.

17. Readily removable plastic covered hoop structures without in-ground footings or foundations that are not more than 8' in height.

18. Agricultural wind generating machines except that an electrical or gas permit is required if they are connected to a commercial utility.

19. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade and not more than 1,000 square feet of roof area.

Unless otherwise exempted, separate plumbing, mechanical and electrical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Sec. 106.3 - APPLICATION

106.3.1 APPLICATION FOR PERMIT. To obtain a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

1. Give such information as may be required by the Building Official, County Agencies, or State Law.

2. Be accompanied by such plans, diagrams, computations, schedules, specifications and other data as may be necessary to determine compliance with this Code and other applicable codes, laws, ordinances, rules and regulations.

106.3.2 SUBMITTAL DOCUMENTS.

Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal

documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Computations, diagrams, schedules, soil reports, geological or geotechnical reports, and other data sufficient to show the correctness and adequacy of the plans shall be submitted when required by the Building Official.

A Survey of a lot may be required by the Building Official to assure that a structure is located in accordance with requirements, and/or is situated with respect to Mean Sea Level such that it complies with regulations governing construction in flood-prone areas.

Sec. 106.4 - PERMITS ISSUANCE

106.4.1 PERMIT ISSUANCE AND DENIAL. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees have been paid, he shall issue a permit therefor to the applicant.

Except where special building designs or other mitigating measures have been approved by the Building Official and cooperating officials of other County agencies, a building permit may be denied where physical features of a building site are such that a denial of the building permit is deemed necessary to safeguard life or limb, health, property, or public welfare. Physical features which justify the denial of a permit shall include but shall not be limited to:

1. Precipitous cliffs or other nearby vertical land masses of unknown stability.
2. Unstable soils or geologic conditions.
3. Terrain which is subject to flooding, inundation, or sever soil erosion.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been found complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building or structure will be granted.

106.4.1.1 PERMIT ISSUANCE: RESTRICTIONS. The issuance of permits shall be restricted to those applicants or their authorized representatives who are entitled by the regulations and the exemptions in the State Contractor's License Law, Business and Professions Code, and other applicable statutes to perform work regulated by this Code.

1. Owner-Builder permits may be issued to a property owner building or improving his/her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

(a) The residence is not intended or offered for sale.

(b) The homeowner has actually resided in the residence for the 12 month period prior to the completion of the work for which the permits is issued.

2. Owner-Builder permits may be issued to a property owner building or improving structures thereon who contract for such projects with licensed contractors pursuant to Division 3, Chapter 9, of the California Business and Professions Code.

3. Tenant Improvement permits may be issued to tenants when authorized by the building owner for work within the tenant space.

106.4.4 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days after the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the work authorized by such permit does not receive final inspection approval within 3 years from the issuance date of the permit. Before such work may be recommenced, a new or renewed permit shall first be obtained to do so. The fee therefor shall be based upon the valuation and extent of work remaining to complete the project, but such fee shall not exceed one-half the current permit fee providing no changes have been made or will be made in the original plan and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may perform work under that permit when he is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may, without requiring payment of an additional permit fee, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Demolition permits issued for the correction of violations shall expire after 30 days.

For the purpose of this Section "suspended or abandoned" shall be measured as elapsed time between approved REQUIRED INSPECTIONS as delineated in UBC Sections 108.5 through 108.7.

106.4.5 SUSPENSION OR REVOCATION OF PERMIT. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code or for just cause.

106.4.6 PERMITS TRANSFERABLE. Permits required by this Code may be transferred from the original permittee to second parties when legal requirements have been satisfied, when approved by the Building Official, and when applicable fees have been paid.

106.4.7 ANNUAL MAINTENANCE PERMITS. The Building Official may, upon receipt of the required fee, issue an annual maintenance permit to any authorized person, firm, or corporation regularly engaged in the repair, replacement, or facility maintenance of electrical, plumbing, or mechanical systems regulated by this Code. The annual maintenance permit shall cover maintenance work which is performed on the specific premises of a person, firm or corporation and shall entitle the holder to be issued permits for said work on a monthly basis in lieu of obtaining individual permits prior to each installation or alteration of electrical wiring, plumbing, or mechanical equipment.

The holder of an annual maintenance permit shall report all work done under the permit on a form furnished for the purpose not more than fifteen (15) days following the end of each calendar

month, or as otherwise approved by the Building Official. Each such report shall be accompanied by required fees.

Annual Maintenance Permits shall only be applicable to commercial and industrial facilities.

Sec. 107 - FEES

107.1 GENERAL. Fees for permits and services rendered pursuant to this Code shall be assessed as set forth in this Code, and in accordance with the Ventura County Building Code Fee Schedule as established by the Board of Supervisors.

107.2 BUILDING PERMIT FEES. The fee for each building permit shall be as set forth in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.2.1 ELECTRICAL PERMIT FEES. The fee for each electrical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.2 MECHANICAL PERMIT FEES. The fee for each mechanical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.3 PLUMBING PERMIT FEES. The fee for each plumbing permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.4 OTHER FEES. Other fees charged for services by the Division of Building and Safety shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.3 PLAN REVIEW FEES. When a plan or other data are required to be submitted by Sec. 106.3.2, a plan review fee shall be paid at the time of submitting plans and data for plan review. Said plan review fee shall be 75 percent of the building permit fee as shown in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The plan review fees specified in this subsection are separate fees from the permit fees, and are in addition to the permit fees.

The amount of the plan review fee for the initial submittal of a "Standard Plan" as defined herein shall be the full plan review fee as specified above. The plan review fee for subsequent submittals of a plan which qualifies as a "Standard Plan" shall be one-half of the initial plan review fee. "Standard Plan is hereby defined as a prototype plan for a building or structure which is to be utilized at more than one site, and which incorporates the same essential structural features, design, dimensions and calculations as the original approved plan. A "Standard Plan" shall be void three years after its original approval or upon revision of the applicable codes under which it was initially reviewed, or at the discretion of the Building Official."

When plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged but such fee shall not exceed one-half the initial plan review fee. Corrected plans which are resubmitted to the Division of Building and Safety for approval subsequent to initial plan review shall not be subject to an additional plan review fee. The fee for

additional plan review may be waived by the Building Official when the time consumed in the performance of such service totals less than one-half hour.

107.4 EXPIRATION OF PLAN REVIEW. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When plans are resubmitted for checking after expiration of plan review and no changes have been made or will be made in the original plans and specifications for the work, and no code changes have occurred, the plan review may be renewed for 180 days and the plan review fee may be one-half the current plan review fee provided the re-submittal has not exceeded one year from the expiration date.

107.5 INVESTIGATION FEES: WORK WITHOUT PERMIT.

107.5.2 FEE. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the Ventura County Building and Safety Fee Schedule.

The payment of such investigation fee shall not exempt any person from compliance with all applicable provisions of this code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

107.6 FEE REFUNDS. The Building Official may authorize the refunding of fees upon written application by the original permittee, within the limitations set forth herein:

(a) Permit issuance fees shall be nonrefundable except as provided in subsection (c) below.

(b) Any fee totaling thirty-five dollars ($35) or less, exclusive of any issuance fee, if any, shall be nonrefundable except as specified in subsection (c) below.

(c) 100% of any fee erroneously paid or collected shall be refundable, except for that portion paid for State Seismic Fee (SMIP).

(d) 90% of any plan review fee, less a cancellation fee, shall be refundable when the permit application is withdrawn or canceled prior to commencement of plan review.

(e) 90% of any permit fee, less a cancellation fee and State of California Seismic Fee (SMIP), shall be refundable when none of the work covered by such permit has commenced.

(f) 90% of any Board of Appeals hearing fee, less a cancellation fee, shall be refundable when such hearing is canceled prior to the issuance of a Notice of Hearing pertaining to the case.

Failure of the permittee to make written application for a refund within 180 days of cancellation or expiration of a plan review, permit, hearing, or request for service for which a fee has been paid, shall constitute a waiver of entitlement to a refund. No partial refund shall be authorized nor credit be applied against other fees which may be payable to the Division of Building and Safety when a construction project is canceled or abandoned subsequent to partial completion of the building or work authorized by a permitted.

107.7 CANCELLATION FEE. Refunds of fees for permits and services associated with construction projects which are canceled or withdrawn prior to commencement of plan review, inspection, or performance of other service by the Division of Building and Safety shall be subject to a cancellation fee as set forth in the Ventura County Building and Safety Fee Schedule.

Sec. 108 - INSPECTIONS

108.1. GENERAL.

All construction or work for which a permit is required shall be subject to inspection by the building official to ensure compliance with the requirements of this Code and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701.5.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official by telephone, orally, or in writing when said work is ready for inspection. Such notification shall be given at least one working day before such inspection is desired.

No portion of any building, structure, wiring, plumbing, ductwork or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official. The Building Official shall have authority to remove, or to require the removal of, any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, ductwork, electrical, or mechanical equipment, as necessary to verify compliance with the approved drawing or codes.

108.4 APPROVALS REQUIRED. Work shall not be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required in subsection 108.5 in the UBC and by other applicable laws and ordinances.

There shall be a final inspection and approval on all buildings when completed and ready for occupancy. An approval for occupancy and the issuance of a clearance by the Building Official for the connection of utilities to any building or structure shall be contingent upon compliance with provisions of this Code and any other applicable laws and ordinances.

When, in the judgment of the Building Official, unusual conditions exist which justify the connection of utilities prior to completion of a building or structure, a temporary clearance may be issued for such connection.

SECTION 109 - CERTIFICATE OF OCCUPANCY

109.3 CERTIFICATE ISSUED. After the building official inspects the building or structure and finds no violations of the provisions of this code, including type of occupancy and use of the building, or other laws or regulations enforced by the code enforcement agency, the building official shall issue a Certificate of Occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and mailing address of the owner.
4. The name and mailing address of the tenant.
5. A description of that portion of the building, including floor area (in square feet) for which the certificate is issued.

6. A statement that the described portion of the building has been inspected for compliance with this code for the group and division of occupancy and the use for which the designated occupancy is classified.

7. The name of the building official.

8. The date that the Certificate of Occupancy was issued.

The Certificate of Occupancy shall run concurrently with the tenancy of the building. Subsequent tenants shall be required to obtain a Certificate of Occupancy in their name.

109.4 TEMPORARY OR PARTIAL CERTIFICATE. Upon application by the owner, and for reasonable cause, if the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the entire building is completed, a Temporary or Partial Certificate of Occupancy may be issued for a portion or portions of the building. Such Temporary or Partial Certificate must include compliance with this code for all required access and exiting systems, toilet facilities and fire protection equipment and systems.

Upon completion of the entire structure all Temporary or Partial Certificates shall be surrendered to the building official in exchange for a final Certificate of Occupancy, as specified in UBC Section 109.3.

ARTICLE 3 - AMENDMENTS TO THE CALIFORNIA BUILDING CODE (CBC)

CHAPTER 2 - DEFINITIONS

Sec. 200 - GENERAL AMENDMENTS

See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more specific shall apply.

Sec. 201 - DEFINITIONS

201.1.1 DEFINITIONS. Whenever in this Code, or in any of the codes herein adopted, the following names or terms are used, they shall have the meanings set out herein.

Section 202-A
"APARTMENT HOUSE" shall mean any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums and townhouses.
Section 203-B
"BUILDING OFFICIAL" or **"building official"** shall mean the person appointed by the Director of the Resource Management Agency charged with the administration of the Division of Building and Safety, or a duly authorized representative.
Exceptions: 1. For the purpose of administering APPENDIX Chapter 33 - of the Uniform Building Code as amended, Excavation and Grading, the term "Building Official" shall mean the Director of Public Works Agency, or a duly authorized representative. The Director of Public Works Agency or his duly authorized representative shall assume the power of citation for enforcement of APPENDIX Chapter 33 - as said Power of Citation is described in ARTICLE II - Chapter 1, Section 104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL, subsection 104.2.12 - POWER OF CITATION, in this ordinance.

2. For the purpose of administering those requirements of Chapter 7 and APPENDIX K of the Uniform Plumbing Code pertaining to the approval, permitting and inspection of private sewage disposal systems, the term "Building Official" shall mean the Environmental Health Officer or the Director of Building and Safety, or a duly authorized representative. The Environmental Health Official or his duly authorized representative shall assume the power of citation for the enforcement of Chapter 7 and APPENDIX K of the UPC as said Powers of Citation are described in ARTICLE 2 - Chapter 1, Section 104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL, Subsection 104.2.12 - POWER OF CITATION, in this ordinance.
3. For the purposes of administering provisions of the Uniform Housing Code pertaining to the abatement of health hazards, the term "Building Official" shall mean the manager of the Division of Building and Safety and/or the Environmental Health Officer, or a duly authorized representative.

"BUILDING SERVICE EQUIPMENT" Shall mean the plumbing, mechanical, electrical, and elevator equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of a building or structure for its designated use and occupancy.

Section 204-C
"CHIEF ELECTRICAL INSPECTOR," "ADMINISTRATIVE AUTHORITY" and all other terms and designations indicating the person authorized and directed to carry out, enforce and

exercise governmental rights, privileges and duties shall, unless expressly indicated otherwise, mean the Building Official and any duly authorized deputies, assistants, and inspectors.

"CITY," "COUNTY," and other terms designating the local governmental entity having jurisdiction, shall mean the County of Ventura or the area under its jurisdiction.

Section 205-D

"DIRECTOR OF PUBLIC WORKS" shall mean the Director of Public Works except that it shall mean the Building Official for purposes of directing work of repair or demolition having an estimated cost of $4,000 or less pursuant to Section 1401.3 in the Uniform Housing Code and Section 701.3 in the Dangerous Buildings Code.

Section 206-E

"ENVIRONMENTAL HEALTH OFFICER" or **"ENVIRONMENTAL HEALTH OFFICIAL"** shall mean the duly appointed Director of the Environmental Health Department of the County or a duly authorized representative.

Section 207-F

"FIRE DEPARTMENT" shall mean the Ventura County Fire Protection District or the fire service agency having jurisdiction.

207-F **"FLOOD HAZARD AREA"** is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Control Department of the Public Works Agency.

Section 208-G

GRADE (Adjacent Ground Elevation for Structures within FLOOD HAZARD AREAS) is the point of elevation 12 inches above the highest elevation of the paved portion of the roadway adjacent to the subject lot, or the minimum height above mean sea level, whichever is the highest, as determined by the Flood Control Division of the Public Works Agency. (The Flood Control minimum elevation relates to the lowest habitable floor elevation; therefore, "GRADE" shall be established as the lowest habitable floor minus 6 inches in determining Reference Datum for measuring the maximum height of a structure.)

209-H **HABITABLE SPACE** (room) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls storage or utility space, and similar areas, are not considered habitable space.

EXCEPTION: For structures located within Flood Hazard Areas, bathrooms, toilet compartments, closets and laundry areas shall be considered as Habitable Space.

Section 217-P

"PERSON," "FIRM," or **"CORPORATION"** shall mean any and all entities of whatsoever nature or kind, including but not limited to individuals, owners, tenants, lessees, unions or organizations, cooperatives and trusts, corporations, partnerships whether general or limited, and unincorporated associations and shall include the plural as well as the singular number, the male and female gender, and all governmental entities subject in whole or in part to this Code and the codes adopted by reference herein.

Section 220-S

STORY, FIRST, is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided that such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.

EXCEPTION: For structures located within Flood Hazard Areas, see Section UBC 208 for definition of "GRADE (adjacent Ground Elevations for Structures within FLOOD HAZARD AREAS).

CHAPTER 6 - TYPES OF CONSTRUCTION

SECTION 607 - HIGH FIRE HAZARD AREAS

Sec. UBC 607.1 HIGH FIRE HAZARD AREA DEFINED. For the purpose of this code, certain areas in the unincorporated territory of the County shall be classified as the High Fire Hazard Area by the Ventura County Fire Protection District. The High Fire Hazard Area is defined as any area within 500 feet of uncultivated brush, grass, or forest-covered land wherein an authorized representative of said District determines that a potential fire hazard exists due to the presence of such flammable growth.

Sec. UBC 607.2 CONSTRUCTION REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Buildings or structures hereafter erected, constructed or moved within or into designated high fire hazard areas, including mobilehomes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section. Although their installation is encouraged, neither manual nor automatic fire extinguishing systems or similar water spraying devices may be substituted for the fire protection set forth herein.

607.2.1 ROOFS. Roof coverings shall be fire retardant Class A. as specified in Section 1504 in the UBC.

607.2.2 EXTERIOR WALLS. Fire-resistive protection of exterior walls and openings, as determined by location on property, shall be as required by Section 503 in the UBC.

EXCEPTION: No exterior wall covering of a building shall provide less fire resistance than that afforded by: 7/8-inch exterior cement plaster; 1-inch nominal thickness solid wood siding; 1/2-inch textured plywood siding having a groove depth of 1/8-inch or less; 7/16-inch hardwood siding; 5/8-inch particleboard, exterior type 2-M; or 5/8-inch exterior plywood, T1-11, having a groove depth of 1/4-inch or less. Fire-retardant treated or untreated wood shingle or shake siding shall not be permitted.

607.2.3 UNDERFLOOR AREAS. Where underfloor areas are not enclosed by fire-resistive construction conforming to the requirements of subsection 607.2.2 above, the underside of the floor system shall be fire-protected as set forth in subsection 607.2.4.

607.2.4 PROJECTIONS AND OTHER BUILDING ELEMENTS EXPOSED TO FIRE. Architectural projections such as roof overhangs and soffits, balconies and decks, and other elements of building which have combustible structural elements in the horizontal plane, shall be protected with materials approved for 1-hour fire-resistive construction on the lower, fire-exposed side and shall have 1-hour fire-resistive supporting columns unless the details of construction conform to those for heavy timber as described in Section 605 in the UBC.

EXCEPTIONS: 1. Combustible structural members in horizontal projections may be unprotected timbers of size 4 x 6 or larger when used as rafters or as stair, balcony, or deck supports or for similar purposes.

2. Patios, carports, arbors and open latticework sunshades may be constructed of any materials allowed by this Code.

3. Balconies and decks 30 inches or more above grade may have flooring of not less than 2-inch nominal thickness lumber or material of equivalent fire resistance. Such flooring may be spaced not more than 1/4-inch apart and need not be fire protected on the underside.
   Balconies and decks less than 30 inches above grade shall be solidly floored without gaps and shall be fire-protected on the underside as required by this Section. In lieu of fire protection, such balconies and decks may be enclosed from floor surface to grade in the manner prescribed for exterior walls in subsection 607.2.2 of this Section.
4. Combustible exterior columns directly supporting roofs, stairs, balconies, and decks may be size 4 x 4 or larger. Columns and beams supporting interior floor loads may be size 6 x 6 or larger.

607.2.5 VENTILATION OPENINGS. Attic or foundation ventilation opening or louvers shall not be located at or within 18", measure vertically, of eaves or rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire in adjacent hazardous grass or brush areas.

607.3 WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of UBC 607.2.1 through 607.2.5 above, in whole or in part, for specific construction projects within the High Fire Hazard Area when such waiver is approved by an authorized representative of the Ventura County Fire Protection District, based upon site conditions which justify a reduction in fire resistance.

CHAPTER 16 - DIVISION I - STRUCTURAL FORCES

Sec. 1611 OTHER MINIMUM LOADS.

1611.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1803 SOIL CLASSIFICATION - EXPANSIVE SOIL.

1803.2 EXPANSIVE SOIL. The expansive characteristics of soil shall be determined by procedures in accordance with UBC Standard Number 18-1 and the soils shall be classified according to Table Number 18-1-B of this Code. Foundations for structures bearing on soils with an expansion index greater than 20, as determined by UBC Standard Number 18-2, shall require special design consideration. In the event the soil expansion index varies with depth, the weighted index shall be determined according to Table Number 18-1-C in the UBC. The Soil Expansion Index shall be listed in all soils investigation reports.

A test to determine the soil expansion index shall be conducted for each building site except that in subdivisions the frequency of testing need not exceed one test per five contiguous lots or one test per five acres, whichever are is smaller. Such tests shall be made after rough grading is completed. Tests shall include a determination of the expansion index for the most expansive soil encountered within the top four feet at each test location whether in cut or fill or a combination thereof.

The expansion index for soil on subdivision lots which have not been individually tested shall be assumed to correspond to the highest reading determined by tests on proximate lots.

Section 1804 FOUNDATION INVESTIGATION.

1804.1. GENERAL. The classification of the soil at each building site shall be determined when required by the Building Official. Such determination shall be made by a California-licensed civil engineer experienced in soil engineering.

1804.2 INVESTIGATION. The classification of soil shall be based on observation and necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be required to evaluate soil strength, the effect of moisture variation on soil bearing capacity, compressibility, liquefaction and expansiveness.

In Seismic Zones 3 and 4, when required by the building official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

EXCEPTIONS: 1. The building official may waive this evaluation upon receipt of written opinion of a qualified geotechnical engineer or geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy with or without attached garages and single-story accessory structures thereto.

3. Group U, Division 1 Occupancies.

4. Fences.

5. Detached single-story Group U, Division 3 occupancies.

Whenever, in the opinion of the Building Official, the adequacy and stability of a building site cannot be determined by the test borings or excavations required by this Section he may require a special geologic, geotechnical, hydrologic, seismic, or other investigation and report. Geologic investigations such as those for hillside stability or seismic hazards shall be conducted by a California-certified Engineering Geologist.

1804.7 DRAINAGE AND MOISTURE PROTECTION.

1804.7.1 GENERAL. Provisions shall be made for the control and drainage of surface water around buildings. Concentrated drainage such as rainwater from gutters and downspouts, scuppers, and roof valleys shall be diverted away from building foundations by means of concrete splash blocks and/or other approved non-erosive devices. Underfloor access crawl holes, vents, and similar

openings below grade shall be provided with curbs extending not less than six (6) inches above adjacent grade to prevent surface water from entering the underfloor area.

1804.7.2 ROOF GUTTERS AND DOWNSPOUTS. When buildings are located on expansive soil having an expansion index greater than 50, gutters, downspouts, piping, and/or other non-erosive devices shall be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.

1804.7.3 VAPOR BARRIER. An approved vapor barrier shall be installed below concrete slab-on-grade floors of all residential occupancies in such a manner as to form an effective barrier against the migration of moisture into the slab. When sheet plastic material is employed for this purpose it shall be not less than 6 mils (.006 inch) in thickness. The installation of a vapor barrier shall not impair the effectiveness of required anchor bolts or other structural parts of a building.

Foundations at the perimeter of concrete floor slabs shall form a continuous moisture barrier of portland cement concrete or solid grouted masonry to the depths required by Table UBC 18-1-D in the ordinance.

1804.7.4 GROUNDWATER. Where the probability of groundwater intrusion into underfloor areas is found to exist, foundations and crawl spaces shall be designed to mitigate ponding, excess moisture conditions, and settlement of footings. (Refer to APPENDIX CHAPTER 18 for waterproofing and dampproofing of foundations.)

1806 FOOTINGS.

Section 1806.1. GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with Chapter 18, Division II and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings, foundations, and concrete slab floors at or below grade shall be constructed to comply with Table UBC 18-1-D (Rev.) and footnotes thereto in this ordinance, except when an approved alternative design is provided based on a foundation investigation. UBC Table 18-1-D and footnotes thereto in the UBC is hereby deleted in its entirety, and is replaced by VCBC Table UBC 18-1-D (Rev.) and footnotes thereto, published herewith.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind or wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards. See Section 3302 for subsoil preparation and wood form removal.

1806.11 HOLD-DOWN CONNECTORS.

1. All bolt-holes shall be 1/16" (max) over-sized at the connection of hold-downs to posts.

2. Hold-down connection bolts/nuts shall be torqued ½ turn beyond finger tight or as required by manufacturer.

3. Approved plate washers, in-lieu of cut washers, shall be provided for all plywood shearwall sill plate anchor bolts. See Table "A" below.

4. Approved plate washers, in-lieu of cut washers, shall be provided for hold-down connector bolts at shearwall wood flanges. See Table "A" below.

TABLE - A

MINIMUM SIZE FOR SQUARE PLATE WASHERS

BOLT SIZE	PLATE SIZE
1/2"	3/16" x 2" x 2"
5/8"	1/4" x 2 1/2" x 2 1/2"
3/4"	5/16" x 2 3/4" x 2 3/4"
7/8"	5/16" x 3" x 3"
1"	3/8" x 3 1/2" x 3 1/2"

1806.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Where additional foundation plate anchor bolts are required after foundations are completed, drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

1806.13 GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table UBC 18-1-D (Rev.), whichever is deeper, reinforced as specified for continuous foundations in Table UBC 18-1-D, shall be provided at garage door openings.

1806.14 FIREPLACE FOOTINGS. Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table UBC 18-1-D (Rev.).

TABLE 18-1-D (REV.)
MINIMUM FOUNDATION REQUIREMENTS*

WEIGHTED EXPANSION INDEX	FOUNDATION FOR SLAB & RAISED FLOOR SYSTEM (4) (8)							CONCRETE SLABS (8)		PREMOISTENING OF SOILS UNDER FOOTINGS, PIERS AND SLABS (4) (5)	RESTRICTION ON PIERS UNDER RAISED FLOORS
	NUMBER OF STORIES	STEM THICKNESS	FOOTING WIDTH	FOOTING THICKNESS	ALL PERIMETER FOOTINGS (5)	INTERIOR FOOTINGS FOR SLAB AND RAISED FLOORS (5)	REINFORCEMENT FOR CONTINUOUS FOUNDATIONS (2) (6)	3-1/2" MINIMUM THICKNESS			
					DEPTH BELOW NATURAL SURFACE OF GROUND AND FINISH GRADE			REINFORCEMENT (3)	TOTAL THICKNESS OF SAND (10)		
		(INCHES)									
0 - 20 Very Low (non-expansive)	1 2 3	6 8 10	12 15 18	6 7 8	12 18 24	12 18 24	1-#4 top and bottom	#4 @ 48" o.c. each way, or #3 @ 36" o.c. each way	2"	Moistening of ground recommended prior to placing concrete	Piers allowed for single floor loads only
21-50 Low	1 2 3	6 8 10	12 15 18	6 7 8	15 18 24	12 18 24	1-#4 top and bottom	#4 @ 48" o.c. each way, or #3 @ 36" o.c. each way	4"	120% of optimum moisture required to a depth of 21" below lowest adjacent grade. Testing required.	Piers allowed for single floor loads only
51-90 Medium	1 2	6 8	12 12	6 8	21 21	12 18	1-#4 top and bottom	#3 @ 24" o.c. each way	4"	130% of optimum moisture required to a depth of 27" below lowest adjacent grade. Testing required	Piers not allowed
	3	10	15	8	24	24	#3 bars @ 24" in ext. footing Bend 3' into slab (7)				
91-130 High	1 2	6 8	12 12	8 8	27 27	12 18	2-#4 Top and Bottom	#3 @ 24" o.c. each way	4"	140% of optimum moisture required to a depth of 33" below lowest adjacent grade. Testing required.	Piers not allowed
	3	10	15	8	27	24	#3 bars @ 24" in ext. footing Bend 3' into slab (7)				
Above 130 Very High	Special design by licensed engineer/architect										

*Refer to next page for footnotes (1) through (11).

FOOTNOTES TO TABLE UBC 18-1-D (Rev)

1. Premoistening is required where specified in Table UBC 18-1-D in order to achieve maximum and uniform expansion of the soil prior to construction and thus limit structural distress caused by uneven expansion and shrinkage. Other systems which do not include premoistening may be approved by the Building Official when such alternatives are shown to provide equivalent safeguards against the adverse effects of expansive soil.

2. Reinforcement for continuous foundations shall be placed not less that 3" above the bottom of the footing and not less than 3" below the top of the stem.

3. Reinforcement shall be placed at mid-depth of slab.

4. After premoistening, the specified moisture content of soils shall be maintained until concrete is placed. Required moisture content shall be verified by an approved testing laboratory not more than 24 hours prior to placement of concrete.

5. Crawl spaces under raised floors need not be premoistened except under interior footings. Interior footings which are not enclosed by a continuous perimeter foundation system or equivalent concrete or masonry moisture barrier complying with UBC 1804.7.3 in this ordinance shall be designed and constructed as specified for perimeter footings in Table UBC 18-1-D (Rev.).

6. Foundation stem walls which exceed a height of three times the stem thickness above lowest adjacent grade shall be reinforced in accordance with Chapter 21 and Sec. 1914 in the UBC, or as required by engineering design, whichever is more restrictive.

7. Bent reinforcing bars between exterior footing and slab shall be omitted when floor is designed as an independent, "floating' slab.

8. Where frost conditions or unusual conditions beyond the scope of this table are found, design shall be in accordance with recommendations of a foundation investigation. Concrete slabs shall have a minimum thickness of 4 inches when the expansion index exceeds 50.

9. The ground under a raised floor system may be excavated to the elevation of the top of the perimeter footing, except where otherwise required by engineering design or to mitigate groundwater conditions.

10. When subsoil drainage is required by the building official, refer to Sec. UBC APPENDIX 18.

11. Where a post-tensioning slab system is used, the width and depth of the perimeter footings shall meet the requirements of this table.

CHAPTER 23 - WOOD

TABLE 23-II-G MAXIMUM DIAPHRAGM DIMENSION RATIOS

MATERIAL	HORIZONTAL DIAPHRAGMS	VERTICAL DIAPHRAGMS
	Maximum Span-Width Ratios	Maximum Height-Width Ratios
1. Diagonal sheathing, conventional	3:1	1:1
2. Diagonal sheathing, special	4:1	2:1
3. Wood structural panels and particleboard, nailed all edges	4:1	2:1
4. Wood structural panels and particleboard, blocking omitted at intermediate joints	4:1	NP

TABLE 23-II-1-1 — ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES IN POUNDS PER FOOT FOR WOOD STRUCTURAL PANEL SHEAR WALLS WITH FRAMING OF DOUGLAS FIR-LARCH OR SOUTHERN PINE.[1, 2, 3, 4]

PANEL GRADE	MINIMUM NOMINAL PANEL THICKNESS (INCHES)	MINIMUM NAIL PENETRATION IN FRAMING (INCHES)	PANELS APPLIED DIRECTLY TO FRAMING					PANELS APPLIED OVER ½-INCH (13 mm) OR ⅝-INCH (16 mm) GYPSUM SHEATHING				
			Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm				Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm			
				6	4	3	2		6	4	3	2
	x 25.4 for mm			x 0.0146 for N/mm					x 0.0146 for N/mm			
Structural I	5/16	1 1/4	6d	150	225	293	383	8d	150	225	293	383
	3/8	1 1/2	8d	173[5]	270[5]	345[5]	458[5]	10d[6]	210	323	413	548
	7/16			191[5]	296[5]	379[5]	503[5]					
	15/32			210	323	413	548					
	15/32	1⅝	10d[6]	255	383	499	653	–	–	–	–	–
C-D, C-C Sheathing, plywood panel siding and other grades covered in U.B.C. Standard 23-2 or 23-3	5/16	1¼	6d	135	203	263	338	8d	135	203	263	338
	3/8			150	225	293	383		150	225	293	383
	3/8	1½	8d	165[5]	240[5]	308[5]	398[5]	10d[6]	195	368	368	480
	7/16			180[5]	263[5]	338[5]	439[5]					
	15/32			195	285	368	480					
	15/32	1⅝	10d[6]	233	345	450	578	–	–	–	–	–
	19/32			255	383	499	653					
			Nail Size (Galvanized Casing)					Nail Size (Galvanized Casing)				
Plywood panel siding in grades covered in U.B.C. Standard 23-2	5/16	1¼	6d	105	158	206	270	8d	105	158	206	270
	3/8	1½	8d	120	180	233	308	10d[6]	120	180	233	308

1 All panel edges backed with 2-inch (51 mm) nominal or wider framing. Panels installed either horizontally or vertically. Space nails at 6 inches (152 mm) on center along framing members for ⅜-inch (9.5 mm) and 7/16-inch (11 mm) panels installed on studs spaced 24 inches (610 mm) on center and 12 inches (305 mm) on center for other conditions and panel thicknesses. These values are for short-time loads due to wind or earthquake and must be reduced 25 percent for normal loading.

Allowable shear values for nails in framing members of other species set forth in Table 23-III-FF of Division III shall be calculated for all other grades by multiplying the shear capacities for nails in Structural I by the following factors: 0.82 for species with specific gravity greater than or equal to 0.42 but less than 0.49, and 0.65 for species with a specific gravity less than 0.42.

2 Where panels are applied on both faces of a wall and nail spacing is less than 6 inches (152 mm) on center on either side, panels joints shall be offset to fall on different framing members or framing shall be 3-inch (76 mm) nominal or thicker and nails on each side shall be staggered.

3 Framing at boundary and panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered for all plywood shear walls with shear values exceeding 300#/ft. Nailing edge distance for 3x boundary and panel edge members shall be ½-inch minimum.

4 The maximum allowable shear for 3-ply plywood, less than ⅝-inch thickness, shall not exceed 200#/ft. when used in shearwalls and framing of Douglas Fir-Larch or Southern Pine.

5 The values for ⅜-inch (9.5 mm) and 7/16-inch (11 mm) panels applied direct to framing may be increased to values shown for 15/32-inch (12 mm) panels, provided studs are spaced a maximum of 16 inches (406 mm) on center or panels are applied with long dimension across studs.

6 Fr[illegible]g at adjoining panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered where 10d nails having penetration into framing of more than 1⅝ inches (4[illegible]) are spaced 3 inches (76 mm) or less on center.

CHAPTER 25 - GYPSUM BOARD AND PLASTER

Section 2513 - SHEAR-RESISTING CONSTRUCTION WITH WOOD FRAME.

2513.4 HEIGHT TO LENGTH RATIO. The maximum allowable height-to length ratio for the construction in this section shall be 1 to 1. Wall sections have height-to-length ratios in excess of 1½ to 1 shall be blocked.

TABLE 25-I - ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES
IN POUNDS PER FOOT FOR VERTICAL DIAPHRAGMS OF
LATH AND PLASTER OR GYPSUM BOARD FRAME WALL ASSEMBLIES[1]

	TYPE OF MATERIAL	THICKNESS OF MATERIAL	WALL CONSTRUCTION	NAIL SPACING[2] MAXIMUM (inches)	SHEAR VALUE	MINIMUM NAIL SIZE[3]
		x 25.4 for mm		x 25.4 for mm	x 14.6 for N/m	x 25.4 for mm
1.	Expanded metal, or woven wire lath and portland cement plaster	7/8"	Unblocked	7	90	No. 11 gage 1 1/2" long, 7/16" head[4]
2.	Gypsum lath	3/8" lath and 1/2" plaster	Unblocked	7	30	No. 13 gage, 1 1/8" long, 19/64" head, plasterboard blued nail
3.	Gypsum sheathing board[5]	1/2" x 2' x 8'	Unblocked	7	30	No. 11 gage, 1 3/4" long, 7/16" head, diamond-point, galvanized
		1/2" x 4' 1/2" x 4'	Blocked Unblocked	7 7	30 30	
4.	Gypsum wallboard or veneer base[5]	1/2"	Unblocked	7	30	5d cooler (0.086" dia., 1 5/8" long 15/64" head) or wallboard (0.086" dia., 1 5/8" long, 9/32" head)
				7	30	
			Blocked	7	30	
				7	30	
		5/8"	Unblocked	7	30	6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head)
				7	30	
			Blocked	7	30	
				7	30	
			Blocked Two ply	Base ply: 7 Face ply: 7	60	Base ply - 6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head) Face ply - 8d cooler (0.113" dia., 2 3/8 long, 9/32" head) or wallboard (0.113" dia., 2 3/8" long, 3/8" head

[1]These vertical diaphragms shall not be used to resist loads imposed by masonry or concrete construction. See Section 2513.2. Values shown are for short-term loading due to wind or due to seismic loading in Seismic Zones 0, 1, 2A and 2B. Values shown must be reduced 25 percent for normal loading. The values shown in Items 2, 3 and 4 shall be reduced 50 percent for lading due to earthquake in Seismic Zones 3 and 4.

[2]Applies to nailing at all studs, top and bottom plates and blocking.

[3]Alternate nails may be used if their dimensions are not less than the specified dimensions.

[4]Required minimum nailing shall be No. 11 gage x 1 1/2" long galvanized nails with lath burred to 1/4" from the face of the building paper. Staples and self-barring lath shall not be permitted.

[5]Frame wall assemblies constructed of Portland cement plaster, gypsum sheathing board or gypsum wall board are not permitted to carry shear loads at ground floor of multi-level buildings.

CHAPTER 40

RELOCATED BUILDINGS AND TEMPORARY STRUCTURES

Sec. 40.1. GENERAL REQUIREMENTS. Buildings or structures moved into or within the County shall comply with the provisions of this Code for new buildings or structures except when otherwise permitted by this Code or by State law.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Sec. 40.2. PERMIT(S) REQUIRED. It shall be unlawful for any person, firm, or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office, or similar structure which is relocated as construction requires, into or within the County without first obtaining a permit to do so from the Building Official.

EXCEPTION: Buildings moved to the business premises of a house mover for the purpose of temporary storage.

Sec. 40.2.1 NOTIFICATION OF RELOCATED BUILDING. Prior to issuance of relocation permit for any structure and as a part of the application therefor, a Notice of Relocated Building, on a form furnished by the Building Official, shall be posted at the site of the building proposed to be relocated and at the proposed new site location. This public notice shall be maintained for a minimum of 15 days from the date of the application for relocation permit. During this period, interested parties may submit written comments to the Building Official regarding said proposed relocation. (refer to Sec. 40.5 DENIAL OF PERMIT.)

Sec. 40.3. APPLICATION AND INVESTIGATION FEE. To obtain a permit to relocate a building or structure the applicant shall first file an application therefor as required by Section 106.3 in this ordinance. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by the required investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be non-refundable. If the building to be moved is located outside the County, the applicant shall pay an additional fee as set forth in the Ventura County Building and Safety Fee Schedule to cover increased costs of inspection and mileage.

40.3.1 The Building Official shall make the following findings prior to issuing the permit:

1. That there is evidence of full compliance with the zoning provisions of Ventura County Ordinance Code, Division 8 - PLANNING AND DEVELOPMENT.
2. That the building shall comply, or shall be altered to comply, with current building, electrical, heating and air conditioning, and plumbing code requirements.
3. That all necessary and required documentation has been submitted for review, including, but not limited to, plans and specifications for all required or proposed improvements at the new location, a soils investigation report, a current termite inspection report, a water "will serve" letter from a recognized water provider or an approved water well certificate, a sewer "will serve" letter from a recognized sanitation district or an approved septic system certificate, and a surety bond in the amount determined by the Building Official as set forth in Sec. 11-16 of this Code.

Sec. 40.4. INVESTIGATION AND REPORT. The Building Official shall cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report shall list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions, or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety, or welfare.

The investigation report shall remain valid for a period of 180 days after the building or structure has been inspected, after which time a new investigation and report may be required by the Building Official.

Sec. 40.5. DENIAL OF PERMIT. The Building Official may deny the issuance of a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous.
2. Is infested with pests or is insanitary.
3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair.
4. Is so dilapidated, defective, or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated.
5. Because of age, size design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

Sec. 40.6. SECURITY REQUIRED. The Building Official shall not issue a permit to relocate a building or structure unless the applicant therefor shall first post with the Building Official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the State as surety; a cash bond naming the County of Ventura as payee; or an assignment of certificates or shares issued by a lending institution doing business in this state and insured by the FDIC. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this Section shall:

1. Be in form joint and several.
2. Name the County of Ventura as obligee.
3. Guarantee that the required work will be completed or, when ordered by the Building Official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition.
4. Be in an amount equal to the estimated cost, plus 10 percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official.
5. State therein the legal description or address of the property to which the building or structure is to be relocated.

Sec. 40.7. CONDITIONS OF SECURITY. Every performance bond, cash bond, or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within 180 days from the date of issuance of the permit.

2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety.
3. The term of each bond posted pursuant to this Article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.
4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.
5. Upon default by the principal, the surety shall cause all required work to be performed as set forth in the conditions of the investigation report and relocation permit.
6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean, and restore the site.

Sec. 40.8. PERMIT ISSUANCE AND FEES. Before a permit is issued for the relocation of a building and its reconstruction, repair, and completion at a new site, all required plan review and permit fees shall be paid. The required permits, together with the investigation report, shall comprise the "relocation permit" for the purposes of this Article.
The value to be used in computing the relocation building permit and plan review fees shall be as set forth in Sec. 107.2 in this Code, based upon the estimated cost of all construction necessary to complete the structure.

Sec. 40.9. EXPIRATION OF PERMIT. Permits for the relocation, reconstruction, and repair of a building or structure shall be null and void in accordance with the provisions of Section 106.4.4 in this Code if the building or structure is not relocated to the proposed site and/or the required work commenced within 6 months of the date of issuance of such permits.

Sec. 40.10. PROCEDURE UPON DEFAULT.

40.10.1 PERFORMANCE BOND. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond.
The notice of default shall state the conditions of the bond which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work.
Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified.
The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned, and restored to the satisfaction of the Building Official.

EXCEPTION: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided:

1. A written agreement is executed between Surety and the Division of Building and Safety under which the Division assumes responsibility for causing completion of required work or demolition of the structure; and
2. A cash bond is posted by the Surety in the amount of the performance bond, payable to the County of Ventura, to enable the Building official to cause the required work of repair or demolition to be performed in accordance with Section 40.10.2 in this ordinance.

40.10.2 CASH BOND. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

40.10.3 ASSIGNMENT OF SHARES. When an assignment of share has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or shares or any portion thereof by the lending institution and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contract or otherwise.

Sec. 40.11 RELEASE OF SECURITY.

40.11.1 PERFORMANCE BOND. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.

40.11.2 CASH BOND. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successors or assigns, except any portion thereof that may have been used, cashed, or deducted as provided elsewhere in this Article.

40.11.3 ASSIGNMENT OF SHARES. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the Building Official shall notify the lending institution and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this Article.

CHAPTER 41 - SWIMMING POOLS, ORNAMENTAL POOLS, AND APPURTENANT FENCING

SECTION 41.1 - GENERAL

41.1.1 SCOPE. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

4.1.2 STANDARDS OF QUALITY. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard list below is a recognized standard. (See Section 3504.)

- ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

SECTION 41.1.3 - DEFINITIONS.

For the purpose of this Article certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "swimming pool."

Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346.

Barrier (enclosure) is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

Grade is the underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "spa, nonself-contained" and "spa, self-contained."

In-Ground Pool. See definition of "swimming pool."

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the rounds of a private single-family home.

Separation Fence is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually have a filter, heater and a motor-driven blower. It may be installed indoors or outdoors , on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Spa, Self-Contained, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Swimming Pool, is any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. The term "swimming pool," does not apply to plumbing fixtures such as bathtubs or hydro-therapy tubs; nor does it apply to man-made lakes, reservoirs or farm ponds used primarily for public park purposes, ornamentation, water conservation, irrigation, ground-water recharging basins, or watering of livestock. It shall apply to any water-filled excavation, lined or unlined, within three (3) feet of any structure or property line. (Public pools shall comply also with CCR Title 24).

Swimming Pool, Indoor, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor, is a swimming pool that is not an indoor pool.

Sec. 41.2. POOL DESIGN AND CONSTRUCTION

41.2.1 GENERAL. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, and mechanical codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.

41.2.2 EXPANSIVE SOIL DESIGN. Pools constructed below grade shall be designed on the assumption that their construction is to be in an area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 p.c.f.).

> EXCEPTION: Where tests indicate that soils at a pool site are non-expansive or have low expansion characteristics from the ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less that 30 p.c.f.

In highly expansive soils having an expansion index of 91-130, pools shall be designed for not less than 60 p.c.f. equivalent fluid pressure.

In very highly expansive soils having an expansion index over 130, pool design shall be subject to special requirements based on a site investigation, soil testing, and engineering analysis by a registered civil engineer to determine appropriate design parameters for the site.

41.2.3 HYDROSTATIC UPLIFT. In areas of anticipated high water table or moderate to highly expansive soil an approved hydrostatic relief system or device shall be installed.

41.2.4 THERMAL PROTECTION FOR PLASTIC PIPING. Between the inlet of pool water heating equipment and any plastic water piping connected thereto, a check valve shall be installed to prevent thermal damage to such piping due to backflow.

> EXCEPTION: When rapid or high-rate filters are employed a check valve may be omitted.

Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than five feet of approved metal pipe shall be installed for the purpose of dissipating heat.

41.2.5 SAFEGUARDING SUCTION DRAINS. Bottom drains and suction intakes in pools and spas shall be covered with grates or other protective devices which cannot be removed except with tools. The slots or openings in these covers shall be of such area, shape, and arrangement as to prevent bathers from being drawn thereto with such force as to constitute a safety hazard.

41.2.6 GRAB BARS. Wherever egress from a pool is restricted by the presence of a vertical wall or other barrier which extends more than 12" above the water surface at the pool edge, permanent continuous grab bars, handrails, or other approved equivalent devices shall be installed within 12 inches above the water surface. Such devices shall be capable of being securely grasped, and shall be adequate to support the weight of a user of the pool.

Sec. 41.3. DECKS

41.3.1 GENERAL. A deck shall be provided around below-grade swimming pools except when special engineering design is furnished which indicates that such deck is not necessary for the purpose of maintaining the structural integrity of the pool and/or for controlling surface water and moisture content in the soil adjacent to the pool. Decks shall not be required for spas and hot tubs.

41.3.2 DECK DESIGN AND CONSTRUCTION. Required decks shall be constructed of concrete or other approved impervious material and shall be sloped to provide positive drainage away from the perimeter of the pool. Except as provided below, decks shall have a minimum width of four feet and shall be at least 3-1/2 inches in thickness. Reinforcement shall be #3 bars spaced not over 24 inches o.c. each way, or equivalent reinforcing.

Approved joints shall be provided in the deck at corners, at maximum 10-foot intervals, and wherever necessary in order to control cracking, to allow for differential movement, and to minimize damage to the deck from such movement should it occur.

Joints in decks and coping shall be made watertight with an approved permanent resilient sealant.

41.3.3 CUTOFF WALLS. At the outer perimeter of pool decks a cutoff wall of approved material shall be installed below-grade to a depth of at least 15 inches so as to form a permanent and effective vertical moisture barrier.

EXCEPTIONS: 1. A cutoff wall may be omitted when a deck at least six feet wide is installed.

2. Decks less than four feet in width may be installed provided that the required cutoff wall is increased in depth beyond the minimum by an amount equal to the reduction in deck width.

41.3.4 PRE-SATURATION, HIGHLY EXPANSIVE SOILS. When the soil below a deck has an expansion index of 91 or greater it shall be saturated with water to a depth of at least 18 inches prior to installation of the deck.

41.3.5 DECK BONDING. When decks are to be installed, whether structurally required or not, the reinforcing installed therein shall be electrically bonded together with the pool shell reinforcing and metal parts of electrical equipment associated with the pool water recirculating system and with miscellaneous metal accessories, such as pool slides, diving boards and spring boards, in accordance with NEC Sec. 680-22.

Sec. 41.4. DRAINAGE AND DISPOSAL

41.4.1 SURFACE WATER. Surface water from pool decks shall be collected and conducted through non-erosive devices to a street, storm drain, or other approved watercourse or disposal area.

41.4.2 WASTE WATER. Pool waste water shall be disposed of in accordance with the requirements of the Environmental Health Officer.

41.4.3 DRYWELLS. Drywells shall not be employed for pool wastewater disposal except when specifically approved for the purpose and when it has been determined that such installation is not likely to have adverse effects on the structural stability of the pool or other structures on the site. The Building Official may require a percolation test, soils report, and/or geological report to make such a determination.

Sec. 41.5. SPECIAL INSPECTION. Special inspection as required by Section 1701.5.12 in the UBC shall be provided for pneumatically placed concrete (gunite) in swimming pools.

Sec. 41.6. BARRIER REQUIREMENTS.

41.6.1 OUTDOOR SWIMMING POOL. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch diameter sphere.

   Exceptions:

   1. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.

   2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3. Chain link fences used as the barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate barrier shall have no opening greater that ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 41.6.1 shall be provided.

   Exception: When approved by the building official, one of the following may be used:

   1. Self-closing and self-latching devices installed on all doors with direct access to the pool and the release mechanism located a minimum of 54 inches above the floor.

   2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

   3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 though 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. Outdoor Swimming Pools with an approved safety pool cover shall not be required to provide other barriers.

8. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 7, above, may be approved by the building official of the jurisdiction issuing the applicable building permit.

41.6.2 INDOOR SWIMMING POOL. For an indoor swimming pool, protection shall comply with the requirements of Section 41.6.1, Item 5.

41.6.3 SPAS AND HOT TUBS. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 41.6.1.

Exception: Spas or hot tubs equipped with a listed safety cover shall be exempt from the requirements of Section 41.6.1.

CHAPTER 42 - MOBILEHOMES AND COMMERCIAL COACHES

Sec. 42.1. DEFINITIONS. For the purposes of this Article the terms "mobilehome," "commercial coach," "mobilehome accessory structure," and "foundation system" shall have the meanings set forth in Title 25, California Code of Regulations, and shall also apply to "manufactured housing" and "factory-built housing".

Sec. 42.2. SCOPE. The provisions of this Article shall apply to mobilehomes and commercial coaches installed outside mobilehome parks in all locations where the County of Ventura is the primary enforcement authority for applicable provisions of the State Mobilehome Parks Act, Subchapter 1 of Chapter 2, California Code of Regulations, Title 25.

Sec. 42.3. INSTALLATION PERMIT REQUIRED. No person, firm, or corporation shall install, occupy, or use a mobilehome, mobilehome accessory structure, or commercial coach or cause the same to be done without first obtaining an installation permit therefor. Said installation permit shall be issued subject to compliance with applicable laws and ordinances, including but not limited to:

1. Terms and conditions of a zoning clearance, including time limits established thereby.
2. Requirements for an approved foundation system.
3. Requirements for approved electrical, plumbing, and sewage disposal facilities.
4. Payment of installation permit fees in addition to fees for permits, services or clearances which may otherwise be required.

Sec. 42.4. SPECIAL REQUIREMENTS, COMMERCIAL COACHES

42.4.1 ALLOWABLE AREA. The area of commercial coach units connected in multiple shall not exceed the allowable floor area for the occupancy housed therein and the Type of Construction, in accordance with Section 504 in the UBC.

42.4.2 LOCATION ON PROPERTY. Commercial coaches shall be positioned on a site with sufficient setback from property lines so as to comply with the requirements of Section 503 in the UBC for fire-resistive protection of exterior walls and openings without the necessity for altering the structure or finish materials of the exterior walls of the coach.

42.4.3 STAIRS AND EXITS. Stairs, ramps, handrails, guardrails, landings, and exits shall be provided for commercial coaches as specified in Chapter 10 in the UBC. Such coaches shall also conform to applicable standards of the State of California for making buildings accessible by physically handicapped persons.

42.4.4 SANITARY FACILITIES. Commercial coaches shall be provided with sanitary facilities in accordance with the requirements of this Code which are applicable to the particular occupancy housed therein. Sanitary facilities shall also conform to the applicable standards of the State of California for accessibility to physically handicapped persons.

Sec. 42.5. REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The requirements of Section UBC 607.2 in this ordinance shall be applicable to mobilehomes, mobilehome accessory structures, manufactured or factory-built housing, and commercial coaches installed within High Fire Hazard areas.

Sec. 42.6. SUBSTANDARD OR DANGEROUS MOBILEHOMES AND COMMERCIAL COACHES. All mobilehomes, commercial coaches, or portions thereof, whether permanently or temporarily installed, which are determined to be substandard or dangerous as defined in the Uniform Housing Code or the Dangerous Buildings Code as amended by this ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in such codes.

Sec. 42.7 RECREATIONAL VEHICLES

42.7.1 DEFINITION

See Section 18010 of the California Code of Regulations, Health and Safety Code which reads as follows:

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

(Amended by Stats. 1990, Ch. 765, Sec. 3.)

42.7.2 ALLOWABLE USE

Recreational vehicles may only be used as "temporary dwellings during construction", as long as a building permit for new residential construction or major remodeling is in full force and effect and subject to Zoning Clearance conditions.

Recreational vehicles cannot be used as permanent dwellings or permanent accessory structures on private property, except as specifically allowed under California State law.

CHAPTER 43 - POST-DISASTER RECOVERY AND RECONSTRUCTION

SECTION 43.1 POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

43.1.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Division of Building and Safety as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

43.1.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the County of Ventura following each natural or man-made disaster.

43.1.3 DEFINITIONS.

43.1.3.1 Building Official is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.1.3.2 Safety assessment is a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a natural or man-made disaster.

43.1.4 PLACARDS. The following official placards shall be used to designate the condition of buildings or structures following a disaster.

43.1.4.1 INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

43.1.4.2 RESTRICTED OR LIMITED ENTRY may be posed on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

43.1.4.3 UNSAFE - Do Not Enter or Occupy may be posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

43.1.4.5 SECURING OF UNSAFE BUILDINGS OR STRUCTURES - Buildings or structures that have been determined by the building official to pose a threat to life safety or to be unsafe due to damage may be required by the building official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures shall not be removed without authorization from the building official.

43.1.4.6 REMOVAL OF PLACARDS - Once the placard has been attached to a building or structure, it shall not be removed, altered or covered until authorized by the building official.

43.1.5 VIOLATION. Any violation of Article 3, Chapter 43 of this code is a misdemeanor and shall be subject to punishment according to the provisions of Article 2, Chapter 1, Section 103.

Section 43.2 POST DISASTER ABATEMENT

43.2.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors.

43.2.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura.

43.2.3 DEFINITIONS. For the purpose of the chapter, the following definitions apply:

43.2.3.1 EVENT shall mean any occurrence which results in the declaration of a disaster by the Board of Supervisors, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

43.2.3.2 HISTORIC BUILDING OR STRUCTURE shall be any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

43.2.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

43.2.4 ABATEMENT CRITERIA

43.2.4.1 NOTICE OF DETERMINATION. Except as provided in subsection 43.2.4.2 below, the Building Official shall serve a written Notice of Determination to each property owner as found on the latest available copy of the County Assessor's Role. Said Notice of Determination shall be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and shall also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice shall specify that within forty-eight (48) hours from the time of issuance of the Notice of Determination, the owner or other part of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by the Building Official.

43.2.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice shall be required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the County to give the owner notice prior to abatement, the Building Official may cause the nuisance to be abated by the County with County resources or County contractees.

43.2.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the Building Official within

48 hours of delivery of such notice of determination by the Building Official. Such appeal shall be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should and/or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official shall rescind in writing his former Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan, or should the Building Official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the General Board of Appeals.

43.2.4.4 GENERAL BOARD OF APPEALS HEARING. At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses, submit evidence and to cross-examine the witnesses of the County. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the General Board of Appeals shall act to either uphold, overrule or modify the determination and order of the Building Official . The determination and order of the Building Official shall be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within twenty-four (24) hours of the time the oral decision is rendered.

If the General Board of Appeals upholds the decision of the Building Official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order shall be vacated. The decision of the General Board of Appeals shall be final on the date it is rendered.

43.2.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record shall execute such plan within twenty-four (24) hours of obtaining approval of the plan from the Building Official, or his designee. Within twenty-four (24) hours of completion of the abatement work the owner or other interested party of record shall provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Hazard, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall be reviewed and approved by the Building Official before permanent repairs are performed.

43.2.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Hazard or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public

nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the Building Official.

43.2.4.7 PUBLIC NUISANCE. All structures or portions thereof which, after inspection by an unauthorized County Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be abated by the owner in accordance with the procedures specified in sections 43.2.4.4 and 43.2.4.5.

43.2.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any provisions herein to the contrary, the Building Official is authorized to suspend abatement work by the County, or the County's contractees, and to allow the property owner or other part of legal interest to complete the abatement work.

43.2.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this Chapter.

43.2.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

43.2.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

43.2.5.1 NOTIFICATION OF IMMINENT HAZARD. Within 10 days after the event, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

43.2.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right of way.

43.2.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code.

43.2.5.2 CONDEMNATION PROCEEDINGS. If, ten (10) days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code. The Building Official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

43.2.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building Official shall submit a request to demolish to the Federal Emergency Management Agency, in

accordance with the National Historic Preservation Act of 1986, as amended. Said request shall include all substantiating data.

Section 43.3 DISASTER REPAIR AND RECONSTRUCTION

43.3.1 INTENT. This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The Chapter does not allow exemptions from the Building, Fire Electrical, Mechanical, Plumbing, other codes, or County Ordinances.

43.3.2 APPLICATION OF PROVISIONS.

43.3.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura following each disaster after a local emergency has been declared by the Board of Supervisors.

43.3.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an engineering evaluation as defined in Section 43.3.3.

43.3.3 DEFINITIONS. For the purpose of this chapter, the following definitions apply:

43.3.3.1 ARCHITECT is a person licensed by the State of California to practice architecture as prescribed by the State of California Business and Professions Code.

43.3.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering as prescribed by the State of California Business and Professions Code.

43.3.3.3 CURRENT CODE shall mean the edition of the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County of Ventura in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the Board of Supervisors, County of Ventura.

43.3.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs. All engineering evaluations shall include the engineer's or architects's stamp, wet-signature and license expiration date.

43.3.3.5 ESSENTIAL SERVICE FACILITY shall mean those buildings or structures designated by the County of Ventura to house facilities necessary for emergency operations subsequent to a disaster.

43.3.3.6 REPLACEMENT VALUE is the dollar value, as determined by a Building Official, for replacing a damaged structure with a new structure of the same size, same type of construction and same occupancy, and located on the same site.

43.3.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

43.3.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

43.3.3.9 BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.3.4 REPAIR CRITERIA

43.3.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

43.3.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system shall be repaired with all bracing required by current code.

43.3.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements shall be repaired and/or brought into conformance with the structural requirements of the current codes.

43.3.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the fire and life safety and structural requirements of the current applicable codes.

43.3.4.5 CHIMNEY VALUE EXCLUSION. In group R, Division 3 occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 43.3.5.

43.3.5 REPAIR CRITERIA FOR CHIMNEYS.

43.3.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 31 of the Uniform Building Code. Damaged portions of chimneys shall be removed in accordance with the following criteria.

43.3.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney shall be braced to the roof structure using an approved method.

43.3.5.3 SINGLE STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the firebox.

43.3.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where anchorage is found.

43.3.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound

condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

43.3.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 31 of the Uniform Building Code, alternate systems may be used in accordance with the alternate methods and materials provisions of the Uniform Building Code when approved by the Building Official.

43.3.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure using an approved method.

43.3.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

43.3.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

43.3.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair shall be as included in Section 43.3.4 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code shall apply.

43.3.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

43.3.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the California Conservation Code as adopted by the County of Ventura.

APPENDIX CHAPTER 3, DIVISION II
AGRICULTURAL BUILDINGS

Section 327 - CONSTRUCTION, HEIGHT AND ALLOWABLE AREA

327.2 SPECIAL PROVISIONS FOR AGRICULTURAL BUILDINGS. The area of a Group U, Division 3 Occupancy in a one-story building shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width, regardless of the type of construction.

EXCEPTION: The area of a one-story Group U, Division 3 Occupancy which is used elusively for growing flowers, plants, fruits, vegetables, shrubs, trees, or similar horticultural products (horticultural structure) shall not be limited if the setback from all property lines to the building is not less than twenty (20) feet and if such setback area is maintained open and accessible for fire fighting purposes. In no case shall the distance from property lines be less than that required by zoning regulations. The maximum travel distance to an exit may be increased by 100 feet if the building or structure is provided with an approved fire sprinkler system.

The area of a two-story Group U, Division 3 Occupancy shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width and is provided with an approved automatic fire-extinguishing system throughout, conforming to UBC standard No. 9-1.

Buildings using plastics shall comply with Type V-N construction. Plastics shall be approved plastics as defined in Chapter 2 and regulated by Chapter 26. For foam plastic, see Section 2602.

EXCEPTIONS: 1. When used as skylights or roofs, the areas of plastic skylights shall not be limited.

2. Except where designs must consider snow loads, plastics less than 20 mil (0.51 mm) thick may be used without regard to structural considerations. The structural frame of the building, however, shall comply.

Refer to Section 106.1.1 in this ordinance for permit exceptions which apply to specified agricultural buildings.

APPENDIX CHAPTER 18 - WATERPROOFING AND DAMPPROOFING FOUNDATIONS

Section 1825 - OTHER DAMPPROOFING REQUIREMENTS

1825.1. SUBSOIL DRAINAGE. When required by the building official due to the requirements of Sec. UBC Appendix 1820 and 1821, a base material shall be installed under the floor slab and under-slab drain system shall be installed around the foundation perimeter in accordance with this section.

> EXCEPTION: When the finished ground level is below the floor slab level for more than 25 percent of the perimeter of the building, the base material required by Section 1825.2 need not be provided, and the foundation drain required by Sections 1825.1 - 1825.3 need be provided only around that portion of the building where the ground level is above the floor slab level.

1825.2 BASE MATERIAL. When subsoil drainage is required under Appendix Section 1824, the requirements of Table UBC Table 18-D-1 for a sand bed under slab-on-grade construction shall be superseded by the requirements of this subsection.

Concrete slab-on-grade floors shall be placed over base material not less than 4 inches (102 mm) in thickness consisting of gravel or crushed stone containing not more than 10 percent material that passes a No. 4 sieve, and no material that is retained on a 1½ inch sieve.

Over this base material, dampproofing material shall be installed in compliance with Section 1822. The dampproofing material shall be overlain with a protective layer of 2 inches of sand. Special care shall be taken to prevent damage to the damp proofing membrane. All punctures or tears in the membrane shall be immediately patched and sealed.

APPENDIX CHAPTER 30
ELEVATORS, DUMBWAITERS, ESCALATORS
AND MOVING WALKS

Section 3008 PURPOSE

3008.1 MINIMUM REQUIREMENTS. The purpose of this appendix is to safeguard life, limb, property and public welfare by establishing minimum requirements regulating the design, construction, alteration, operation and maintenance of elevators, dumbwaiters, escalators and moving walks, and by establishing procedures by which these requirements may be enforced.

3008.2 STATE STANDARDS This appendix is intended to supplement the State of California Elevator Codes and Standards, and is applicable only to those areas not superseded by mandate of the State Codes and Standards.

APPENDIX CHAPTER 33 EXCAVATION AND GRADING

SECTION 3305 SCOPE This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

For the purposes of this Chapter, the term **"Building Official"** shall mean the Director of Public Works, as defined in Article 3, Sec. 203-B of this ordinance.

The standards listed below are recognized standards and as such are not adopted as part of this code (see Sections 3502 and 3503).

1. Testing

1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures

1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method

1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method

1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method

1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

3305.1 MINISTERIAL AND DISCRETIONARY PERMITS. The issuance or denial of a grading permit pursuant to this Code is a ministerial act for the purposes of Section 21080, subdivision (b) (1), of the Public Resources Code except in the following four cases:

1. Where the average natural slope within the area to be graded exceeds 10% and the amount of excavation or fill exceeds 10,000 cubic yards (7645.5 m^3);
2. Where the average natural slope within the area to be graded exceeds 35% and the mount of excavation of fill exceeds 1,000 cubic yards (764.6 m^3);
3. Where the proposed graded slopes exceed 25 feet (7620 mm) in vertical height; or
4. Where the proposed grading is to occur within a waterway or wetland' within an area officially designated by the County as a Sensitive Ecological, Archaeological, Scenic, or Biologically Sensitive Area; or within a recognized severe geologically hazardous area.

In each of the four cases listed above, the issuance or denial of a grading permit is discretionary for the purposes of Section 21080, subdivision (a), of the Public Resources Code except in the following three cases in which such issuance or denial is a ministerial act:

1. Where the grading permit is required by a condition imposed upon a discretionary entitlement previously approved by the County of Ventura and the effects of the grading for which the grading permit is required were addressed in an environmental document prepared and certified with respect to that previously approved entitlement; or

2. Where the grading is related to oilfield operations, involving the exploration for or the development or production of oil, and all of the following conditions are satisfied;

(a) The grading will be restricted to an area on which such oilfield operations may lawfully take place pursuant to an outstanding use permit for such operations issued by the county;

(b) The proposed graded slopes will be less than 40 feet (12192 mm) in vertical height;

(c) Before the grading commences, grading bonds are submitted to the Building Official guaranteeing all erosion control facilities, slope planting and slope maintenance necessary to meet then existing county standards; and

(d) Within 60 days of completion of the grading, all slopes created or modified thereby are hydromulched with a native plant and an irrigation system sufficient to ensure establishment of such native plants is installed.

3. Where the grading is related to oilfield operations involving the exploration for or the development of production of oil, and is limited to one or more of the following:

(a) Routine maintenance or repair of existing drill sites or existing roads which does not materially alter the location, size or configuration of the original sites or roads;

(b) Routing dredging of waste materials for which a permit has been issued by the Environmental Health Division of Ventura County Resource Management Agency.

The only discretionary powers to be exercised in conjunction with the issuance or denial of discretionary grading permits shall be exercised by the Building Official, or by the Board of Supervisors on appeal. Those discretionary powers shall be limited to all of those discretionary powers, (i) to issue the permit subject to conditions or changes in the project needed to mitigate significant environmental effects which would otherwise result from the grading, (ii) to deny the permit in order to avoid such effects, or (iii) to issue the permit despite such effects, as are conferred upon the lead agency by the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code) and are generally described in Section 15040 through 15043 of the State CEQA Guidelines (Section 15000 et seq. of Title 14 of the California Administrative Code).

With respect to a discretionary grading permit, the Building Official shall issue or deny the permit only after holding a public hearing, considering the applicable environmental document, if any, and certifying that such document has been prepared in compliance with the California Environmental Quality Act. The Building Official shall give at least 15 days written notice of such hearing to the applicant for the permit and to any owner of real property in the vicinity of the proposed grading whose property interest might be substantially affected by issuance or denial of the permit. The notice shall specify the time, date and place of the hearing, shall give a general description of the grading to which the permit application pertains, shall give a general description of the property on which the grading would occur, and shall state that any interested person will be given an opportunity to present relevant evidence at the hearing. The hearing shall be limited to, and any decision of the Building Official shall be based upon, the environmental issues with respect to which the Building Official has been granted discretion by this section.

Any interested person may appeal the issuance or denial of a discretionary grading permit by filing with the Building Official the appeal fee prescribed by the Board of Supervisors together with a notice of appeal on a form satisfactory to the Building Official within 10 days after the issuance or denial. The hearing on appeal shall be noticed and conducted by the Board of Supervisors in the same manner as the original hearing before the Building Official, except that the notice shall also be given to the appellant. The decision of the Board of Supervisors on appeal shall be issued in writing after the hearing on appeal and shall be final and conclusive when issued. A copy of the decision shall be served upon the applicant for the permit and upon the appellant. If the decision is to order the issuance of a grading permit previously denied or to modify a grading permit previously issued by the Building Official, the written order shall constitute the permit and shall include appropriate conditions.

A ministerial grading permit shall be operative immediately upon issuance. A discretionary grading permit shall become operative on the 15th calendar day after its issuance or, in the case of an appeal, on the date the Board of Supervisors issues its decision upholding or ordering issuance.

SECTION 3306 - PERMITS REQUIRED

3306.1. PERMITS REQUIRED. Except as specified in Section 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the building official.

3306.2 EXEMPTED WORK. A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.

2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells or tunnels or utilities.

6. Mining, quarrying, excavating, processing, stockpiling of rock. sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. Exploratory excavations under the direction of soil engineers or engineering geologists. This shall not exempt grading of access roads or pads for exploration equipment.

8. An excavation which (1) is less than 2 feet (610 mm) in depth, or (2) which does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).

9. A fill less than 1 foot (305 mm)in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth not intended to support structures, which does not exceed 50 cubic yards ($38.3m^3$) on any one lot and does not obstruct a drainage course.

10. Grading under an approved hillside erosion control plan in compliance with the hillside erosion control ordinance.

11. When approved by the building official, sand and gravel backfill behind retaining walls.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

Sec. 3307 HAZARDS.

3307.1 HAZARDS DECLARED A PUBLIC NUISANCE. Any existing excavation, embankment or fill on private property which has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, or fails to comply with the provisions of this Code is hereby declared to be a public nuisance.

3307.2 NOTICE AND ORDER TO ABATE. Whenever the Building Official has determined that such a nuisance exists, he/she shall issue a notice and order to the record owner of the property upon which the nuisance is located. The notice and order shall contain:

(1) The street address, if any, and a legal description sufficient for identification of the property upon which the nuisance is located.;

(2) A statement that the Building Official has found the excavation, embankment or fill to be on a public nuisance and a concise description of the conditions which render it a public nuisance;

(3) An order requiring that all applicable permits be secured and that the nuisance be abated within a specified time determined by the Building Official to be reasonable in circumstances;

(4) A statement that, if the nuisance is not abated within the time specified, the County man cause the work to be done and charge the cost thereof against the property or its owner;

(5) A statement that any person having a legal interest in the property may appeal from the notice and order to the Board of Grading Appeals if the appeal is made in writing as provided in this Section and is filed with the Clerk of the Board of Supervisors within 30 days of service of the notice and order; and

(6) A statement that failure, neglect or refusal to abate the nuisance within the time set forth in the notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals is a misdemeanor.

3307.3 SERVICE OF NOTICE AND ORDER. The notice and order shall be served and posted by the Building Official in the manner and subject to conditions set forth in subdivisions 3307.3, 3307.4 and (e) 3307.5 of Section 401 of the Uniform Code for the Abatement of Dangerous Buildings ("DBC"), as adopted by Article VI of the Ventura County Building Code, with respect to notices and orders relating to dangerous buildings.

3307.4 RECORDATION OF CERTIFICATE RESPECTING NUISANCE. If compliance is not had with the notice and order within the time specified therein or, if an appeal has been filed pursuant to this Section, within the time specified by the Board of Grading Appeals, the Building Official shall file in the Office of the County Recorder for recordation a certificate describing the property and certifying (1) that the excavation, embankment or fill constitutes a public nuisance, and (2) that the owner has been so notified. Whenever the nuisance shall thereafter have been abated, the Building Official shall file in the office of the County Recorder for recordation a new certificate describing the property and certifying that the nuisance has been abated.

3307.5 APPEAL FROM NOTICE AND ORDER. Any person entitled to service under subdivision 3307.3 of this Section may, upon payment of the fee prescribed by the Board of Supervisors for such purposes, appeal from the notice and order to abate the filing with the Clerk of the Board of Supervisors a written appeal in the form prescribed by the Building Official. The appeal shall be filed within 30 days after the date of service of the notice and order. Upon receipt of an appeal, the Clerk shall present it at the next regular or special meeting of the Board of Supervisors which, at such meeting, shall fix a date, time and place for the hearing of the appeal by the Board of Grading Appeals. Notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Clerk either by causing a copy of such notice to be delivered personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his/her address shown on the appeal. Enforcement of a notice and order to abate shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. In connection with the hearing,

the Board of Grading Appeals, and any member thereof, may administer oaths and affirmations and issue subpoenas. The hearing shall be conducted by the Board of Grading Appeals in the manner set forth in DBC Section 604. If, after the hearing, the Board of Grading Appeals determines that the excavation, embankment or fill does not constitute a public nuisance, it shall allow the appeal and cancel the notice and order to abate. If, after the hearing, the Board of Grading Appeals determines otherwise, it shall deny the appeal and set a date by which the nuisance must be abated, which date shall be no earlier that the last day of the period set forth in original notice and order to abate. The decision of the Board of Grading Appeals is final when made.

3307.6 COMPLIANCE WITH NOTICE AND ORDER REQUIRED. It shall be unlawful for any person, firm or corporation to who or to which a notice and order to abate is directed pursuant to this Section to fail, neglect or refuse to obey such order within the time specified in such notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals.

3307.7 ABATEMENT BY COUNTY UPON FAILURE TO COMPLY WITH NOTICE AND ORDER TO ABATE. If the nuisance is not abated within the time set forth in the notice and order to abate or, in the case of an appeal. by the date set by the Board of Grading Appeals, the Board of Supervisors may, without further notice or hearing. direct that the nuisance be abated by the County. Such abatement by the County shall not excuse any prior failure, neglect or refusal to comply with the notice and order to abate and shall be in addition to whatever other remedies may be provided by this Code or other provisions of law.

3307.8 SUMMARY ABATEMENT BY COUNTY IN EMERGENCY. If the nuisance threatens substantial injury to persons or property which is, in the opinion of the Building Official, so imminent as to require immediate corrective measures, the County may summarily abate such nuisance without complying with the provisions of subdivisions 3307.2 through 3307.7 of this Section; provided, however, that the Building Official shall give such notice to the owner of the property as may be practicable in the circumstances.

3307.9 MANNER OF ABATEMENT BY COUNTY; RIGHT OF ENTRY. Abatement by the County may be done directly by County personnel or through contractors in the same manner and subject to the same restrictions as public works. The County and its contractors may enter upon private property to effect such abatement.

3307.10 DETERMINING COST OF ABATEMENT BY COUNTY. The Building Official shall keep an itemized account of the costs of abatement by the County pursuant to subdivision 3307.7 or 3307.8 of this Section and, upon completion of the abatement work, shall prepare an itemized written report showing such cost. The Building Official shall thereupon forward a copy of the report to the Clerk of the Board of Supervisors who shall set a date (at least 10 days after receipt of the report), time and place for a hearing before the Board of Supervisors respecting such report and any objections thereto. Notice of such hearing shall be served and posted at least 10 days prior to the hearing in the manner and subject to the conditions set forth in subdivision 3307.3 of this Section with respect to the notice and order to abate. Such notice of hearing shall contain:

(1) The street address, if any, an a legal description sufficient for identification of the property affected by the report;

(2) A statement that the report has been prepared and is available for inspection in the office of the Building Official;

(3) A statement that the Board of Supervisors will hold a hearing to consider the report and any timely objections thereto;

(4) The date, time and place of such hearing;

(5) A statement that any interested person wishing to object to such report must file, prior to the hearing, a written statement of the grounds for the objection.

Any interested person may file written objections prior to the hearing. Each such objection shall contain a statement of the grounds therefor. A contention that the condition abated did not constitute a public nuisance shall be a ground for objecting to the report only if the report relates to a summary abatement pursuant to subdivision 3307.8 of this Section. At the hearing, the Board of Supervisors shall receive and consider the report, any timely written objections thereto, and such other information as it may deem proper. At the conclusion of the hearing, the Board of Supervisors may make such corrections in the report as it may deem just and, when it is satisfied that the report (as submitted or corrected) is correct, it shall, by resolution, determine the total amount of such cost of abatement attributable to each parcel of land upon which the abatement attributable to each parcel of land upon which the abatement took place.

3307.11 REIMBURSEMENT OF COUNTY FOR COST OF ABATEMENT. At any time within 10 days after the Board of Supervisors has adopted a resolution pursuant to subdivision 3307.10 of this Section determining the cost of abatement by the County, the Building Official may receive payment of such amount and issue receipts therefor. If payment is not received within such period of time, the Building Official shall forward a copy of the resolution to the Auditor-Controller.

3307.11.1 SPECIAL ASSESSMENT FOR COST OF ABATEMENT BY COUNTY. For cost of abatement by the County, pursuant to subdivision 3307.7 or 3307.8 of this Section, for which payment is not made pursuant to subdivision 3307.11 of this Section, shall be a special assessment against the parcel on which the nuisance has been located. Such special assessment shall be levied for the fiscal year commencing on the July 1 next following receipt by the Auditor-Controller of the resolution of the Board of Supervisors determining the amount of such cost. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchases for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

SECTION 3308 - DEFINITIONS. Section 3308 in the Appendix is hereby amended to include in addition to all of the definitions contained therein, the definitions of "Engineering Geologist", and "Isolated and Self Contained Area" as follows:

ENGINEERING GEOLOGIST. Is a certified engineering geologist duly licensed by the state who applies the geological sciences to engineering practice for the purpose of assuring that the geological features affecting the location, design, construction, operation and maintenance of engineering works are recognized and adequately addressed.

ISOLATED, SELF-CONTAINED AREA is that portion of a parcel of land or of contiguous parcels of land under single ownership which meets any one of the following three criteria:

1. The portion is used for growing crops or raising livestock for sale, but not for building sites or for the construction of earthfills which will impound water to a depth of more than 5 feet (1524 mm).
2. The portion contains water impounding structures constructed under the direct control of the U.S. Department of Agriculture, Soil Conservation Service.
3. The portion contains oilfield operations, involving the exploration for or the development or production of oil, which are established under an existing land use entitlement and all of the following criteria are met:

(a) The portion is not visible from a publicly maintained street, road or highway within 1.0 horizontal mile (1.609 km) of such portion;

(b) The portion is not visible from a private residence located within 1.0 horizontal mile (1.609 km) of such portion unless the owner and the tenant or such residence have signed a written waiver of this criterion; and

(c) The portion is so located and configured that grading thereon cannot cause a significant increase in the volume of silt or debris deposited on downstream property owned by any person other than the owner of the portion.

SECTION 3309 - GRADING PERMIT REQUIREMENTS

3309.3 GRADING DESIGNATION. All grading in excess of 1,000 cubic yards (764.6m^3) shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 1,000 cubic yards (764.6 m^3) shall be designated "regular grading" unless the permittee, chooses to have the grading performed as engineered grading, or the Building Official determines that special conditions or unusual hazards exist in which case grading shall conform to the requirements for engineered grading.

3309.9 PERMIT ISSUANCE. The provisions of Section 106.4 as published in the UBC are applicable to grading permits, except that every grading permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the grading and other improvements authorized by such a permit are not completed within 1 year from the date of such permit. The Building Official may extend the time for completion of the grading and other improvements authorized by the grading permit in increments not exceeding 1 year if circumstances beyond the permittee's control have prevented the completion of the project, and necessary time extension fees have been paid.

The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

Sec. 3310 GRADING PERMIT FEES. Grading permits and grading plan review fees shall be as set forth in schedules enacted by the Board of Supervisors. Except as otherwise specified in such schedule, grading permit and grading plan review fees shall not be refundable.

SECTION 3314 - SETBACKS

3314.1 SETBACKS-GENERAL. Cut and fill slopes shall be set back from site boundaries in accordance with this Section. The setbacks and other restrictions specified by this Section are minimum standards and may be increased by the Building Official or by recommendation of a civil engineer, soils engineer, or engineering geologist where necessary to assure slope stability, prevent damage to adjacent properties from deposition or erosion, provide access for slope maintenance and drainage, or otherwise provide for safety of the public.

SECTION 3315 - DRAINAGE AND TERRACING

3315.1 DRAINAGE AND TERRACING-GENERAL. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this Section for cut or fill slopes steeper than 1 unit vertical in 4 units horizontal (25% slope).

ARTICLE 4 - AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE (CEC)

ARTICLE 90 - INTRODUCTION

Sec. 90.1 POWERS AND DUTIES OF THE BUILDING OFFICIAL

90.1.1 CONNECTION TO ELECTRICAL INSTALLATIONS. Except where work is done under an annual electrical maintenance permit, it shall be unlawful for any person, firm, or corporation to make connection from a source of electrical energy or to supply electrical service to any electrical wiring, device, appliance, or equipment which requires a permit for installation, or to cause or permit same to be done, or to continue or allow to continue any such connection unless such person, firm, or corporation shall have obtained evidence from the Building Official that such equipment is authorized to be energized.

90.1.2 AUTHORITY TO ABATE. Any electrical wiring or equipment regulated by this Code, which is unsafe or which constitutes a fire or health hazard or is otherwise dangerous to human life is, for the purpose of this Section, unsafe. Any use of equipment regulated by this Code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Any such unsafe electrical wiring or equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure set forth in the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedure as may be adopted by the County. As an alternative, the Building Official or an authorized representative may institute any other appropriate action to prevent, restrain, correct, or abate the violation.

90.1.3 AUTHORITY TO CONDEMN WIRING AND EQUIPMENT. Whenever the Building Official ascertains that any electrical wiring or equipment, or portion thereof, regulated by this Code has become hazardous to life, health or property, a written order shall be issued to cause such wiring or equipment to be either removed or restored to a safe condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective equipment after receiving such notice.

90.1.4 EXEMPTED WORK. An electrical permit will not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.
2. Repair or replacement of fixed motors, transformers or approved fixed appliances of same type and rating and in the same location.
3. Temporary decorative lighting energized by cord or cable having an attachment plug end to be connected to an approved receptacle.
4. Reinstallation of attachment plug receptacles but not the outlets therefor.
5. Replacement of an overcurrent device of the same capacity and in the same location.
6. Repair or replacement of electrodes or transformers of the same size and capacity for approved signs or gas tube systems.
7. Removal of abandoned electrical wiring.
8. Electrical wiring, devices, appliance or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
9. Low-energy power, control and signal circuits of Class II and III as defined in this code.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

90.1.5 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 1 - GENERAL

Sec. 110.5. CONDUCTORS. Conductors normally used to carry current shall be of copper unless otherwise provided in this Code. Where the conductor material is not specified, the sizes given in this Code shall apply to copper conductors. Where other materials are used, the size shall be changed accordingly.

For aluminum and copper-clad aluminum conductors, see Tables 310-16 through 310-84 and Notes thereto in the NEC. Aluminum wire used under the provisions of this Code shall be a minimum of #6 A.W.G. conductors.

Sec. 110.8. WIRING METHODS. Only wiring methods recognized as suitable are included in this Code. The recognized methods of wiring shall be permitted to be installed in any type of building or occupancy, except as otherwise provided in this Code.
Wiring installations and equipment in existence at the time of passage of this Code may have their existing use continued if such use was legal at the time of passage and provided such continued use is not unsafe.

CHAPTER 2 - WIRING AND PROTECTION

Sec. 250-50(e). "UFER" GROUND REQUIRED. Notwithstanding other provisions of Section 250-50 in the NEC, the electrical service grounding electrode for new construction where concrete footings in direct contact with earth are employed shall be a bare copper conductor installed as specified in Section 250-50(c) in the NEC.

CHAPTER 3 - WIRING METHODS AND MATERIALS

Sec. 336.4. USES PERMITTED. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in agricultural buildings, one-family and two-family dwellings and accessory structures, in multi-family dwellings, and other structures, except as prohibited in Section 336-5. Cables in such structures shall be protected from physical damage. Where installed in cable trays, cables shall be identified for the use.

(FPN): See Section 310-10 for temperature limitation of conductors.

(a) **Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

(b) **Type NMC.** Type NMC cable shall be permitted:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16-in. (1.59-mm) thick, and covered with plaster, adobe, or similar finish.

(c) **Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

CHAPTER 7 - SPECIAL CONDITIONS

ARTICLE 700. EMERGENCY SYSTEMS:

FPN No. 6: For additional requirements for emergency power systems, refer to NFPA-20 "REQUIREMENTS FOR FIRE PUMP WIRING."

ARTICLE 5 - AMENDMENTS TO THE
CALIFORNIA MECHANICAL CODE (CMC)

CHAPTER 1 - ADMINISTRATION

Section 102 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Section 115 - FEES

Sec. 115.1. GENERAL. Refer to Article 2, Chapter 1 Section 107 in this ordinance.

Sec. 115.6 FEE REFUNDS. Refer to Article 2, Chapter 1 Section 107.6 in this ordinance.

CHAPTER 8 - CHIMNEYS AND VENTS

SECTION 812 - TYPES OF CHIMNEYS

812.1 FACTORY-BUILT CHIMNEYS. Factory-built chimneys shall be installed in accordance with the terms of their listing, the manufacturer's installation instructions and the applicable requirements of this code. Factory-built chimneys shall terminate as required for unlisted single-wall metal chimneys in Table 8-4.

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators.

EXCEPTION: Factory built chimneys for residential-type appliances and fireplaces may terminate three (3) feet above the roof opening and two (2) feet above any point of the building within ten (10) feet.

ARTICLE 6 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE (CPC)

CHAPTER 1 - ADMINISTRATION

Section 101.15 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Sec. 102.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL.

102.2.7 AUTHORITY TO ABATE. Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined in this Code, is hereby declared to be a nuisance.
Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this Section, the Administrative Authority shall require the nuisance or violation to be abated. If such abatement is refused, the Administrative Authority shall have recourse to every remedy provided by law to secure abatement.

Sec. 102.3 VIOLATIONS AND PENALTIES

102.3.2 PENALTIES - See Article 2, Chapter 1, Section 103 in this ordinance.

Section 103.1 - PERMITS

103.1.2 EXEMPTED WORK. A plumbing permit will not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste or vent piping, provided that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace all or part thereof with new material, the same shall be considered as new work, and a permit shall be obtained and inspections made, as provided in this code.

103.1.2.2 The clearing of stoppages or the repair of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, or the installation of new water closets on existing drainage connections, providing such repairs or reinstallation do not involve or require the replacement or rearrangement of valves or pipes. If it becomes necessary to remove and replace or rearrange valves, water piping, traps, drainpipe, soil, waste or vent pipes, the same shall be considered as new work, and a permit shall be obtained and inspections made as provided in the code.

103.1.2.3 EXEMPTIONS WITHIN SANITARY DISTRICTS. The provisions of this Code relating to building sewers as defined herein and to permits and fees therefor shall not apply within the boundaries of a sanitary district when the Building Official has determined that such district has adopted and is enforcing ordinances or regulations which are equal to or more restrictive than those contained in this Code.

CHAPTER 2 - DEFINITIONS

Section 202.0 - DEFINITIONS

SEEPAGE PIT. A seepage pit is a rock-filled excavation which receives the effluent from a septic tank and is so designed as to permit such effluent to seep through the bottom and sides of the pit into the surrounding soil.

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Sec. 601.0 RUNNING WATER REQUIRED

Section 601.1.2 REQUIREMENTS FOR WATER WELLS

(a) When the potable water supply for a structure is to be provided by a well, the well must pass the applicable pump and recovery test specified in the Ventura County Water Works Manual, as amended from time to time, for the purpose of demonstrating that the well is likely to remain an adequate source of potable water throughout the expected useful life of the structure.

EXCEPTIONS: A well shall not be required to pass the pump and recovery test if the structure to be served by it:

1. Is connected to a public water system or a state small water system as defined in Section 4010.1 of the Health and Safety Code; or
2. Overlies an aquifer that has been determined by the administrative authority to be adequate to meet all existing and projected demands made upon it for potable water without experiencing overdraft; or
3. Overlies an aquifer that may experience overdrafting but that has nonetheless been determined by the administrative authority, based upon a study and report prepared pursuant to the Ventura County Water works Manual, to be adequate to meet all existing and projected demands made upon it for potable water throughout the expected useful life of the structure.

(b) This section does not preclude the adoption and imposition of additional or more stringent well test requirements and standards in connection with subdivision approvals, conditional use permits, or other discretionary (as opposed to ministerial) permits.

CHAPTER 7 - SANITARY DRAINAGE

Sec. 701.0 MATERIALS OF DRAINAGE SYSTEMS.

701.1 Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, schedule 40 ABS DWV, schedule 40 PVC DWV, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

701.1.1 No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

701.1.2 ABS and PVC DWV piping installations shall be limited to residential construction, not more than two (2) stories in height.

701.1.3 No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (.3m) below ground.

Sec. 713.0 SEWER REQUIRED

713.4 CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEMS. When the applicant seeks to install a conventional private sewage disposal system, the public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.

APPENDIX CHAPTER K - PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. K-1. PRIVATE SEWAGE DISPOSAL: GENERAL REQUIREMENTS. (a) Where permitted by Section 305.2 of the UPC, as adopted and amended by this Code, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The type of system shall be determined on the basis of information contained in the soil report concerning location, soil porosity, groundwater, depth of fractured rock or impervious formations, and hillside stability, and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits, into a combination of subsurface disposal field and seepage pits, into a mound system or into a subsurface sand filtration system.

(d). SEWAGE DISPOSAL EXPANSION AREA. All private sewage disposal systems shall be so designed that additional seepage pits, subsurface drain fields, mound systems or subsurface sand filtration systems, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the 100% expansion area.

(f). PRIVATE SEWAGE DISPOSAL RESTRICTIONS. When there is insufficient lot area or improper soil or geological conditions for adequate and safe sewage disposal for the building or land use proposed, and the Administrative Authority so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Administrative Authority have been submitted and approved. The Administrative Authority may grant exceptions to the requirements of the Code in case of practical difficulty or unnecessary hardship provided that the installation is equivalent to the standards established by this Code and is not inimical to the health, safety or welfare of the general public.

(i). APPROVAL OF ALTERNATE SYSTEMS. Alternate sewage disposal systems as defined in this Code may be installed only by special permission of the Administrative Authority which shall be given only if the Administrative Authority is satisfied that the systems will conform to the following requirements:

1. Treated or untreated effluent shall not be discharged onto the surface of the ground.

2. Wastewater shall be disposed of on the parcel where it is generated, except as provided for in Section 721.2 of the UPC.

3. The reliability of proposed designs for alternate private sewage disposal systems shall be well-documented.

4. The system shall be capable of easy maintenance.

5. Installation and repair shall not require the use of extraordinary materials, parts, or equipment.

6. The system shall require a minimum of mechanical components for its operation.

7. The system shall not be highly energy consumptive.

8. Operation of the system shall not create health hazards, water pollution, or nuisance conditions.

Sec. K-3. AREA OF DISPOSAL FIELDS AND SEEPAGE PITS. The minimum effective absorptive area of disposal fields in square feet of trench bottom, and of seepage pits in square feet of sidewall, shall be predicated on the required septic tank capacity in gallons. The required absorption area shall be as set forth in Table UPC Appendix K-6 in this ordinance for disposal fields, and as set forth in Table K-4 in the UPC for seepage pits. In addition, disposal fields and seepage pits shall conform to the following:

1. When disposal fields are installed, a minimum of one hundred fifty (150) square feet of trench bottom shall be provided for each system exclusive of any hardpan, rock, clay or other impervious formations. Sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption areas. Such increase shall be limited to 50% of the required absorption area.

2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least 50% greater than the requirement for trenches. Perimeter sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption area.

3. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formation. The minimum required area of porous formation shall be provided in one or more seepage pits.

4. No excavation for a leach line or leaching bed shall extend with five (5) feet of the water table nor to a depth where sewage may contaminate an underground water stratum which may be usable for domestic purposes. The applicant shall supply satisfactory evidence of groundwater depth when required by the Administrative Authority.

5. Plastic leaching chambers shall be sized on bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-6 in this code with a 0.70 multiplier.

Sec. K-4. PERCOLATION TESTS. (a) Disposal fields and seepage pits shall be sized in accordance with the percolation tests or analyses required by subsection (b) of this Section.
(b) In order to determine the absorption qualities of soils, the proposed site shall be subjected to percolation tests and/or hydrometer analyses performed under the supervision of a California-registered environmental health specialist, civil engineer, geologist or engineering geologist. Such tests or analyses shall be performed in accordance with standards established by the Administrative Authority.
(c) Each test shall be made with clear water in an excavation which has been thoroughly soaked prior to the test.
(d) No subsurface disposal field shall be permitted to serve a building if percolation test rates are greater than sixty (60) minutes per inch.
(e) No seepage pit shall be permitted to serve a building if the absorption capacity of the soil surrounding the pit is less than 0.83 gal./sq.ft./day.
(f) Test data shall be submitted on a form provided for that purpose and shall include such information as may reasonably be required by the Administrative Authority to determine the correctness and adequacy of the proposed disposal system.

Sec. K-7. SEEPAGE PITS. (a) The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereunto, and on the character and porosity of the surrounding soil as determined by such tests as may be required and shall comply with Sec. UPC Appendix K-3 in this ordinance.

(b) Seepage pits may be used where conditions are unsatisfactory for the installation of leach lines or beds. In no case shall seepage pits extend more than sixty (60) feet below the surface of the ground.
(c) Multiple seepage pit installations shall be connected through an approved distribution box or diversion valve and watertight piping laid on undisturbed or compacted soil.
(d) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet. Seepage pits shall be filled with clean rock 3/4 inches to 2½ inches in diameter, free from fines, except when otherwise approved by the Administrative Authority. Effluent shall be conducted to the bottom of the excavation by means of approved perforated pipe extending to the entire depth of the pit. Approval shall be obtained prior to construction for any pit having an excavation diameter greater than six (6) feet.
(e) Where groundwater is encountered, the bottom of the pit shall be backfilled with clean coarse sand at least ten (10) feet above the ground water encountered.
(f) Each seepage pit shall have a minimum sidewall of ten (10) feet below the inlet.
(g) Connections between a septic tank and seepage pits shall be made with approved watertight pipe. Such pipe shall be laid on natural ground or compacted fill.
(h) Rock fill in seepage pits shall be covered with asphalt-treated building paper, and backfilled with a minimum of eighteen (18) inches of earth.
(i) Subsection (i) of Appendix Section K7 in the UPC is hereby deleted in its entirety.

Sec. K-9. SUBSURFACE DISPOSAL OF INDUSTRIAL WASTE. The discharge of industrial waste into a soil absorption system shall be prohibited unless specifically approved by the Administrative Authority.
Subsections (a) through (g) of Appendix Sec. K9 in the UPC and the Recommended Design criteria for commercial/industrial waste disposal are hereby deleted in their entirety.

Sec. K-13. ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.
(a) DEFINITION. Alternate private sewage disposal systems are specially-designed, engineered, and approved private sewage disposal systems suitable for use in localities where the Administrative Authority has determined that the presence of shallow groundwater, rock, or adverse soil, geologic, or hydrologic conditions makes the use of conventional sewage disposal systems potentially hazardous to public health. Alternate private sewage disposal systems shall be limited to "mound" systems and "subsurface sand filtration" systems as regulated herein.

(b) GENERAL REQUIREMENTS. Designs for alternate private sewage disposal systems may be accepted for review by the Administrative Authority when it has been adequately demonstrated that the character of the soil, geology, or hydrology of the site is such that a conventional private sewage disposal system will not function in accordance with recognized health and sanitation standards. Such systems shall be designed by a California-registered civil engineer or a California-registered geologist, who shall submit written verification upon completion of an alternate private sewage disposal system that the installation is in conformance with the approved design.

Properties served by alternate private sewage disposal systems shall be located within an approved on-site wastewater management district or equivalent governmental agency capable of providing necessary maintenance and repair services for private sewage disposal systems within its boundaries. Such systems shall conform with all applicable rules and regulations adopted by said district or agency.

The design and construction of alternate private sewage disposal systems shall comply with the requirements of this Section and with other appropriate criteria established by the Administrative Authority.

Component parts of alternate private sewage disposal systems shall comply with the applicable setback requirements in Table UPC Appendix K-1 of this Code. The construction and capacity of septic tanks installed as components of alternate systems shall comply with Section K5 and Table K-2 in the UPC.

Leach lines, leaching beds, and seepage pits which are components of alternate systems shall comply with the applicable requirements of this Code. No portion of a distribution bed or related filter material which is a component of a mound or subsurface sand filtration system shall be installed under a walkway, parking area, driveway, or similar paved surface.

The sizing of mound or subsurface sand filtration systems shall be based upon the average percolation rate of the natural soil at the location and depth of the proposed system, and the number of bedrooms or plumbing fixture units, in accordance with this Code and other applicable standards for sizing conventional leachlines, leaching beds and seepage pits. No alternate private sewage disposal system shall be permitted where the percolation rate exceeds sixty (60) minutes per inch.

(c) MOUND SYSTEMS. A mound system is an alternate private sewage disposal system which utilizes pressurized piping to deliver effluent from a septic tank into an above-ground gravel distribution bed, from which the effluent percolates and is filtered through mounded sand fill into natural soil. Typical components of such systems include a septic tank, lift pump and wet well, pressurized effluent piping, a sand fill mound, a distribution bed composed of gravel filter material and perforated distribution piping, a cover of topsoil over the top and sloped sides of the mound.

The lift pump and wet well shall be designed to handle peak flow from the septic tank. In no case shall pump capacity be less than twenty (20) gallons per minute not shall the pump motor be rated at less than one-half horsepower. The pump shall be approved for use in a sewage environment. The liquid holding capacity of the wet well shall be at least 300 gallons for one or two-bedroom dwelling units. An additional 100 gallons capacity shall be provided for each bedroom in excess of two. Equivalent capacity shall be provided for occupancies other than dwellings based on fixture unit calculations as set forth in this Code.

The wet well shall be fitted with automatic high and low level pump controls. Operation of the lift pump shall not cause surges in the liquid level within the tank. An alarm device shall be installed which will provide audio and visual warning signals to occupants of the property in advance of any overflow from the wet well.

Mounds shall not be installed on a slope greater than 12%. The base of the mound shall be located at least two (2) feet above the highest known seasonal groundwater elevation at the site and two (2) feet above fractured bedrock, if any. Fill material comprising the mound shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the fill material onto the mound. The slope of the sides of the mound shall be not steeper than 3 horizontal to 1 vertical.

Distribution beds shall be level and shall be located a minimum of five (5) feet above the highest known seasonal groundwater elevation at the site. Filter material comprising the bed shall be clean gravel varying in size from .75 inch to 2.5 inches. The total thickness of the bed shall be sufficient to provide a minimum of twelve (12) inches of filter material below, and at least two (2) inches of such material above all distribution piping within the bed. Distribution piping shall uniformly distribute effluent over the entire area of the bed. Distribution beds shall be of sufficient size to limit the application rate for effluent to not more than 1.5 gallons per square foot per day.

After filter material has been placed over the piping, the distribution bed shall be covered with untreated building paper, straw, or similar porous material to prevent closure of voids when earth covering is added. Topsoil shall be placed to a depth of at least twelve (12) inches over the top of the distribution bed, and shall be placed on the sloping sides of the mound to a thickness of at least six (6) inches.

(d) SUBSURFACE SAND FILTRATION SYSTEMS. A subsurface sand filtration system is an alternate private sewage disposal system which utilizes gravity to deliver effluent from a septic tank to a subsurface gravel distribution bed, from which the effluent is filtered through a bed of sand to reduce organic matter and pathogenic organisms, and thence percolates into natural soil. Typical components of such systems include a septic tank, effluent piping, a subsurface distribution bed composed of gravel filter material and perforated distribution piping, a sand filtration bed, and a leaching bed, leach lines, or seepage pits.

Distribution beds shall be designed and constructed in a manner similar to that set forth for mound systems in subsection (c) above, using approved, perforated gravity-flow piping in lieu of pressurized piping. Sand filtration beds shall extend not less than five (5) feet vertically below and five (5) feet horizontally from the edges of any distribution bed. Filtration material shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the filtration material into the filter bed excavation.

Section K-14 NON-HAZARDOUS LIQUID WASTE TRANSFER FACILITIES

Definition: A Non-Hazardous Liquid Waste Transfer Facility is a temporary holding facility for non-hazardous liquid waste from recreational vehicle holding tanks and portable toilets. A Non-Hazardous Liquid Waste Transfer Facility consists of a holding tank, liquid waste loading area with washdown equipment, associated piping, and holding tank liquid level alarm system.

1. Holding tank construction shall be consistent with UPC section K5, with the exception that baffles are not required and only one access port is required.

2. All piping, including but not limited to materials, cleanouts, and venting, shall be consistent with UPC sections 715.0 through 720.0, inclusive.

3. Minimum setbacks for holding tanks shall be as follows:

Streams and Watercourses	50 feet
Wells	50 feet
Groundwater	5 feet
Structures	5 feet
Property Line	5 feet
On-Site Domestic Water Line	5 feet
Public Water Main	10 feet

4. Minimum holding tank capacity shall be not less than three times the anticipated daily loading to the holding tank and in no case shall be less than 1,000 gallons.

5. An alarm system constructed of durable, corrosion-resistant material shall be installed on each holding tank. This alarm shall give a conspicuous audio and visual indication whenever the tank becomes two-thirds full.

6. The liquid waste loading area shall consist of an impermeable, easily cleanable area designed and constructed in a manner which prevents the formation of insanitary conditions. A ¾ inch water hose connection shall be installed at the liquid waste loading area to allow connection of a hose for area washdown following holding tank pumping. An approved backflow prevention assembly shall be installed in the water service line to the hose connection. Provisions shall be made to store the washdown hose off the ground. A warning sign shall be posted at the water hose connection reading: DANGER - UNSAFE WATER.

7. Holding tanks shall be pumped by a licensed pumper as needed. Quarterly reports of holding tank pumping shall be submitted to the Ventura County Environmental Health Division by March 30, June 30, September 30, and December 31 of each year.

8. Offer to grant an easement to County Service Area 32 is required. A contractual maintenance agreement with a public utility may also be required.

Section K-15 CLUSTERED SYSTEMS

(a) DEFINITION. Clustered systems are comprised of three or more private sewage disposal systems with soil absorption components located in a common area on a single legal lot.

(b) GENERAL REQUIREMENTS. All components of clustered systems shall comply with all applicable requirements of this Code pertaining to private sewage disposal systems and the following additional requirements:

1. The primary (installed) soil absorption components of the clustered system shall provide 200% of the minimum area calculated for each structure connected to the clustered system pursuant to Section K-3 of this Code.

2. Land area providing for complete replacement of the primary soil absorption components of the clustered system shall be set aside for future expansion, and shall conform with Table UPC Appendix K-1 of this Code.

3. a. For residential structures, each private sewage disposal system comprising the clustered system shall be connected to not more than one dwelling unit within a structure.

b. For non-residential structures, each private sewage disposal system comprising a clustered system shall be connected to one or more structures with a combined daily wastewater discharge not to exceed 1,500 gallons.

4. The soil absorption component of each private sewage disposal system within the clustered system shall be located at least sixteen horizontal feet from the soil absorption component of any other private sewage disposal system within the same clustered system.

5. When a clustered system is (or can become) located on land jointly owned by more than one owner of the structures served (e.g., condominium projects), an easement and agreement approved by the Environmental Health Division providing for access to inspect, maintain, and repair/replace the clustered system shall be recorded in the Office of the County Recorder.

6. A monitoring well, constructed and maintained in conformance with procedures adopted by the Administrative Authority, shall be provided in an approved location.

7. All distribution boxes within the clustered system shall be fitted with risers extending to finish grade elevation.

8. The applicant for each clustered system shall provide a signed statement from a California-Certified Engineering Geologist, certifying the following:

a. The proposed clustered system site is free against the potential hazard from landslide, excessive settlement and slippage.

b. Incorporation of geotechnical and geologic recommendations in concert with safe construction practices is anticipated to result in a site which is considered geotechnically and geologically suitable for the intended use and will not adversely affect adjoining properties.

TABLE UPC APPENDIX K-1
(Superscript numbers refer to footnotes (1) through (8) on next page

LOCATION OF SEWAGE DISPOSAL SYSTEMS

Minimum Horizontal Distance in Feet From:	Building Sewer	Septic Tank	Disposal Field	Seepage Pit	Subsurface Sand Filtration System	Mound System
Building or Structures[1]	2	5	8	8	8	20[7]
Property line adjoining private property	Clear[2]	5	5	8	8	10
Water supply well on suction line	50[3]	50	100	150	100[8]	100
Streams, lakes, tidal waters or ocean waters	50	50	50	100	100	100
Large Trees	--	10	--	10	10	--
Seepage pits or cesspools	--	5	5	12	--	--
Disposal Field	--	5	4[4]	5	--	--
On site domestic water service line	1[5]	5	5	5	5	5
Distribution Box	--	--	5	5	--	--
Pressure public water main	10[6]	10	10	10	10	10

NOTE: When disposal fields or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

When facilities are located near tidal or ocean waters, the horizontal distance shall be measured from the historically most landward location of the beach at the mean high tide elevation. Structures or facilities shall be constructed in accordance with Federal, State and local laws to prevent erosion of the beaches and movement of the mean high tide closer than the horizontal distances specified above.

FOOTNOTES TO TABLE UPC APPENDIX K-1

(1) Including porches and steps, whether covered or uncovered, breezeways, roofed port-cocheres, roofed patios, carports, covered walks, covered driveways and similar appurtenances.

(2) See Section 313.3 of the UPC.

(3) The distance may be reduced to not less than twenty-five (25) feet when approved metallic piping is installed. Where special hazards are involved, the distance required shall be increased as may be directed by the County Health Officer or the Administrative Authority.

(4) Plus two (2) feet for each additional foot of depth in excess of one (1) foot below the bottom of the drain line (see Sec. K6(i) of the UPC).

(5) See Sec. 720.0 of the UPC.

(6) For parallel construction. For crossings, approval by the Administrative Authority is required.

(7) This distance shall be increased to 30 feet when the system is located upslope of the structure.

(8) This distance shall be increased to 150 feet when seepage pits are used as a component of the system.

TABLE UPC APPENDIX K-6
(Letters in parenthesis refer to footnotes below)

ABSORPTION AREA REQUIREMENTS

Percolation Rate (Time in minutes required for water to fall one inch)	Required Absorption Area (Sq. ft. per bedroom using standard leach lines. See notes (a) through (e) below.
1 or less	75
2	85
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
over 60 (e)	---

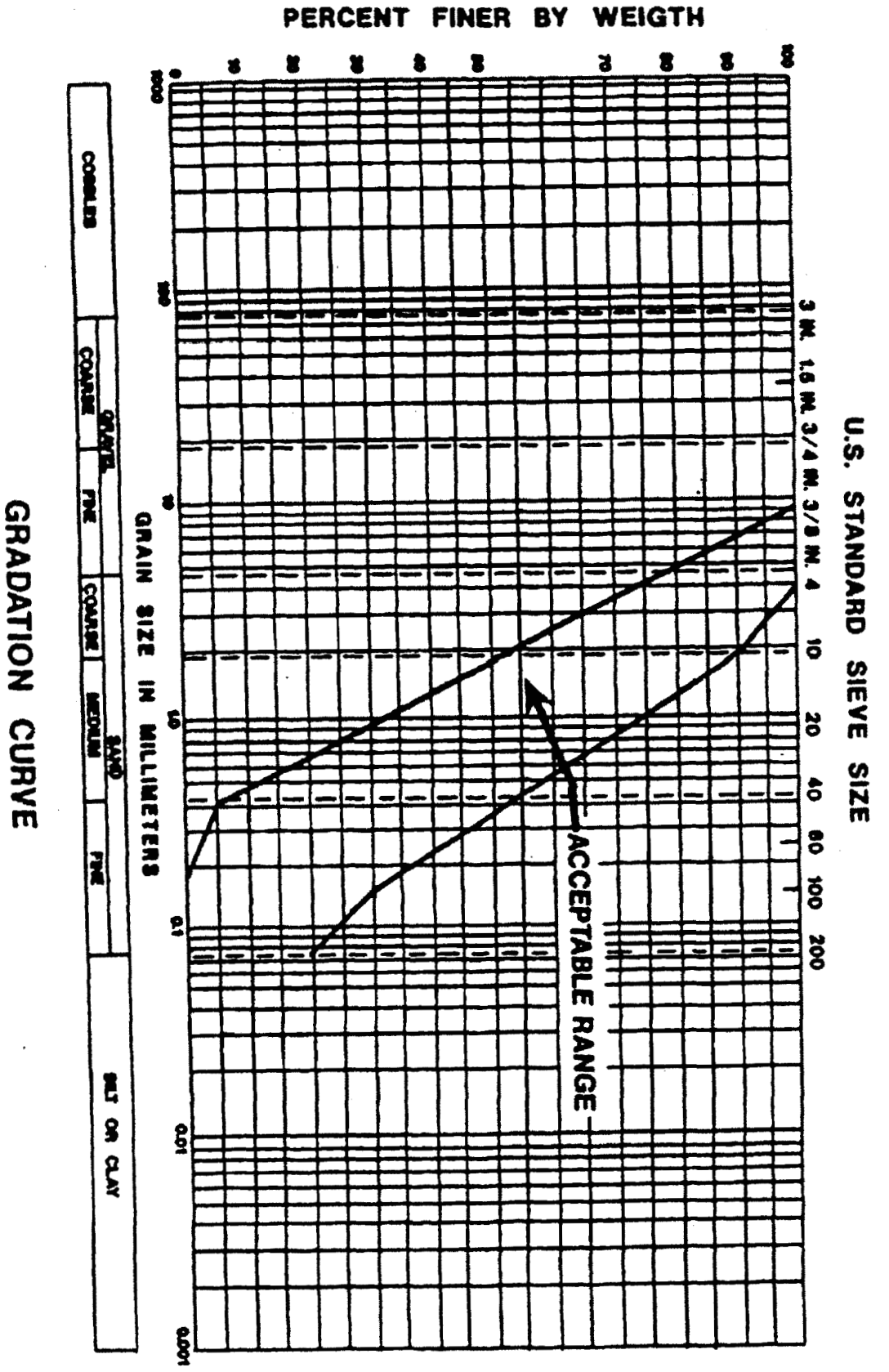
(a) Sufficient usable land area must be available to provide 100% expansion of required absorption area when/if necessary. See Sec. UPC APPENDIX K-1(d) in this Code.

(b) Absorption area should be sufficient to accommodate increased future use stemming from the addition of bedrooms or conversion of unfinished spaces to bedroom use, whenever such changes can be reasonably be anticipated.

(c) The absorption area for leach lines and leaching beds is calculated as trench bottom area only except as provide in Sec. UPC APPENDIX K-3 in this ordinance. Minimum required area for leaching trenches is 150 sq. ft.

(d) The above table allows for the connection of domestic food waste units and automatic clothes washing machines without further increase in absorption area.

(e) Soil having a percolation rate over 60 min/inch is unsuitable for installation of an absorption system.



GRADATION CURVE

TABLE UPC APPENDIX K-7

419-1.02

ARTICLE 7 - AMENDMENTS TO THE UNIFORM HOUSING CODE (UHC)

CHAPTER 1 - TITLE AND SCOPE

Section 104 - APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

104.2. RELOCATION. Buildings or structures moved into or within the County shall comply with the provisions of Article 2, Chapter 40 in this ordinance.

Section 105 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. APPEALS BOARD.

203.1 - GENERAL The Housing Advisory and Appeals Board, for the purposes of this housing code, shall be the General Board of Appeals as set forth in Article 2, Chapter 1, Section 105 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 in the UHC.

Sec. 204. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

CHAPTER 3 - PERMITS AND INSPECTIONS

Sec. 302 FEES. Refer to Article 2, Chapter 1, Section 107 in this ordinance.

CHAPTER 12 - APPEAL

Section 1201 - GENERAL

1201.2. PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 1201 in the UHC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.
The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a substandard building or the premises on which it is located.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 1401 - COMPLIANCE

1401.1. GENERAL. After any order of the Building Official or a Board of Appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor or infraction.

ARTICLE 8 - AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

CHAPTER 1 - TITLE AND SCOPE

Sec. 104 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

Sec. 205. APPEALS BOARD. The appeals Board for the purposes of the Dangerous Buildings Code shall be the General Board of Appeals as set forth in Article 2 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 501 in the DBC.

CHAPTER 5 - APPEAL

Section 501 - GENERAL

501.2 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 501 in the DBC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals. The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a dangerous building or the premises on which it is located.

CHAPTER 7 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 701 - COMPLIANCE

701.1 GENERAL. After any order of the Building Official or a board of appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor/infraction.

ARTICLE 9 - AMENDMENTS TO APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE (CCC)

APPENDIX CHAPTER 1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

Section A100 - GENERAL

A100.1 PURPOSE. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

A100.2 SCOPE. The provisions of this Chapter shall apply to all existing buildings in Seismic Zones 3 and 4 which were constructed or under construction, or for which a building permit was issued, prior to May 10, 1962, having at least one unreinforced masonry wall. Except as provided herein, all other provisions of the Uniform Building Code shall apply.

EXCEPTIONS: This code shall not apply to:

1. Detached one or two story family dwellings, detached apartment houses containing less than 5 dwelling units and used solely for residential purposes, and hotels/motels containing less than 5 guest rooms.

2. Essential Facilities as defined in Table 16K of the Uniform Building Code.

3. Hazardous Facilities as defined in Table 16K of the Uniform Building Code.

This does not require alteration of existing electrical, plumbing, mechanical or fire safety systems.

A100.3 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

A100.4 COUNTY ORDINANCE HISTORY. This article together with Article 1, Chapter 8 is a restatement of Ventura County Ordinance No. 3948 which it hereby supersedes. The section numbering has been revised to be consistent with the current numbering sequence found in the U.C.B.C.

Section A101 ADMINISTRATIVE PROVISIONS

A101.1 DEFINITIONS. For the purposes of this Division, the applicable definitions in the Uniform Building Code shall also apply.

HIGH RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of 100 occupants or more as determined by Section 1002.1 and Table 10-A of the Uniform Building Code.

EXCEPTIONS: A high risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum height of 1-1/2 times the story height.

2. Any building used for its intended purpose, as determined by the Building Official for less than 20 hours per week.

LOW RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of less than 20 occupants as determined by Section 1002.1, Table 10-A, of the Uniform Building Code.

MEDIUM RISK BUILDING is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load of 20 occupants or more as determined by Section 1002.1, Table 10-A of the Uniform Building Code.

A101.2 **Rating Classifications.** The rating classifications identified in Table A-9-A are hereby established and each building within the scope of this Division shall be placed in one such rating classification by the Building Official. The total occupant load of the entire building as determined by Section 1002.1, Table 10-A of the Uniform Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this Division, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

A101.3 **Compliance Requirements.** 1. The owner of each building within the scope of this Division shall, upon service of an order and within the time limits set forth in this Division, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this Division, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within scope of this Division shall comply with the requirements set forth above by submitting to the Building Official for review within the stated time limits:

A. Within 270 days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this Division; or

B. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Division; or

C. Within 120 days after service of the order, plans for installation of wall anchors in accordance with the requirements specified in Section A113 of the UCBC; or

D. Within 270 days after service of the order, plans for the demolition of the building.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-9-B. These time limits shall begin to run from the date the order is served in accordance with Section A101.4.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners electing to comply with A101.3 of this subsection are also required to comply with Items A101.2 or A101.4 of this subsection provided, however, that the 270-day period provided for in Items A101.2 or A101.4 and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A-9-B shall be extended in accordance with Table No. A-9-C. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A101.4 except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

A101.4 **Administration.**

A101.4.1 Order - Service. A. The Building Official shall, in accordance with the priorities set forth in Table No. A-9-C, issue an order as provided in this section of other owner of each buildings within the scope of this Division.

B. Prior to the service of an order as set forth in Table No. A-9-C, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this Division. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

A101.4.2 Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Division shall be in accordance with the rating classification as shown on Table No. A-9-C. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A-9-C shall be measured from the effective date of this Division. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Division prior to the normal service date for such building set forth in this Division.

A101.4.3 Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Division and, therefore, is required to meet the minimum seismic standards of this Division. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A101.3, which sets forth the owner's alternatives and time limits for compliance.

A101.4.4 Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Division to the Board of Appeals established by Section 105 of the Ventura County Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A101.4 Any such appeal shall be decided by the Board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Division shall be made in accordance with the procedures established in Sections 104.2.7 and 104.2.8 of the Uniform Building Code.

A101.4.5 Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this Division and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Division has not been demonstrated.

If the building is either demolished, found not to be within the scope of this Division or is structurally capable of resisting minimum seismic forces required by this Division as a result of structural alterations or an analysis, the Building Official shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this Division.

A101.4.6 Enforcement. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section A101.3, the Building Official shall verify that the owner of record of this building has been properly served. If the order has been served on the owner of record, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the Uniform Building Code.

Section A102 GENERAL REQUIREMENTS

A102.1 **GENERAL.** All buildings shall have a seismic resisting system conforming with Section 1603.3 of the Uniform Building Code, except as modified by this Division.

A102.2 **Alterations and Repairs.** Alterations and repairs required to meet the provisions of this Division shall comply with all other applicable requirements of the Uniform Building Code unless specifically provided for in this Division.

(c) A102.3 **Requirements for Plans.** The following construction information shall be included in the plans required by this Division.

1. Accurately dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing material. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned and drawn to scale on the plans.

2. Accurately dimensioned wall elevations showing openings, piers, wall classes as defined in Section A106.3, thicknesses, and heights, wall shear test locations, cracks or damaged portions requiring repairs, the general condition of the mortar joints, and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.

5. The extent and type of parapet corrections which were previously perform, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this Division.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section A113.

TABLE NO. A-9-A RATING CLASSIFICATIONS	
TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A-9-B TIME LIMITS FOR COMPLIANCE			
Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year[1]	180 days[2]	3 years[2]
Wall Anchors	180 days[1]	270 days[2]	1 year[2]

[1]Measured from date of service of order.

[2]Measured from date of building permit issuance.

TABLE A-9-C EXTENSIONS OF TIME AND SERVICE PRIORITIES			
Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ADOPTED this 5th day of November, 2002 by the following vote:

AYES: Supervisors Bennett, Schultz, Long, Mikels + Flynn

NOES: None

ABSENT: None

John K. Flynn
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Paula R Placencia
Deputy Clerk of the Board

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RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

September 25, 2002

Architects, Engineers, Builders and Other Interested Parties

Re: Your Review and Comments on the 2001 Ventura County Building Code

I have prepared the draft of the 2001 edition of the Ventura County Building Code (V.C.B.C.) and would like you or your organization to review it. Please forward your comments to me. The new draft contains some new amendments to the previously adopted 1998 edition of the VCBC, although the number of amendments is small. I have included a copy of the draft for your review and comments.

In general, the Ventura County amendments have been minimized to follow the State adopted code language more closely. Many of the amendments from prior editions have simply been carried forward with no changes. Overall, the number of changes in this edition is very small compared to years past. One of the reasons for this is that the 1997 Uniform Building Code is being re-adopted by the State. Therefore, there is no change in the building code this time. Consequently, the same amendments still apply.

Most of the administrative amendments deal with local County issues such as the County organization and the division of responsibilities between the Building and Safety Division (for most of the code), the Public Works Agency for grading and flood control requirements, and the Environmental Health Division for housing issues and private sewage disposal systems.

For technical matters, changes have been made to address local seismicity issues, a lessening of permit requirements for agricultural buildings and other structures, and refinements in the requirements for swimming pools.

I am planning to present the ordinance to the Board of Supervisors for adoption soon. I would, therefore, appreciate your written comments as soon as is convenient for you. That will allow me time to analyze and incorporate your comments, if needed.

MAIN OFFICE, L #1720
800 South Victoria Avenue, Ventura, CA 93009 (805) 654-2771 FAX (805) 648-9212
BRANCH OFFICES
East County: 3855-F Alamo Street, L #5915, Room 2019-A, Simi Valley, CA 93065 (805) 582-8064 FAX (805) 582-8085

ATTACHMENT "C"

Thanks for your continued assistance by providing input on the adoption of the code. If you have any questions or would like to discuss any matters with me, feel free to call me at (805) 654-2787.

Sincerely,

Jack Phillips,
Building Official,
County of Ventura

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RESOLUTION NO. 206

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ADOPTING EXPRESS FINDINGS REGARDING MODIFICATION OF UNIFORM CODES WHICH REGULATE BUILDINGS SUBJECT TO THE STATE HOUSING LAW

WHEREAS, pursuant to Health and Safety Code Sections 17958.5 and 17958.7, a County may make such modifications in the requirements of the regulations adopted pursuant to Health and Safety Code Section 17922 as it determines to be reasonably necessary because of local conditions if it makes express findings that such modifications are needed and if such findings, together with the modifications, are made public records on file with the Division of Building and Safety, and filed with the California Building Standards Commission pursuant to Health and Safety Section 17958.7; and

WHEREAS, pursuant to the decision in the case of Baum Electric Co. v. City of Huntington Beach (1973), 33 Cal. App. 3rd 573, a County may make such modifications in the requirements of the regulations adopted pursuant to Health and Safety Code Section 17922 as it deems to be reasonably necessary in order to safeguard life and property if it makes express findings that such modifications are needed and if such findings, together with the modifications, are made public records on file with the Division of Building and Safety;

NOW, THEREFORE, BE IT RESOLVED that it is reasonably necessary because of local conditions to modify certain sections of the uniform codes as shown in the attached "Analysis of Revisions and Statement of Findings for the 2001 Ventura County Building Code."

Upon motion of Supervisor Schultz, seconded by Supervisor Mikels, and duly carried, the foregoing resolution was approved on October 8, 2002.

John K. Flynn
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Laura L. Placencia
Deputy Clerk of the Board

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ATTACHMENT "D"

September 26, 2002

Analysis of Revisions and Statement of Findings for the 2001 Ventura County Building Code

The following analysis discusses the changes included in the Ventura County Building Code as proposed by the Resource Management Agency, Division of Building and Safety.

In the legislative edition of the Ventura County Building Code, newly added words or phrases are shown as underlined. Words or phrases deleted are shown as being stricken out.

This analysis will provide a concise report for the purpose of facilitating the adoption of the proposed code revisions.

This revision adopts the most current editions of the State adopted codes and other "model" codes as follows:

California Building Code - 2001 Edition
California Electric Code - 2001 Edition
California Mechanical Code - 2001 Edition
California Plumbing Code - 2001 Edition
Uniform Housing Code - 1997 Edition
Uniform Code for the Abatement of Dangerous Buildings - 1997 Edition
Appendix Chapter 1 of the California Conservation Code - 2001 Edition

Amendments discussed below are those that have been made since the last adoption of the VCBC. Former amendments that are merely carried forward without change are not addressed as new changes in this analysis.

The amendments to the above-adopted codes are as follows:

REVISIONS THROUGHOUT THE VENTURA COUNTY BUILDING CODE (VCBC):

All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other adopted model codes.

Section numbers have been changed where they have either changed themselves in the adopted codes or were required to be changed because of other changes in the adopted codes.

Titles of chapters or sections have been changed where changes have occurred in the adopted codes.

Various other editorial changes such as re-titling of sections and highlighting defined words in bold occur throughout the code. These changes are editorial only.

REVISIONS BY ARTICLE AND SECTION NUMBER

ARTICLE 1 - ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND OTHER MODEL CODES BY REFERENCE

ATTACHMENT "E"

CHAPTER 1 - ADOPTION INTO THE VENTURA COUNTY BUILDING CODE

Section 104. COPIES OF CODE FOR SALE TO THE PUBLIC. Copies of the Ventura County Building Code shall be made available in the office of the Division of Building and Safety for examination. ~~and~~ pPurchase ~~of the codes~~ by the public at a price not to exceed the actual cost thereof to the County plus a reasonable handling charge as established by the Building Official is ~~may be available depending on the stock on hand~~.

ANALYSIS:

This is an editorial change that has been made to clarify that code books may not always be available for sale.

CHAPTER 2 - ADOPTION OF THE CALIFORNIA BUILDING CODE

Section 101. ADOPTION. That building code known as the "California Building Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 2 - a portion of the "California Building Standards Code", which incorporates by reference the 1997 edition of the Uniform Building Code with adopted California amendments, together with Appendices Chapter 3, Division I; Chapter 3, Division II; Chapter 4, Division II; Chapter 12, Division I; Chapter 12, Division IIA; Chapter 15; Chapter 16, Division IV; Chapter 18; Chapter 29; Chapter 30; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33 promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose and subject matter of which, among other things, is to protect the public health and safety as set out in Section 101.2 of the Uniform Building Code, is hereby adopted and enacted as the primary building code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein subject to the following amendments.

ANALYSIS:

The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.

CHAPTER 3 - ADOPTION OF THE CALIFORNIA ELECTRICAL CODE (CEC)

Section 101. ADOPTION - That Electrical Code known as the "California Electrical Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 3 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1996~~ 1999 edition of the National Electrical Code with necessary California amendments, promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269; the purpose of which, among other things is to provide minimum standards for the design, installation, maintenance, and use of electrical wiring and electrical apparatus in order to safeguard persons and property from electrical hazards, is hereby adopted and enacted as the primary Electrical Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein, with specific modifications as indicated in Article 4:

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the

amendments. Ventura County amendments to the California Electrical Code are found in Article 4 of this code.

ANALYSIS:

The California Electrical Code is adopted with amendments as shown in Article 2 and Article 4.

CHAPTER 4 - ADOPTION OF THE CALIFORNIA MECHANICAL CODE (CMC)

Section 101. ADOPTION. That mechanical code known as the California Mechanical Code, "~~1998~~ 2001 Edition and also known as the California Code of Regulations (C.C.R.), Title 24, Part 4 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1997~~ 2000 edition of the Uniform Mechanical Code with necessary California amendments, and Appendices A, B, C, and D promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, and as amended herein, the purpose and subject matter of which, among other things, is to protect public health and safety as stated in Section 102 of said code, is hereby adopted and enacted as the primary mechanical code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Mechanical Code are found in Article 5 of this code.

ANALYSIS:

The California Mechanical Code and certain appendices are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code edition is now that version published by the International Association of Plumbing and Mechanical Officials.

CHAPTER 5 - ADOPTION OF THE CALIFORNIA PLUMBING CODE (CPC)

Sec. 101 ADOPTION. That plumbing code known as the "California Plumbing Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 5 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1997~~ 2000 edition of the Uniform Plumbing Code with necessary California amendments, together with Uniform Plumbing Code Appendices A, B, C, D, E, G-A, H, I, J, K and L promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, the purpose and subject matter of which is to protect public health and safety by establishing minimum regulations for the installation, alteration, or repair or plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Plumbing Code are found in Article 6 of this code.

ANALYSIS:

The California Plumbing Code and certain appendices are adopted with amendments as shown in Article 2 and Article 6.

CHAPTER 6 - ADOPTION OF THE UNIFORM HOUSING CODE (UHC)

Section 101. ADOPTION - That Housing Code known as the "Uniform Housing Code," 1997 Edition which was promulgated and published by the International Conference of Building Officials, 5360 South Workingman Mill Road, Whittier, California 90601, the purposes and subject matter of which among other things is to protect the public health and safety as set out in Section 102 of said Code, is hereby adopted and enacted as the primary Housing Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herewith with specific modifications as indicated below.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the Uniform Housing Code are found in Article 7 of this code.

ANALYSIS:

The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.

CHAPTER 7 - ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

Section 101 ADOPTION. That code known as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose of which, among other things, is to protect the public health and safety as set out in Section 102 of this Code, is hereby adopted and enacted as the Code for Abatement of Dangerous Buildings in the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein with specific modifications as indicated below. This Code will be referred to herein as the Dangerous Buildings Code.

Sec. 102 AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments Ventura County amendments to the Dangerous Buildings Code are found in Article 8 of this code.

ANALYSIS:

The Uniform Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.

CHAPTER 8 - ADOPTION OF APPENDIX CHAPTER 1 OF THE ~~UNIFORM CALIFORNIA CONSERVATION CODE~~ (U CCC)

Sec. 101 ADOPTION: ~~Appendix Chapter 1 of that code known as the Uniform Code for Building Conservation, 1997 Edition,~~ That building conservation code known as the "California Conservation Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 10 - a portion of the "California Building Standards Code" which incorporates by reference Appendix Chapter 1 of the 1997 Edition of the Uniform Code for Building Conservation, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as amended herein, the purpose and subject matter of which, among other things, is to promote public safety and welfare by reducing the risk of death or injury from the effects of earthquakes on existing unreinforced masonry bearing wall buildings as stated in Section A101 of said code, is hereby adopted as the primary unreinforced masonry building conservation code of the County and made a part of this code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Sec. 102 AMENDMENTS: Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to Appendix Chapter 1 of the Uniform Code for Building Conservation are found in Article 9 of this code.

ANALYSIS:

Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation (UCBC) because of its adoption by the State. The model code it references (the 1997 UCBC) has not changed, however.

ARTICLE 2 - AMENDMENTS OF GENERAL APPLICATION TO ALL OF THE ADOPTED STATE AND MODEL CODES

CHAPTER 1 - ADMINISTRATION

Sec. 103 VIOLATIONS.

103.1 GENERAL. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, building service equipment, machine or equipment or cause or permit the same to be done in violation of this Code or to violate any provision of this Code.

103.3 INFRACTIONS. It shall be an infraction of law for any person to remove, deface, or alter a posted notice of the Building Official or duly appointed representative when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this code.

103.4 MISDEMEANORS. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, misdemeanor/infraction, or infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion

such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Each and every violation of any provision of this Code is a misdemeanor unless designated by this Code to be an infraction or a misdemeanor/infraction.

103.5 MISDEMEANORS/INFRACTIONS. Every violation of this Code designated a misdemeanor/infraction shall be a misdemeanor; provided that, where the District Attorney has determined that such action would be in the best interests of justice, the District Attorney may specify in the accusatory pleading that the violation shall be an infraction and the violation shall then be prosecuted as an infraction.

103.6 PUNISHMENTS. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both such fine and imprisonment. Any person convicted of an infraction, the penalty for which is not otherwise prescribed, shall be punished by (a) a fine not exceeding one hundred dollars ($100) for the first violation; (b) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance provision within one year; and (c) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance provision within one year.

ANALYSIS:

This section has been amended to provide specific definitions and penalties for violations of the codes. This is an administrative change.

104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.2.1 ENFORCEMENT OF CODES. The Building Official is hereby authorized and directed to enforce all the provisions of this Code and of the codes adopted by reference hereby. The decision of the Building Official in enforcing the provisions of this Code or of the codes adopted by reference, or in interpreting the provisions thereof, or in exercising the authority delegated thereby shall be final, subject to appeal as provided in this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Whenever in this Code or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards, or rules or regulations as part of this Code or of any of the codes adopted by reference hereby unless set out in full herein, but they shall be considered and may be used by the Building Official as guides to assist in determining whether or not there has been compliance with the provisions of this Code. The Building Official shall not be bound by the provisions of any such other codes, standards, interpretations, or rules or regulations not expressly adopted by reference in this Code in determining such compliance.

104.2.2 DEPUTIES. In accordance with the prescribed procedures and with the approval of the appointing authority of the County, the Building Official may, from time to time, appoint such number of officers, inspectors, assistants and other employees as shall be necessary to carry out the functions of the Division of Building and Safety and act as duly authorized representatives of the Building Official.

104.2.3 RIGHT OF ENTRY. Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, hazardous, or insanitary, the Building Official or his authorized representative may enter such building, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons having charge or control of the building, structure, or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

104.2.4 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code, or in violation of applicable ordinances of other County agencies, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Whenever the Building Official finds that a building or structure for which a permit has been issued may be flooded or is subject to erosion hazard if the work is completed in the manner proposed, or that the completion of such work will cause the flooding of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of the Ventura County Flood Control District (P.W.A.), or other qualified County officer for a determination as to such danger. If the Director of the aforementioned District or other qualified County officer reports that substantial danger exists, the Building Official shall order work stopped until plans to alleviate such danger have been reviewed and approved by said Director or County officer.

Failure to order work stopped or to make such referral or both shall not be construed as a representation that danger of flooding or erosion does not or will not exist if the work is completed in the manner proposed.

104.2.5 OCCUPANCY VIOLATIONS. Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that in the event of an unsafe building Section 102 in the Uniform Building Code shall apply.

104.2.6 LIABILITY. The Building Official or his authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or

property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the legal department of the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this code.

104.2.11 REPORTS AND RECORDS. The Building Official shall submit a report to the proper County official not less than once a year covering the work of the department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this Code.

The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

104.2.12 POWER OF CITATION. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code section 836.5, the Building Official and certain of his authorized subordinates as hereinafter provided shall have the power of arrest without warrant whenever they have reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a violation of the provisions of this Code or any other ordinance or statute which the Building Official has a duty to enforce.

The persons who are authorized to make arrests as herein provided shall consist of the Building Official and those of his subordinates as he may from time to time designate, whose duties include inspection and enforcement activities for Ventura County.

In any case in which a person is arrested pursuant to this section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C (commencing with section 853.6) of the California Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this section.

104.2.13 NOTICE OF INTENT TO RECORD NOTICE OF NONCOMPLIANCE AND RECORDATION OF NOTICE OF NONCOMPLIANCE. Whenever the Building Official determines that work has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Building Official shall post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall described the property, shall set forth the noncomplying conditions, and shall inform the owner(s) that the Building Official shall record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeal.

A. If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeal, the Building Official shall record a Notice of Noncompliance.

B. If a timely appeal is filed with the Board of Appeal and the Board finds that the noncomplying conditions have not been corrected and need to be corrected, the Building Official shall record a Notice of Noncompliance.

Under either A or B above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall described the property, shall set forth the noncomplying conditions, and shall state that the property owner(s) have been notified.

If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or removed, the Building Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the noncomplying conditions have been corrected or removed. A fee as set forth in the Ventura County Building Code Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

104.2.14 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT. Whenever the Building Official ascertains that any building service equipment regulated in the referenced technical codes has become hazardous to life, health or property, or becomes insanitary, he shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written order itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When any building service equipment is maintained in violation of this code and in a violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

104.2.15 AUTHORITY TO DISCONNECT UTILITIES. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to a building, structure or building service therein regulated by this code, or the referenced technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupants of the building or structure of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupants of the building or structure, in writing, of such disconnection immediately thereafter.

104.2.16 RECONNECTION AFTER ORDER OF DISCONNECTION. No person shall make connections from any energy, power or fuel supply, nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

ANALYSIS:

This section has been modified and expanded to address several issues related to the enforcement of the codes. These include the appointment of deputies, right of entry, stop orders, occupancy violations, liability, reports, power of citation, the recordation of Notices of Non-Compliance, and the authority to condemn service equipment and to disconnect utilities. These are all administrative changes.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24 (CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

ANALYSIS:

This section has been amended to identify the specific Boards of Appeal for Ventura County and to provide clarification about their scope of authority and their operating procedures. This is an administrative change.

106.1.1 STREAMLINED PERMITS FOR CERTAIN AGRICULTURAL BUILDINGS, GREENHOUSES AND SHADE STRUCTURES. The provisions of this code with respect to plan review and inspection shall not apply to certain agricultural buildings, greenhouses and shade structures as specified herein, provided that all of the following conditions are met:

1. The building or structure is used exclusively as an agricultural building as defined in the Uniform Building Code (U.B.C.), and is not designed, equipped or intended for human occupancy or any use other than as an agricultural building, and

2. The building or structure is detached, single story, not over 15 feet in height as defined in the U.B.C., and is of conventional wood frame (Type V-N) construction, and

3. The floor area of the building or structure does not exceed the following limits:

    a. On sites of 10 acres or more in size: 3,000 square feet.

    b. On sites 2 acres or more but less than 10 acres in size: 1,500 square feet, except for nurseries.

    c. On sites 2 acres or more but less than 10 acres in size: 3,000 square feet for nurseries licensed by the Agricultural Commissioner.

    d. On sites less than 2 acres in size: none.

    e. Shade cloth structures without permanently affixed sides: 12,000 square feet, and

4. The building is determined to be exempt from requirements for preparation of plans by a professional engineer or architect as set forth in the California Professional Engineer's or Architect Act, and

5. A Zoning Clearance as an agricultural building, greenhouse or shade structure for the building or structure is approved by the Planning Division, and

6. Approval from the Environmental Health Division is obtained for properties with septic systems, and

7. Approval from the Flood Control Department of the Public Works Agency is obtained as required, and

8. Approval from the Ventura County Fire Department is obtained relative to access, water supply, fire sprinkler, brush clearance and high fire hazard area requirements for any barn or storage structure designed and constructed to house farm implements, hay, grain, poultry or livestock in excess of 1,500 square feet in area; and where a review for other types of agricultural buildings up to 3,000 square feet in area in not required; and

9. Approval from the Development and Inspection Services Division of the Public Works Agency is obtained when a grading permit is required, and

10. A code complying exit is provided from the building or structure, and

11. There is no plumbing, mechanical or electrical work proposed for the building or structure.

106.1.1.1 FEES FOR STREAMLINED AGRICULTURAL BUILDING PERMITS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to agricultural buildings, greenhouses and shade structures qualifying for the above procedure under the provisions of that subsection.

106.1.1.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.1.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

Analysis:

This entire section and the following subsections have been revised to streamline building permits for certain types of agricultural buildings. This new language was developed in conjunction with the Agricultural Policy Advisory Committee and has received their support. This change is an administrative change only.

106.1.2.1 FEES FOR SMALL AGRICULTURAL PRODUCE STANDS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to produce stands qualifying for exemption under the provisions of this subsection.

106.1.2.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.2.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

Analysis:

This language has been divided from a single paragraph format to a three subsection format to agree in layout with the previous section dealing with agricultural buildings. There is no change to the content of the former language except for the new layout. This is an editorial change only.

106.1.4 EMERGENCY BUILDING PERMITS. The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

Emergency repairs to plumbing, electrical, and mechanical installations may be initiated prior to obtaining the required permits, provided that such work was urgently necessary and it was impractical to obtain the permits prior to commencement of the work. Permits for all such work shall be obtained as soon as it is practical to do so.

ANALYSIS:

This section has been added to allow for feasibility in dealing with emergency situations outside of the normal routine. It provides for the capability to act in a timely manner to stabilize or correct emergency situations. This is an administrative change.

Sec. 106.2 EXEMPTED WORK. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, patio covers, playhouses, playground or athletic equipment and similar uses provided the floor area does not exceed 120 square feet.

2. Fences not over 6 feet high measured from highest point of grade, unless supporting a surcharge or structural element.

3. Oil derricks.

4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

5. Retaining walls which are not over 4 feet in height measuresd from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and wood decks not more than 30 inches above grade at any point and not over any basement or story below, nor supporting any structure above.

8. Painting, papering, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported completely by an exterior wall of Group R, Division 3 or Group U, Division 1 Occupancies when projecting not more than 54 inches nor encroaching into required yards.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

13. Freestanding signs not more than 10 feet in height and not more than 72 square feet in area and wall signs not more than 200 square feet in area.

14. Residential television and radio antennas and dish antennas not more than 3 feet in diameter with an approved zone clearance.

15. Commercial antennas not over 15 feet in height when in compliance with the County Zoning Ordinance.

16. Electrolier standards, and flag poles not over 35 feet in height when in compliance with the County Zoning Ordinance.

17. Readily removable plastic covered hoop structures without in-ground footings or foundations that are not more than 8' in height.

18. Agricultural wind generating machines except that an electrical or gas permit is required if they are connected to a commercial utility.

~~19. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade and not more than 1,000 square feet of roof area.~~

Unless otherwise exempted, separate plumbing, mechanical and electrical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Analysis:

Item 1 has been changed to exempt detached patio covers when sized less than 120 square feet and playground or athletic equipment from building permit requirements.

Item 14 has been modified to refer to residential television and radio antennas only.

Item 15 has been added to exempt commercial antennas less than 15 feet in height.

Item 16 has been modified to refer to electrolier standards and flagpoles only.

Item 17 has been added to exempt plastic hoop structures less than 8 feet in height.

Item 18 has been added to exempt certain agricultural wind generating machines.

Item 19 has been added to exempt certain animal shade covers.

All of these changes are administrative.

106.3.2 SUBMITTAL DOCUMENTS. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Computations, diagrams, schedules, soil reports, geological or geotechnical reports, and other data sufficient to show the correctness and adequacy of the plans shall be submitted when required by the Building Official.

A Survey of a lot may be required by the Building Official to assure that a structure is located in accordance with requirements, and/or is situated with respect to Mean Sea Level such that it complies with regulations governing construction in flood-prone areas.

Analysis:

This section has been revised to use the language of the 1997 UBC, except for the paragraphs about geological reports and lot surveys. This is an editorial change only.

Sec. 106.4 - PERMITS ISSUANCE

106.4.1 PERMIT ISSUANCE AND DENIAL. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees have been paid, he shall issue a permit therefor to the applicant.

Except where special building designs or other mitigating measures have been approved by the Building Official and cooperating officials of other County agencies, a building permit may be

denied where physical features of a building site are such that a denial of the building permit is deemed necessary to safeguard life or limb, health, property, or public welfare. Physical features which justify the denial of a permit shall include but shall not be limited to:

1. Precipitous cliffs or other nearby vertical land masses of unknown stability.
2. Unstable soils or geologic conditions.
3. Terrain which is subject to flooding, inundation, or sever soil erosion.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been found complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building or structure will be granted.

106.4.1.1 PERMIT ISSUANCE: RESTRICTIONS. The issuance of permits shall be restricted to those applicants or their authorized representatives who are entitled by the regulations and the exemptions in the State Contractor's License Law, Business and Professions Code, and other applicable statutes to perform work regulated by this Code.

1. Owner-Builder permits may be issued to a property owner building or improving his/her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

   (a) The residence is not intended or offered for sale.

   (b) The homeowner has actually resided in the residence for the 12 month period prior to the completion of the work for which the permits is issued.

2. Owner-Builder permits may be issued to a property owner building or improving structures thereon who contract for such projects with licensed contractors pursuant to Division 3, Chapter 9, of the California Business and Professions Code.

3. Tenant Improvement permits may be issued to tenants when authorized by the building owner for work within the tenant space.

ANALYSIS:

This section has been modified by adding language allowing the denial of a permit because of unstable land masses or soil conditions, precipitous cliffs or terrain subject to flooding, inundation or severe erosion. These changes are administrative but based on geologic and topographical conditions.

106.4.4 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or

work authorized by such permit is not commenced within 180 days after the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the work authorized by such permit does not receive final inspection approval within 3 years from the issuance date of the permit. Before such work may be recommenced, a new or renewed permit shall first be obtained to do so. The fee therefor shall be based upon the valuation and extent of work remaining to complete the project, but such fee shall not exceed one-half the current permit fee providing no changes have been made or will be made in the original plan and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may perform work under that permit when he is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may, without requiring payment of an additional permit fee, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Demolition permits issued for the correction of violations shall expire after 30 days.

For the purpose of this Section "suspended or abandoned" shall be measured as elapsed time between approved REQUIRED INSPECTIONS as delineated in UBC Sections 108.5 through 108.7.

ANALYSIS:

The time limits for permit expiration have been changed to conform to the language of the 1997 UBC. This was done to be consistent with a new computerized tracking system. In addition, a 30-day time limit for demolition permits issued to abate violations has been added. These are editorial and administrative changes.

107.2 BUILDING PERMIT FEES. The fee for each building permit shall be as set forth in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.2.1 ELECTRICAL PERMIT FEES. The fee for each electrical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.2 MECHANICAL PERMIT FEES. The fee for each mechanical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.3 PLUMBING PERMIT FEES. The fee for each plumbing permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.4 OTHER FEES. Other fees charged for services by the Division of Building and Safety shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.3 PLAN REVIEW FEES. When a plan or other data are required to be submitted by Sec. 106.3.2, a plan review fee shall be paid at the time of submitting plans and data for plan review. Said plan review fee shall be ~~65~~ 75 percent of the building permit fee as shown in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The plan review fees specified in this subsection are separate fees from the permit fees ~~and are in addition to the permit fees~~.

The amount of the plan review fee for the initial submittal of a "Standard Plan" as defined herein shall be the full plan review fee as specified above. The plan review fee for subsequent submittals of a plan which qualifies as a "Standard Plan" shall be one-half of the initial plan review fee. "Standard Plan is hereby defined as a prototype plan for a building or structure which is to be utilized at more than one site, and which incorporates the same essential structural features, design, dimensions and calculations as the original approved plan. A "Standard Plan" shall be void three years after its original approval or upon revision of the applicable codes under which it was initially reviewed, or at the discretion of the Building Official."

When plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged but such fee shall not exceed one-half the initial plan review fee. Corrected plans which are resubmitted to the Division of Building and Safety for approval subsequent to initial plan review shall not be subject to an additional plan review fee. The fee for additional plan review may be waived by the Building Official when the time consumed in the performance of such service totals less than one-half hour.

ANALYSIS:

The plan review fee has been increased from 65% to 75% to cover the costs of additional plan review items such as storm water drainage, mobile home regulation, flood control design requirements, and data collection and distribution.

107.4 EXPIRATION OF PLAN REVIEW. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When plans are resubmitted for checking after expiration of plan review and no changes have been made or will be made in the original plans and specifications for the work, and no code changes have occurred, the plan review may be

renewed for 180 days and the plan review fee may be one-half the current plan review fee provided the re-submittal has not exceeded one year from the expiration date.

ANALYSIS:

This section revises the current code language to include an allowance for a renewal of the plan review after it has expired under certain conditions. This is an administrative change.

107.5 INVESTIGATION FEES: WORK WITHOUT PERMIT.

107.5.2 FEE. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the Ventura County Building and Safety Fee Schedule.

The payment of such investigation fee shall not exempt any person from compliance with all applicable provisions of this code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

Analysis:

This is an editorial change to refer to the proper title of the fee schedule.

107.6 FEE REFUNDS. The Building Official may authorize the refunding of fees upon written application by the original permittee, within the limitations set forth herein:

(a) Permit issuance fees shall be nonrefundable except as provided in subsection (c) below.

(b) Any fee totaling thirty-five dollars ($35) or less, exclusive of any issuance fee, if any, shall be nonrefundable except as specified in subsection (c) below.

(c) 100% of any fee erroneously paid or collected shall be refundable, except for that portion paid for State Seismic Fee (SMIP).

(d) 90% of any plan review fee, less a cancellation fee, shall be refundable when the permit application is withdrawn or canceled prior to commencement of plan review.

(e) 90% of any permit fee, less a cancellation fee and State of California Seismic Fee (SMIP), shall be refundable when none of the work covered by such permit has commenced.

(f) 90% of any Board of Appeals hearing fee, less a cancellation fee, shall be refundable when such hearing is canceled prior to the issuance of a Notice of Hearing pertaining to the case.

Failure of the permittee to make written application for a refund within ~~6 months~~ 180 days of cancellation or expiration of a plan review, permit, hearing, or request for service for which a fee has been paid, shall constitute a waiver of entitlement to a refund. No partial refund shall be authorized nor credit be applied against other fees which may be payable to the Division of Building and Safety when a construction project is canceled or abandoned subsequent to partial completion of the building or work authorized by a permitted.

107.7 CANCELLATION FEE. Refunds of fees for permits and services associated with construction projects which are canceled or withdrawn prior to commencement of plan review, inspection, or performance of other service by the Division of Building and Safety shall be subject to a cancellation fee as set forth in the Ventura County Building and Safety Fee Schedule.

ANALYSIS:

This section has been expanded to handle many different cases of fee refunds. It is an administrative change.

Sec. 108 - INSPECTIONS

108.1. GENERAL. All construction or work for which a permit is required shall be subject to inspection by the building official to ensure compliance with the requirements of this Code and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701.5.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official by telephone, orally, or in writing when said work is ready for inspection. Such notification shall be given at least one working day before such inspection is desired.

No portion of any building, structure, wiring, plumbing, ductwork or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official. The Building Official shall have authority to remove, or to require the removal of, any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, ductwork, electrical, or mechanical equipment, as necessary to verify compliance with the approved drawing or codes.

Analysis:

This section has been changed to include language from the 1997 UBC and to include a paragraph addressing when lot surveys may be required. This is an administrative change.

SECTION 109 - CERTIFICATE OF OCCUPANCY

109.4 TEMPORARY OR PARTIAL CERTIFICATE. Upon application by the owner, and for reasonable cause, if the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the entire building is completed, a Temporary or Partial Certificate of Occupancy may be issued for a portion or portions of the building. Such Temporary or Partial Certificate must include compliance with this code for all required access and exiting systems, toilet facilities and fire protection equipment and systems.

Upon completion of the entire structure all Temporary or Partial Certificates shall be surrendered to the building official in exchange for a final Certificate of Occupancy, as specified in UBC Section 109.3.

Analysis:

Minor editorial changes have been made to this section to improve the readability.

~~**TABLE UBC 1-A BUILDING PERMIT FEES**~~

~~TOTAL VALUATION~~	~~FEE~~
~~$1.00 to $500.00~~	~~$23.00~~
~~$501.00 to $2,000.00~~	~~$23.00 for the first $500.00 plus~~ ~~$3.00 for each additional $100.00 or fraction thereof, to and including $2,000.~~
~~$2,001.00 to $25,000.00~~	~~$68.00 for the first $2,000.00 plus $13.25 for each additional $1,000.00 or fraction thereof, to and including $25,000.00.~~
~~$25,001.00 to $50,000.00~~	~~$372.75 for the first $25,000.00 plus $9.50 for each additional $1,000.00 or fraction thereof, to and including $50,000.00.~~
~~$50,001.00 to $100,000.00~~	~~$610.25 for the first $50,000.00 plus $6.75 for each additional $1,000.00 or fraction thereof, to and including $100,000.00.~~
~~$100,001.00 to $500,000.00~~	~~$947.75 for the first $100,000.00 plus $5.25 for each additional $1,000.00 or fraction thereof, to and including $500,000.00.~~
~~$500,001.00 to $1,000,000.00~~	~~$3,047.75 for the first $500,000.00 plus $4.50 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00.~~
~~$1,000,001.00 and up~~	~~$5,297.75 for the first $1,000,000.00 plus $3.00 for each additional $1,000.00 or fraction thereof.~~
~~**Other Inspections and Fees:**~~ ~~Refer to current Ventura County Building Code Fee Schedule.~~	

Analysis:

This table has been deleted from the VCBC as it has been included in the Ventura County Building and Safety Fee Schedule which is adopted as a separate resolution by the Board of Supervisors.

CHAPTER 2 - DEFINITIONS

Section 202-A:

~~"Apartment house"~~ **"APARTMENT HOUSE"** shall mean any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums and townhouses.

Analysis:

Words being defined are now printed in bold type to improve the readability and to make them easier to find. This occurs in various places throughout the code. This is an editorial change.

Section 203-B: "Building Official"

3. For the purposes of administering provisions of the Uniform Housing Code pertaining to the abatement of health hazards ~~associated with private sewage disposal systems~~, the term "Building Official" shall mean the manager of the Division of Building and Safety and/or the Environmental Health Officer, or a duly authorized representative.

Analysis:

In paragraph 3, a reference to "private sewage disposal system" has been deleted which removes the limit on the abatement of health hazards to that item only. This is an administrative change.

Section 207-F:

207-F ~~FLOOD HAZARD AREA~~ **"FLOOD HAZARD AREA"** is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Control ~~Section~~ Division of the Public Works Agency.

Analysis:

Several references to different Public Works Agency "Sections" have been corrected to refer to "Divisions". This is an editorial change.

CHAPTER 6 - TYPES OF CONSTRUCTION

SECTION 607 - HIGH FIRE HAZARD AREAS

Sec. UBC 607.1 HIGH FIRE HAZARD AREA DEFINED. For the purpose of this code, certain areas in the unincorporated territory of the County shall be classified as the High Fire Hazard

Area by the Ventura County Fire Protection District. The High Fire Hazard Area is defined as any area within 500 feet of uncultivated brush, grass, or forest-covered land wherein an authorized representative of said District determines that a potential fire hazard exists due to the presence of such flammable growth.

Sec. UBC 607.2 CONSTRUCTION REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Buildings or structures hereafter erected, constructed or moved within or into designated high fire hazard areas, including mobilehomes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section. Although their installation is encouraged, neither manual nor automatic fire extinguishing systems or similar water spraying devices may be substituted for the fire protection set forth herein.

607.2.1 ROOFS. Roof coverings shall be fire retardant Class A. as specified in Section 1504 in the UBC.

607.2.2 EXTERIOR WALLS. Fire-resistive protection of exterior walls and openings, as determined by location on property, shall be as required by Section 503 in the UBC.

EXCEPTION: No exterior wall covering of a building shall provide less fire resistance than that afforded by: 7/8-inch exterior cement plaster; 1-inch nominal thickness solid wood siding; 1/2-inch textured plywood siding having a groove depth of 1/8-inch or less; 7/16-inch hardwood siding; 5/8-inch particleboard, exterior type 2-M; or 5/8-inch exterior plywood, T1-11, having a groove depth of 1/4-inch or less. Fire-retardant treated or untreated wood shingle or shake siding shall not be permitted.

607.2.3 UNDERFLOOR AREAS. Where underfloor areas are not enclosed by fire-resistive construction conforming to the requirements of subsection 607.2.2 above, the underside of the floor system shall be fire-protected as set forth in subsection 607.2.4.

607.2.4 PROJECTIONS AND OTHER BUILDING ELEMENTS EXPOSED TO FIRE. Architectural projections such as roof overhangs and soffits, balconies and decks, and other elements of building which have combustible structural elements in the horizontal plane, shall be protected with materials approved for 1-hour fire-resistive construction on the lower, fire-exposed side and shall have 1-hour fire-resistive supporting columns unless the details of construction conform to those for heavy timber as described in Section 605 in the UBC.

EXCEPTIONS: 1. Combustible structural members in horizontal projections may be unprotected timbers of size 4 x 6 or larger when used as rafters or as stair, balcony, or deck supports or for similar purposes.

2. Patios, carports, arbors and open latticework sunshades may be constructed of any materials allowed by this Code.

3. Balconies and decks 30 inches or more above grade may have flooring of not less than 2-inch nominal thickness lumber or material of equivalent fire

resistance. Such flooring may be spaced not more than 1/4-inch apart and need not be fire protected on the underside.

Balconies and decks less than 30 inches above grade shall be solidly floored without gaps and shall be fire-protected on the underside as required by this Section. In lieu of fire protection, such balconies and decks may be enclosed from floor surface to grade in the manner prescribed for exterior walls in subsection 607.2.2 of this Section.

4. Combustible exterior columns directly supporting roofs, stairs, balconies, and decks may be size 4 x 4 or larger. Columns and beams supporting interior floor loads may be size 6 x 6 or larger.

607.2.5 VENTILATION OPENINGS. Attic or foundation ventilation opening or louvers shall not be located at or within 18", measure vertically, of eaves or rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire in adjacent hazardous grass or brush areas.

607.3 WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of UBC 607.2.1 through 607.2.5 above, in whole or in part, for specific construction projects within the High Fire Hazard Area when such waiver is approved by an authorized representative of the Ventura County Fire Protection District, based upon site conditions which justify a reduction in fire resistance.

ANALYSIS:

This section has been added to address the special construction requirements for buildings constructed in high fire hazard areas. Theses amendments are necessary because of local climatic and topographical conditions.

CHAPTER 16 - DIVISION I - STRUCTURAL FORCES

Sec. 1611 OTHER MINIMUM LOADS.

1611.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

ANALYSIS:

This section has been added to deal with the testing and acceptance requirements for drilled-in expansion bolt anchors and epoxy-type anchors. This is an administrative change.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1803 SOIL CLASSIFICATION - EXPANSIVE SOIL.

1803.2 EXPANSIVE SOIL. The expansive characteristics of soil shall be determined by procedures in accordance with UBC Standard Number 18-1 and the soils shall be classified according to Table Number 18-1-B of this Code. Foundations for structures bearing on soils with an expansion index greater than 20, as determined by UBC Standard Number 18-2, shall require special design consideration. In the event the soil expansion index varies with depth, the weighted index shall be determined according to Table Number 18-1-C in the UBC. The Soil Expansion Index shall be listed in all soils investigation reports.

A test to determine the soil expansion index shall be conducted for each building site except that in subdivisions the frequency of testing need not exceed one test per five contiguous lots or one test per five acres, whichever are is smaller. Such tests shall be made after rough grading is completed. Tests shall include a determination of the expansion index for the most expansive soil encountered within the top four feet at each test location whether in cut or fill or a combination thereof.

The expansion index for soil on subdivision lots which have not been individually tested shall be assumed to correspond to the highest reading determined by tests on proximate lots.

ANALYSIS:

This section has been modified to clarify the requirements for testing for expansive soils and to provide standards to which to design foundations in areas of moderate to high expansivity. This change is due to the special geologic conditions found in areas of highly expansive soils.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1804 FOUNDATION INVESTIGATION.

1804.2 INVESTIGATION. The classification of soil shall be based on observation and necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be required to evaluate soil strength, the effect of moisture variation on soil bearing capacity, compressibility, liquefaction and expansiveness.

In Seismic Zones 3 and 4, when required by the building official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

EXCEPTIONS: 1. The building official may waive this evaluation upon receipt of written opinion of a qualified geotechnical engineer or geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy with or without attached garages ~~and single-story accessory structures thereto~~.

3. Group U, Division 1 Occupancies.

4. Fences.

5. ~~Detached single-story Group U, Division 3 occupancies.~~

Whenever, in the opinion of the Building Official, the adequacy and stability of a building site cannot be determined by the test borings or excavations required by this section, he may require a special geologic, geotechnical, hydrologic, seismic, or other investigation and report. Geologic investigations such as those for hillside stability or seismic hazards shall be conducted by a California-certified Engineering Geologist.

Analysis:

Exception 2 has been modified to exempt single story structures accessory to single family dwellings. Exception 5 has been added to exempt single story agricultural buildings. These changes are administrative.

1806 FOOTINGS.

Section 1806.1. GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with Chapter 18, Division II and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings, foundations, and concrete slab floors at or below grade shall be constructed to comply with Table UBC 18-1-D (Rev.) and footnotes thereto in this ordinance, except when an approved alternative design is provided based on a foundation investigation. UBC Table 18-1-D and footnotes thereto in the UBC is hereby deleted in its entirety, and is replaced by VCBC Table UBC 18-1-D (Rev.) and footnotes thereto, published herewith.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind or wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards. See Section 3302 for subsoil preparation and wood form removal.

1806.11 HOLD-DOWN CONNECTORS.

1. All bolt-holes shall be 1/16" (max) over-sized at the connection of hold-downs to posts.

2. Hold-down connection bolts/nuts shall be torqued ½ turn beyond finger tight or as required by manufacturer.

3. Approved plate washers, in-lieu of cut washers, shall be provided for all plywood shearwall sill plate anchor bolts. See Table "A" below.

4. Approved plate washers, in-lieu of cut washers, shall be provided for hold-down connector bolts at shearwall wood flanges. See Table "A" below.

TABLE - A

MINIMUM SIZE FOR SQUARE PLATE WASHERS

BOLT SIZE	PLATE SIZE
1/2"	3/16" x 2" x 2"
5/8"	1/4" x 2 1/2" x 2 1/2"
3/4"	5/16" x 2 3/4" x 2 3/4"
7/8"	5/16" x 3" x 3"
1"	3/8" x 3 1/2" x 3 1/2"

1806.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Where additional foundation plate anchor bolts are required after foundations are completed, drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

1806.13 GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table UBC 18-1-D (Rev.), whichever is deeper, reinforced as specified for continuous foundations in Table UBC 18-1-D, shall be provided at garage door openings.

1806.14 FIREPLACE FOOTINGS. Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table UBC 18-1-D (Rev.).

ANALYSIS:

This section has been modified by changes found in Table 18-D due to specific geologic conditions found in Ventura County. These changes are geologically based.

CHAPTER 23 - WOOD

TABLE 23-II-~~I~~G MAXIMUM DIAPHRAGM DIMENSION RATIOS

MATERIAL	HORIZONTAL DIAPHRAGMS	VERTICAL DIAPHRAGMS
	Maximum Span-Width Ratios	Maximum Height-Width Ratios
1. Diagonal sheathing, conventional 2. Diagonal sheathing, special 3. Wood structural panels and particleboard, nailed all edges	3:1 4:1 4:1	~~2:1~~ ~~1:1~~ 2:1 2:1
4. Wood structural panels and particleboard, blocking omitted at intermediate joints	4:1	~~2:1~~ ~~NP~~

Analysis:

This table has been revised to reflect changes made in the 1997 UBC. Footnote 3 in the code has been dropped out due to the high level of seismcity (i.e., Northridge Earthquake) in this region. This is a change based on local geology.

TABLE 23-II-1-1 — ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES IN POUNDS PER FOOT FOR WOOD STRUCTURAL PANEL SHEAR WALLS WITH FRAMING OF DOUGLAS FIR-LARCH OR SOUTHERN PINE.[1, 2, 3, 4]

PANEL GRADE	MINIMUM NOMINAL PANEL THICKNESS (INCHES)	MINIMUM NAIL PENETRATION IN FRAMING (INCHES)	PANELS APPLIED DIRECTLY TO FRAMING					PANELS APPLIED OVER 1/2-INCH (13 mm) OR 5/8-INCH (16 mm) GYPSUM SHEATHING				
			Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.)				Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.)			
				x 25.4 for mm					x 25.4 for mm			
				6	4	3	2		6	4	3	2
	x 25.4 for mm			x 0.0146 for N/mm					x 0.0146 for N/mm			
Structural I	5/16	1 1/4	6d	150	225	293	383	8d	150	225	293	383
	3/8	1 1/2	8d	173[5]	270[5]	345[5]	458[5]	10d[6]	210	323	413	548
	7/16			191[5]	296[5]	379[5]	503[5]					
	15/32			210	323	413	548					
	15/32	1 5/8	10d[6]	255	383	499	653	–	–	–	–	–
C-D, C-C Sheathing, plywood panel siding and other grades covered in U.B.C. Standard 23-2 or 23-3	5/16	1 1/4	6d	135	203	263	338	8d	135	203	263	338
	3/8			150	225	293	383		150	225	293	383
	3/8	1 1/2	8d	165[5]	240[5]	308[5]	398[5]	10d[6]	195	368	368	480
	7/16			180[5]	263[5]	338[5]	439[5]					
	15/32			195	285	368	480					
	15/32	1 5/8	10d[6]	233	345	450	578	–	–	–	–	–
	19/32			255	383	499	653					
			Nail Size (Galvanized Casing)					Nail Size (Galvanized Casing)				
Plywood panel siding in grades covered in U.B.C. Standard 23-2	5/16	1 1/4	6d	105	158	206	270	8d	105	158	206	270
	3/8	1 1/2	8d	120	180	233	308	10d[6]	120	180	233	308

[1] All panel edges backed with 2-inch (51 mm) nominal or wider framing. Panels installed either horizontally or vertically. Space nails at 6 inches (152 mm) on center along framing members for 3/8-inch (9.5 mm) and 7/16-inch (11 mm) panels installed on studs spaced 24 inches (610 mm) on center and 12 inches (305 mm) on center for other conditions and panel thicknesses. These values are for short-time loads due to wind or earthquake and must be reduced 25 percent for normal loading.

Allowable shear values for nails in framing members of other species set forth in Table 23-III-FF of Division III shall be calculated for all other grades by multiplying the shear capacities for nails in Structural I by the following factors: 0.82 for species with specific gravity greater than or equal to 0.42 but less than 0.49, and 0.65 for species with a specific gravity less than 0.42.

[2] Where panels are applied on both faces of a wall and nail spacing is less than 6 inches (152 mm) on center on either side, panels joints shall be offset to fall on different framing members or framing shall be 3-inch (76 mm) nominal or thicker and nails on each side shall be staggered.

[3] Framing at boundary and panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered for all plywood shear walls with shear values exceeding 300#/ft. Nailing edge distance for 3x boundary and panel edge members shall be 1/2-inch minimum.

[4] The maximum allowable shear for 3-ply plywood, less than 5/8-inch thickness, shall not exceed 200#/ft. when used in shearwalls and framing of Douglas Fir-Larch or Southern Pine.

[5] The values for 3/8-inch (9.5 mm) and 7/16-inch (11 mm) panels applied direct to framing may be increased to values shown for 15/32-inch (12 mm) panels, provided studs are spaced a maximum of 16 inches (406 mm) on center or panels are applied with long dimension across studs.

[6] Framing at adjoining panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered where 10d nails having penetration into framing of more than 1 5/8 inches (41 mm) are spaced 3 inches (76 mm) or less on center.

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ANALYSIS:

The allowable shear values in this table have been reduced by 25% following the Northridge Earthquake due to actual performance experience. These changes are based on local geologic conditions.

CHAPTER 25 - GYPSUM BOARD AND PLASTER

Section 2513 - SHEAR-RESISTING CONSTRUCTION WITH WOOD FRAME.

2513.4 HEIGHT TO LENGTH RATIO. The maximum allowable height-to length ratio for the construction in this section shall be 1 to 1. Wall sections have height-to-length ratios in excess of 1½ to 1 shall be blocked.

ANALYSIS:

Changes to this section are based on the performance evidence of this type of construction from the Northridge Earthquake. These changes are based on local geologic conditions.

TABLE 25-I - ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES
IN POUNDS PER FOOT FOR VERTICAL DIAPHRAGMS OF
LATH AND PLASTER OR GYPSUM BOARD FRAME WALL ASSEMBLIES[1]

TYPE OF MATERIAL	THICKNESS OF MATERIAL	WALL CONSTRUCTION	NAIL SPACING[2] MAXIMUM (inches)	SHEAR VALUE	MINIMUM NAIL SIZE[3]
	x 25.4 for mm		x 25.4 for mm	x 14.6 for N/m	x 25.4 for mm
1. Expanded metal, or woven wire lath and portland cement plaster	7/8"	Unblocked	7	90	No. 11 gage 1 1/2" long, 7/16" head[4]
2. Gypsum lath	3/8" lath and 1/2" plaster	Unblocked	7	30	No. 13 gage, 1 1/8" long, 19/64" head, plasterboard blued nail
3. Gypsum sheathing board[5]	1/2" x 2' x 8'	Unblocked	7	30	No. 11 gage, 1 3/4" long, 7/16" head, diamond-point, galvanized
	1/2" x 4' 1/2" x 4'	Blocked Unblocked	7 7	30 30	
4. Gypsum wallboard or veneer base[5]	1/2"	Unblocked	7	30	5d cooler (0.086" dia., 1 5/8" long 15/64" head) or wallboard (0.086" dia., 1 5/8" long, 9/32" head)
			7	30	
		Blocked	7	30	
			7	30	
	5/8"	Unblocked	7	30	6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head)
			7	30	
		Blocked	7	30	
			7	30	
		Blocked Two ply	Base ply: 7 Face ply: 7	60	Base ply - 6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head) Face ply - 8d cooler (0.113" dia., 2 3/8 long, 9/32" head) or wallboard (0.113" dia., 2 3/8" long, 3/8" head

[1]These vertical diaphragms shall not be used to resist loads imposed by masonry or concrete construction. See Section 2513.2. Values shown are for short-term loading due to wind or due to seismic loading in Seismic Zones 0, 1, 2A and 2B. Values shown must be reduced 25 percent for normal loading. The values shown in Items 2, 3 and 4 shall be reduced 50 percent for lading due to earthquake in Seismic Zones 3 and 4.
[2]Applies to nailing at all studs, top and bottom plates and blocking.
[3]Alternate nails may be used if their dimensions are not less than the specified dimensions.
[4]Required minimum nailing shall be No. 11 gage x 1 1/2" long galvanized nails with lath burred to 1/4" from the face of the building paper. Staples and self-barring lath shall not be permitted.
[5]Frame wall assemblies constructed of Portland cement plaster, gypsum sheathing board or gypsum wall board are not permitted to carry shear loads at ground floor of multi-level buildings.

ANALYSIS:

The allowable shear values in this table have been reduced by 25% following the Northridge Earthquake due to actual performance experience. These changes are based on local geologic conditions.

CHAPTER 40 RELOCATED BUILDINGS AND TEMPORARY STRUCTURES

Sec. 40.1. GENERAL REQUIREMENTS. Buildings or structures moved into or within the County shall comply with the provisions of this Code for new buildings or structures except when otherwise permitted by this Code or by State law.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Sec. 40.2. PERMIT(S) REQUIRED. It shall be unlawful for any person, firm, or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office, or similar structure which is relocated as construction requires, into or within the County without first obtaining a permit to do so from the Building Official.

EXCEPTION: Buildings moved to the business premises of a house mover for the purpose of temporary storage.

Sec. 40.2.1 NOTIFICATION OF RELOCATED BUILDING. Prior to issuance of relocation permit for any structure and as a part of the application therefor, a Notice of Relocated Building, on a form furnished by the Building Official, shall be posted at the site of the building proposed to be relocated and at the proposed new site location. This public notice shall be maintained for a minimum of 15 days from the date of the application for relocation permit. During this period, interested parties may submit written comments to the Building Official regarding said proposed relocation. (refer to Sec. 40.5 DENIAL OF PERMIT.)

Sec. 40.3. APPLICATION AND INVESTIGATION FEE. To obtain a permit to relocate a building or structure the applicant shall first file an application therefor as required by Section 106.3 in this ordinance. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by the required investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be non-refundable. If the building to be moved is located outside the County, the applicant shall pay an additional fee as set forth in the Ventura County Building and Safety Fee Schedule to cover increased costs of inspection and mileage.

40.3.1 The Building Official shall make the following findings prior to issuing the permit:

1. That there is evidence of full compliance with the zoning provisions of Ventura County Ordinance Code, Division 8 - PLANNING AND DEVELOPMENT.

2. That the building shall comply, or shall be altered to comply, with current building, electrical, heating and air conditioning, and plumbing code requirements.

3. That all necessary and required documentation has been submitted for review, including, but not limited to, plans and specifications for all required or proposed improvements at the new location, a soils investigation report, a current termite inspection report, a water "will serve" letter from a recognized water provider or an approved water well certificate, a sewer "will serve" letter from a recognized sanitation district or an approved septic system certificate, and a surety bond in the amount determined by the Building Official as set forth in Sec. 11-16 of this Code.

Sec. 40.4. INVESTIGATION AND REPORT. The Building Official shall cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report shall list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions, or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety, or welfare.

The investigation report shall remain valid for a period of 180 days after the building or structure has been inspected, after which time a new investigation and report may be required by the Building Official.

Sec. 40.5. DENIAL OF PERMIT. The Building Official may deny the issuance of a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous.

2. Is infested with pests or is insanitary.

3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair.

4. Is so dilapidated, defective, or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated.

5. Because of age, size design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

Sec. 40.6. SECURITY REQUIRED. The Building Official shall not issue a permit to relocate a building or structure unless the applicant therefor shall first post with the Building Official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the State as surety; a cash bond naming the County of Ventura as payee; or an assignment of certificates or shares issued by a lending institution doing business in this state and insured by the FDIC. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this Section shall:

1. Be in form joint and several.

2. Name the County of Ventura as obligee.

3. Guarantee that the required work will be completed or, when ordered by the Building Official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition.

4. Be in an amount equal to the estimated cost, plus 10 percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official.

5. State therein the legal description or address of the property to which the building or structure is to be relocated.

Sec. 40.7. CONDITIONS OF SECURITY. Every performance bond, cash bond, or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within 180 days from the date of issuance of the permit.

2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety.

3. The term of each bond posted pursuant to this Article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.

4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.

5. Upon default by the principal, the surety shall cause all required work to be performed as set forth in the conditions of the investigation report and relocation permit.

6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean, and restore the site.

Sec. 40.8. PERMIT ISSUANCE AND FEES. Before a permit is issued for the relocation of a building and its reconstruction, repair, and completion at a new site, all required plan review and permit fees shall be paid. The required permits, together with the investigation report, shall comprise the "relocation permit" for the purposes of this Article.

The value to be used in computing the relocation building permit and plan review fees shall be as set forth in Sec. 107.2 in this Code, based upon the estimated cost of all construction necessary to complete the structure.

Sec. 40.9. EXPIRATION OF PERMIT. Permits for the relocation, reconstruction, and repair of a building or structure shall be null and void in accordance with the provisions of Section 106.4.4 in this Code if the building or structure is not relocated to the proposed site and/or the required work commenced within 6 months of the date of issuance of such permits.

Sec. 40.10. PROCEDURE UPON DEFAULT.

40.10.1 PERFORMANCE BOND. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond.

The notice of default shall state the conditions of the bond which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work.

Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified.

The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned, and restored to the satisfaction of the Building Official.

EXCEPTION: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided:

1. A written agreement is executed between Surety and the Division of Building and Safety under which the Division assumes responsibility for causing completion of required work or demolition of the structure; and

2. A cash bond is posted by the Surety in the amount of the performance bond, payable to the County of Ventura, to enable the Building official to cause the required work of repair or demolition to be performed in accordance with Section 40.10.2 in this ordinance.

40.10.2 CASH BOND. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

40.10.3 ASSIGNMENT OF SHARES. When an assignment of share has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or shares or any portion thereof by the lending institution and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contract or otherwise.

Sec. 40.11 RELEASE OF SECURITY.

40.11.1 PERFORMANCE BOND. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.

40.11.2 CASH BOND. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successors or assigns, except any portion thereof that may have been used, cashed, or deducted as provided elsewhere in this Article.

40.11.3 ASSIGNMENT OF SHARES. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the Building Official shall notify the lending institution and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this Article.

ANALYSIS:

This entire chapter has been added to deal with moved buildings and to provide the procedures necessary for their proper permitting and installation. This is an administrative change.

CHAPTER 41 SWIMMING POOLS, ORNAMENTAL POOLS, AND APPURTENANT FENCING

SECTION 41.1 - GENERAL

41.1.1 SCOPE. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

4.1.2 STANDARDS OF QUALITY. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard list below is a recognized standard. (See Section 3504.)

ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

SECTION 41.1.3 - DEFINITIONS.

For the purpose of this Article certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "swimming pool."

Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346.

Barrier (enclosure) is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

Grade is the underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "spa, nonself-contained" and "spa, self-contained."

In-Ground Pool. See definition of "swimming pool."

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the rounds of a private single-family home.

Separation Fence is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually have a filter, heater and a motor-driven blower. It may be installed indoors or outdoors , on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Spa, Self-Contained, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Swimming Pool, is any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. The term "swimming pool," does not apply to plumbing fixtures such as bathtubs or hydro-therapy tubs; nor does it apply to man-made lakes,

reservoirs or farm ponds used primarily for public park purposes, ornamentation, water conservation, irrigation, ground-water recharging basins, or watering of livestock. It shall apply to any water-filled excavation, lined or unlined, within three (3) feet of any structure or property line. (Public pools shall comply also with CCR Title 24).

Swimming Pool, Indoor, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor, is a swimming pool that is not an indoor pool.

Sec. 41.2. POOL DESIGN AND CONSTRUCTION

41.2.1 GENERAL. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, and mechanical codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.

41.2.2 EXPANSIVE SOIL DESIGN. Pools constructed below grade shall be designed on the assumption that their construction is to be in an area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 p.c.f.).

> EXCEPTION: Where tests indicate that soils at a pool site are non-expansive or have low expansion characteristics from the ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less that 30 p.c.f.

In highly expansive soils having an expansion index of 91-130, pools shall be designed for not less than 60 p.c.f. equivalent fluid pressure.

In very highly expansive soils having an expansion index over 130, pool design shall be subject to special requirements based on a site investigation, soil testing, and engineering analysis by a registered civil engineer to determine appropriate design parameters for the site.

41.2.3 HYDROSTATIC UPLIFT. In areas of anticipated high water table ~~or moderate or highly expansive soil~~ an approved hydrostatic relief system or device shall be installed.

41.2.4 THERMAL PROTECTION FOR PLASTIC PIPING. Between the inlet of pool water heating equipment and any plastic water piping connected thereto, a check valve shall be installed to prevent thermal damage to such piping due to backflow.

> EXCEPTION: When rapid or high-rate filters are employed a check valve may be omitted.

Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than five feet of approved metal pipe shall be installed for the purpose of dissipating heat.

41.2.5 SAFEGUARDING SUCTION DRAINS. Bottom drains and suction intakes in pools and spas shall be covered with grates or other protective devices which cannot be removed except with tools. The slots or openings in these covers shall be of such area, shape, and

arrangement as to prevent bathers from being drawn thereto with such force as to constitute a safety hazard.

41.2.6 GRAB BARS. Wherever egress from a pool is restricted by the presence of a vertical wall or other barrier which extends more than 12" above the water surface at the pool edge, permanent continuous grab bars, handrails, or other approved equivalent devices shall be installed within 12 inches above of the water surface. Such devices shall be capable of being securely grasped, and shall be adequate to support the weight of a user of the pool.

Sec. 41.3. DECKS

41.3.1 GENERAL. A deck shall be provided around below-grade swimming pools except when special engineering design is furnished which indicates that such deck is not necessary for the purpose of maintaining the structural integrity of the pool and/or for controlling surface water and moisture content in the soil adjacent to the pool. Decks shall not be required for spas and hot tubs.

41.3.2 DECK DESIGN AND CONSTRUCTION. Required decks shall be constructed of concrete or other approved impervious material and shall be sloped to provide positive drainage away from the perimeter of the pool. Except as provided below, decks shall have a minimum width of four feet and shall be at least 3-1/2 inches in thickness. Reinforcement shall be #3 bars spaced not over 24 inches o.c. each way, or equivalent reinforcing.

Approved joints shall be provided in the deck at corners, at maximum 10-foot intervals, and wherever necessary in order to control cracking, to allow for differential movement, and to minimize damage to the deck from such movement should it occur.

Joints in decks and coping shall be made watertight with an approved permanent resilient sealant.

41.3.3 CUTOFF WALLS. At the outer perimeter of pool decks a cutoff wall of approved material shall be installed below-grade to a depth of at least 15 inches so as to form a permanent and effective vertical moisture barrier.

EXCEPTIONS: 1. A cutoff wall may be omitted when a deck at least six feet wide is installed.

2. Decks less than four feet in width may be installed provided that the required cutoff wall is increased in depth beyond the minimum by an amount equal to the reduction in deck width.

41.3.4 PRE-SATURATION, HIGHLY EXPANSIVE SOILS. When the soil below a deck has an expansion index of 91 or greater it shall be saturated with water to a depth of at least 18 inches prior to installation of the deck.

41.3.5 DECK BONDING. When decks are to be installed, whether structurally required or not, the reinforcing installed therein shall be electrically bonded together with the pool shell reinforcing and metal parts of electrical equipment associated with the pool water recirculating system and with miscellaneous metal accessories, such as pool slides, diving boards and spring boards, in accordance with NEC Sec. 680-22.

Sec. 41.4. DRAINAGE AND DISPOSAL

41.4.1 SURFACE WATER. Surface water from pool decks shall be collected and conducted through non-erosive devices to a street, storm drain, or other approved watercourse or disposal area.

41.4.2 WASTE WATER. Pool waste water shall be disposed of in accordance with the requirements of the Environmental Health Officer.

41.4.3 DRYWELLS. Drywells shall not be employed for pool wastewater disposal except when specifically approved for the purpose and when it has been determined that such installation is not likely to have adverse effects on the structural stability of the pool or other structures on the site. The Building Official may require a percolation test, soils report, and/or geological report to make such a determination.

Sec. 41.5. SPECIAL INSPECTION. Special inspection as required by Section 1701.5.12 in the UBC shall be provided for pneumatically placed concrete (gunite) in swimming pools.

Sec. 41.6. BARRIER REQUIREMENTS.

41.6.1 OUTDOOR SWIMMING POOL. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch diameter sphere.

   Exceptions:

   1. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.

   2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3. Chain link fences used as the barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate barrier shall have no opening greater that ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. ~~Pedestrian gates shall swing away from the pool.~~ Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 41.6.1 shall be provided.

   Exception: When approved by the building official, one of the following may be used:

   1. Self-closing and self-latching devices installed on all doors with direct access to the pool and the release mechanism located a minimum of 54 inches above the floor.

   2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

   3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 though 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. Outdoor Swimming Pools with an approved safety pool cover shall not be required to provide other barriers.

8. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 7, above, may be approved by the building official of the jurisdiction issuing the applicable building permit.

41.6.2 INDOOR SWIMMING POOL. For an indoor swimming pool, protection shall comply with the requirements of Section 41.6.1, Item 5.

41.6.3 SPAS AND HOT TUBS. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 41.6.1.

Exception: Spas or hot tubs equipped with a listed safety cover shall be exempt from the requirements of Section 41.6.1.

Analysis:

ENTIRE CHAPTER: This chapter has been rewritten entirely incorporating the requirements of the "Pool Safety Act" passed by the California State Legislature together with requirements from the 1997 UBC Appendix Chapter 4, Division I (Titled "Barriers for Swimming Pools, Spas and Hot Tubs") and local amendments to the chapter carried forward from prior adoptions.

CHAPTER 42 - MOBILEHOMES AND COMMERCIAL COACHES

Sec. 42.1. DEFINITIONS. For the purposes of this Article the terms "mobilehome," "commercial coach," "mobilehome accessory structure," and "foundation system" shall have the meanings set forth in Title 25, California Code of Regulations, and shall also apply to "manufactured housing" and "factory-built housing".

Sec. 42.2. SCOPE. The provisions of this Article shall apply to mobilehomes and commercial coaches installed outside mobilehome parks in all locations where the County of Ventura is the primary enforcement authority for applicable provisions of the State Mobilehome Parks Act, Subchapter 1 of Chapter 2, California Code of Regulations, Title 25.

Sec. 42.3. INSTALLATION PERMIT REQUIRED. No person, firm, or corporation shall install, occupy, or use a mobilehome, mobilehome accessory structure, or commercial coach or cause the same to be done without first obtaining an installation permit therefor. Said installation permit shall be issued subject to compliance with applicable laws and ordinances, including but not limited to:

1. Terms and conditions of a zoning clearance, including time limits established thereby.

2. Requirements for an approved foundation system.

3. Requirements for approved electrical, plumbing, and sewage disposal facilities.

4. Payment of installation permit fees in addition to fees for permits, services or clearances which may otherwise be required.

Sec. 42.4. SPECIAL REQUIREMENTS, COMMERCIAL COACHES

42.4.1 ALLOWABLE AREA. The area of commercial coach units connected in multiple shall not exceed the allowable floor area for the occupancy housed therein and the Type of Construction, in accordance with Section 504 in the UBC.

42.4.2 LOCATION ON PROPERTY. Commercial coaches shall be positioned on a site with sufficient setback from property lines so as to comply with the requirements of Section 503 in the UBC for fire-resistive protection of exterior walls and openings without the necessity for altering the structure or finish materials of the exterior walls of the coach.

42.4.3 STAIRS AND EXITS. Stairs, ramps, handrails, guardrails, landings, and exits shall be provided for commercial coaches as specified in Chapter 10 in the UBC. Such coaches shall also conform to applicable standards of the State of California for making buildings accessible by physically handicapped persons.

42.4.4 SANITARY FACILITIES. Commercial coaches shall be provided with sanitary facilities in accordance with the requirements of this Code which are applicable to the particular occupancy housed therein. Sanitary facilities shall also conform to the applicable standards of the State of California for accessibility to physically handicapped persons.

Sec. 42.5. REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The requirements of Section UBC 607.2 in this ordinance shall be applicable to mobilehomes, mobilehome accessory structures, manufactured or factory-built housing, and commercial coaches installed within High Fire Hazard areas.

Sec. 42.6. SUBSTANDARD OR DANGEROUS MOBILEHOMES AND COMMERCIAL COACHES. All mobilehomes, commercial coaches, or portions thereof, whether permanently or temporarily installed, which are determined to be substandard or dangerous as defined in the Uniform Housing Code or the Dangerous Buildings Code as amended by this ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in such codes.

Sec. 42.7 RECREATIONAL VEHICLES

42.7.1 DEFINITION

See Section 18010 of the California Code of Regulations, Health and Safety Code which reads as follows:

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

(Amended by Stats. 1990, Ch. 765, Sec. 3.)

42.7.2 ALLOWABLE USE

Recreational vehicles may only be used as "temporary dwellings during construction", as long as a building permit for new residential construction or major remodeling is in full force and effect and subject to Zoning Clearance conditions.

Recreational vehicles cannot be used as permanent dwellings or permanent accessory structures on private property, except as specifically allowed under California State law.

ANALYSIS:

This entire chapter has been written identify the requirements for placing mobile homes and commercial coaches on private property. They also coordinate with regulations found in Title 25 of the California Code of Regulations for mobile homes and commercial coaches. These are administrative changes.

CHAPTER 43 - POST-DISASTER RECOVERY AND RECONSTRUCTION

SECTION 43.1 POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

43.1.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Division of Building and Safety as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

43.1.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the County of Ventura following each natural or man-made disaster.

43.1.3 DEFINITIONS.

43.1.3.1 Building Official is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.1.3.2 Safety assessment is a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a natural or man-made disaster.

43.1.4 PLACARDS. The following official placards shall be used to designate the condition of buildings or structures following a disaster.

43.1.4.1 INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

43.1.4.2 RESTRICTED OR LIMITED ENTRY may be posed on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

43.1.4.3 UNSAFE - Do Not Enter or Occupy may be posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

43.1.4.5 SECURING OF UNSAFE BUILDINGS OR STRUCTURES - Buildings or structures that have been determined by the building official to pose a threat to life safety or to be unsafe due to damage may be required by the building official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures shall not be removed without authorization from the building official.

43.1.4.6 REMOVAL OF PLACARDS - Once the placard has been attached to a building or structure, it shall not be removed, altered or covered until authorized by the building official.

43.1.5 VIOLATION. Any violation of Article 3, Chapter 43 of this code is a misdemeanor and shall be subject to punishment according to the provisions of Article 2, Chapter 1, Section 103.

Section 43.2 POST DISASTER ABATEMENT

43.2.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors.

43.2.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura.

43.2.3 DEFINITIONS. For the purpose of the chapter, the following definitions apply:

43.2.3.1 EVENT shall mean any occurrence which results in the declaration of a disaster by the Board of Supervisors, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

43.2.3.2 HISTORIC BUILDING OR STRUCTURE shall be any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

43.2.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

43.2.4 ABATEMENT CRITERIA

43.2.4.1 NOTICE OF DETERMINATION. Except as provided in subsection 43.2.4.2 below, the Building Official shall serve a written Notice of Determination to each property owner as found on the latest available copy of the County Assessor's Role. Said Notice of Determination shall be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and shall also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice shall specify that within forty-eight (48) hours from the time of issuance of the Notice of Determination, the owner or other part of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by the Building Official.

43.2.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice shall be required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the County to give the owner notice prior to abatement, the Building Official may cause the nuisance to be abated by the County with County resources or County contractees.

43.2.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the Building Official within 48 hours of delivery of such notice of determination by the Building Official. Such appeal shall be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should and/or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance

by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official shall rescind in writing his former Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan, or should the Building Official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the General Board of Appeals.

43.2.4.4 GENERAL BOARD OF APPEALS HEARING. At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses, submit evidence and to cross-examine the witnesses of the County. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the General Board of Appeals shall act to either uphold, overrule or modify the determination and order of the Building Official . The determination and order of the Building Official shall be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within twenty-four (24) hours of the time the oral decision is rendered.

If the General Board of Appeals upholds the decision of the Building Official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order shall be vacated. The decision of the General Board of Appeals shall be final on the date it is rendered.

43.2.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record shall execute such plan within twenty-four (24) hours of obtaining approval of the plan from the Building Official, or his designee. Within twenty-four (24) hours of completion of the abatement work the owner or other interested party of record shall provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Hazard, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall be reviewed and approved by the Building Official before permanent repairs are performed.

43.2.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Hazard or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the Building Official.

43.2.4.7 PUBLIC NUISANCE. All structures or portions thereof which, after inspection by an unauthorized County Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be abated by the owner in accordance with the procedures specified in sections 43.2.4.4 and 43.2.4.5.

43.2.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any provisions herein to the contrary, the Building Official is authorized to suspend abatement work by the County, or the County's contractees, and to allow the property owner or other part of legal interest to complete the abatement work.

43.2.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this Chapter.

43.2.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

43.2.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

43.2.5.1 NOTIFICATION OF IMMINENT HAZARD. Within 10 days after the event, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

43.2.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right of way.

43.2.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code.

43.2.5.2 CONDEMNATION PROCEEDINGS. If, ten (10) days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code. The Building Official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

43.2.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building

Official shall submit a request to demolish to the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1986, as amended. Said request shall include all substantiating data.

Section 43.3 DISASTER REPAIR AND RECONSTRUCTION

43.3.1 INTENT. This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The Chapter does not allow exemptions from the Building, Fire Electrical, Mechanical, Plumbing, other codes, or County Ordinances.

43.3.2 APPLICATION OF PROVISIONS.

43.3.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura following each disaster after a local emergency has been declared by the Board of Supervisors.

43.3.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an engineering evaluation as defined in Section 43.3.3.

43.3.3 DEFINITIONS. For the purpose of this chapter, the following definitions apply:

43.3.3.1 ARCHITECT is a person licensed by the State of California to practice architecture as prescribed by the State of California Business and Professions Code.

43.3.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering as prescribed by the State of California Business and Professions Code.

43.3.3.3 CURRENT CODE shall mean the edition of the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County of Ventura in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the Board of Supervisors, County of Ventura.

43.3.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs. All engineering evaluations shall include the engineer's or architects's stamp, wet-signature and license expiration date.

43.3.3.5 ESSENTIAL SERVICE FACILITY shall mean those buildings or structures designated by the County of Ventura to house facilities necessary for emergency operations subsequent to a disaster.

43.3.3.6 REPLACEMENT VALUE is the dollar value, as determined by a Building Official, for replacing a damaged structure with a new structure of the same size, same type of construction and same occupancy, and located on the same site.

43.3.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

43.3.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

43.3.3.9 BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.3.4 REPAIR CRITERIA

43.3.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

43.3.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system shall be repaired with all bracing required by current code.

43.3.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements shall be repaired and/or brought into conformance with the structural requirements of the current codes.

43.3.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the fire and life safety and structural requirements of the current applicable codes.

43.3.4.5 CHIMNEY VALUE EXCLUSION. In group R, Division 3 occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 43.3.5.

43.3.5 REPAIR CRITERIA FOR CHIMNEYS.

43.3.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 31 of the Uniform Building Code. Damaged portions of chimneys shall be removed in accordance with the following criteria.

43.3.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney shall be braced to the roof structure using an approved method.

43.3.5.3 SINGLE STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged

portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the firebox.

43.3.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where anchorage is found.

43.3.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

43.3.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 31 of the Uniform Building Code, alternate systems may be used in accordance with the alternate methods and materials provisions of the Uniform Building Code when approved by the Building Official.

43.3.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure using an approved method.

43.3.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

43.3.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

43.3.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair shall be as included in Section 43.3.4 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code shall apply.

43.3.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

43.3.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the ~~Uniform~~ ~~California Conservation Code~~ as adopted by the County of Ventura.

ANALYSIS:

This entire chapter has been written to address the inspections of damaged property and the placarding of damaged structures, and the permitting requirements for the repair and reconstruction of structures danged by disasters. These changes are administrative and also based on local geologic hazards.

ARTICLE 4 - AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE (CEC)

CHAPTER 2 - WIRING METHODS AND MATERIALS

Sec. 336.4. USES PERMITTED. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in agricultural buildings, one-family and two-family dwellings, and accessory structures, and in multi-family dwellings, and other structures, except as prohibited in Section 336-5. Cables in such structures shall be protected from physical damage. Where installed in cable trays, cables shall be identified for this use.

(FPN): See Section 310-10 for temperature limitation of conductors.

(a) **Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

(b) **Type NMC.** Type NMC cable shall be permitted:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16-in. (1.59-mm) thick, and covered with plaster, adobe, or similar finish.

(c) **Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

Analysis:

This section has been modified to allow the use of Type NM, NMC, and NMS cables in one and two family dwelling accessory structures. This is an administrative change to clarify which structures may be included as "other" structures already allowed under the code.

ARTICLE 5 - AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE (CMC)

CHAPTER 1 - ADMINISTRATION

Section 102 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Section 115 - FEES

Sec. 115.1. GENERAL. Refer to Article 2, Chapter 1 Section 107 in this ordinance.

Sec. 115.6 FEE REFUNDS. Refer to Article 2, Chapter 1 Section 107.6 in this ordinance.

CHAPTER 8 - CHIMNEYS AND VENTS

SECTION 812 - TYPES OF CHIMNEYS

812.1 FACTORY-BUILT CHIMNEYS. Factory-built chimneys shall be installed in accordance with the terms of their listing, the manufacturer's installation instructions and the applicable requirements of this code. Factory-built chimneys shall terminate as required for unlisted single-wall metal chimneys in Table 8-~~D~~ 4.

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators.

EXCEPTION: Factory built chimneys for residential-type appliances and fireplaces may terminate three (3) feet above the roof opening and two (2) feet above any point of the building within ten (10) feet.

ANALYSIS:

This section has been modified to deal with specific chimney requirements in areas of high fire risk. This is a change based on local topographic conditions.

ARTICLE 6 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE (CPC)

CHAPTER 1 - ADMINISTRATION

Section 101.15 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Sec. 102.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL.

102.2.7 AUTHORITY TO ABATE. Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined in this Code, is hereby declared to be a nuisance.

Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this Section, the Administrative Authority shall require the nuisance or violation to be abated. If such abatement is refused, the Administrative Authority shall have recourse to every remedy provided by law to secure abatement.

Sec. 102.3 VIOLATIONS AND PENALTIES

102.3.2 PENALTIES - See Article 2, Chapter 1, Section 103 in this ordinance.

Section 103.1 - PERMITS

103.1.2 EXEMPTED WORK. A plumbing permit will not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste or vent piping, provided that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace all or part thereof with new material, the same shall be considered as new work, and a permit shall be obtained and inspections made, as provided in this code.

103.1.2.2 The clearing of stoppages or the repair of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, or the installation of new water closets on existing drainage connections, providing such repairs or reinstallation do not involve or require the replacement or rearrangement of valves or pipes. If it becomes necessary to remove and replace or rearrange valves, water piping, traps, drainpipe, soil, waste or vent pipes, the same shall be considered as new work, and a permit shall be obtained and inspections made as provided in the code.

103.1.2.3 EXEMPTIONS WITHIN SANITARY DISTRICTS. The provisions of this Code relating to building sewers as defined herein and to permits and fees therefor shall not apply within the boundaries of a sanitary district when the Building Official has determined that such district has adopted and is enforcing ordinances or regulations which are equal to or more restrictive than those contained in this Code.

CHAPTER 2 - DEFINITIONS

Section 202.0 - DEFINITIONS

SEEPAGE PIT. A seepage pit is a rock-filled excavation which receives the effluent from a septic tank and is so designed as to permit such effluent to seep through the bottom and sides of the pit into the surrounding soil.

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Sec. 601.0 RUNNING WATER REQUIRED

Section 601.1.2 REQUIREMENTS FOR WATER WELLS

(a) When the potable water supply for a structure is to be provided by a well, the well must pass the applicable pump and recovery test specified in the Ventura County Water Works Manual, as amended from time to time, for the purpose of demonstrating that the well is likely to remain an adequate source of potable water throughout the expected useful life of the structure.

EXCEPTIONS: A well shall not be required to pass the pump and recovery test if the structure to be served by it:

1. Is connected to a public water system or a state small water system as defined in Section 4010.1 of the Health and Safety Code; or

2. Overlies an aquifer that has been determined by the administrative authority to be adequate to meet all existing and projected demands made upon it for potable water without experiencing overdraft; or

3. Overlies an aquifer that may experience overdrafting but that has nonetheless been determined by the administrative authority, based upon a study and report prepared pursuant to the Ventura County Water works Manual, to be adequate to meet all existing and projected demands made upon it for potable water throughout the expected useful life of the structure.

(b) This section does not preclude the adoption and imposition of additional or more stringent well test requirements and standards in connection with subdivision approvals, conditional use permits, or other discretionary (as opposed to ministerial) permits.

CHAPTER 7 - SANITARY DRAINAGE

Sec. 701.0 MATERIALS OF DRAINAGE SYSTEMS.

701.1 Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, schedule 40 ABS DWV, schedule 40 PVC DWV, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

701.1.1 No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

701.1.2 ABS and PVC DWV piping installations shall be limited to residential construction, not more than two (2) stories in height.

701.1.3 No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (.3m) below ground.

Sec. 713.0 SEWER REQUIRED

713.4 CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEMS. When the applicant seeks to install a conventional private sewage disposal system, the public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.

APPENDIX CHAPTER K - PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. K-1. PRIVATE SEWAGE DISPOSAL: GENERAL REQUIREMENTS. (a) Where permitted by Section 305.2 of the UPC, as adopted and amended by this Code, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The type of system shall be determined on the basis of information contained in the soil report concerning location, soil porosity, groundwater, depth of fractured rock or impervious formations, and hillside stability, and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits, into a combination of subsurface disposal field and seepage pits, into a mound system or into a subsurface sand filtration system.

(d). SEWAGE DISPOSAL EXPANSION AREA. All private sewage disposal systems shall be so designed that additional seepage pits, subsurface drain fields, mound systems or subsurface sand filtration systems, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the 100% expansion area.

(f). PRIVATE SEWAGE DISPOSAL RESTRICTIONS. When there is insufficient lot area or improper soil or geological conditions for adequate and safe sewage disposal for the building or land use proposed, and the Administrative Authority so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Administrative Authority have been submitted and approved. The Administrative Authority may grant exceptions to the requirements of the Code in case of practical difficulty or unnecessary hardship provided that the installation is equivalent to the standards established by this Code and is not inimical to the health, safety or welfare of the general public.

(i). APPROVAL OF ALTERNATE SYSTEMS. Alternate sewage disposal systems as defined in this Code may be installed only by special permission of the Administrative Authority which shall be given only if the Administrative Authority is satisfied that the systems will conform to the following requirements:

1. Treated or untreated effluent shall not be discharged onto the surface of the ground.

2. Wastewater shall be disposed of on the parcel where it is generated, except as provided for in Section 721.2 of the UPC.

3. The reliability of proposed designs for alternate private sewage disposal systems shall be well-documented.

4. The system shall be capable of easy maintenance.

5. Installation and repair shall not require the use of extraordinary materials, parts, or equipment.

6. The system shall require a minimum of mechanical components for its operation.

7. The system shall not be highly energy consumptive.

8. Operation of the system shall not create health hazards, water pollution, or nuisance conditions.

Sec. K-3. AREA OF DISPOSAL FIELDS AND SEEPAGE PITS. The minimum effective absorptive area of disposal fields in square feet of trench bottom, and of seepage pits in square feet of sidewall, shall be predicated on the required septic tank capacity in gallons. The required absorption area shall be as set forth in Table UPC Appendix K-6 in this ordinance for disposal fields, and as set forth in Table K-4 in the UPC for seepage pits. In addition, disposal fields and seepage pits shall conform to the following:

1. When disposal fields are installed, a minimum of one hundred fifty (150) square feet of trench bottom shall be provided for each system exclusive of any hardpan, rock, clay or other impervious formations. Sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption areas. Such increase shall be limited to 50% of the required absorption area.

2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least 50% greater than the requirement for trenches. Perimeter sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption area.

3. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formation. The minimum required area of porous formation shall be provided in one or more seepage pits.

4. No excavation for a leach line or leaching bed shall extend with five (5) feet of the water table nor to a depth where sewage may contaminate an underground water stratum which may be usable for domestic purposes. The applicant shall supply satisfactory evidence of groundwater depth when required by the Administrative Authority.

5. Plastic leaching chambers shall be sized on bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-6 in this code with a 0.70 multiplier.

Sec. K-4. PERCOLATION TESTS. (a) Disposal fields and seepage pits shall be sized in accordance with the percolation tests or analyses required by subsection (b) of this Section.

(b) In order to determine the absorption qualities of soils, the proposed site shall be subjected to percolation tests and/or hydrometer analyses performed under the supervision of a California-registered environmental health specialist, civil engineer, geologist or engineering geologist. Such tests or analyses shall be performed in accordance with standards established by the Administrative Authority.

(c) Each test shall be made with clear water in an excavation which has been thoroughly soaked prior to the test.

(d) No subsurface disposal field shall be permitted to serve a building if percolation test rates are greater than sixty (60) minutes per inch.

(e) No seepage pit shall be permitted to serve a building if the absorption capacity of the soil surrounding the pit is less than 0.83 gal./sq.ft./day.

(f) Test data shall be submitted on a form provided for that purpose and shall include such information as may reasonably be required by the Administrative Authority to determine the correctness and adequacy of the proposed disposal system.

Sec. K-7. SEEPAGE PITS. (a) The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereunto, and on the character and porosity of the surrounding soil as determined by such tests as may be required and shall comply with Sec. UPC Appendix K-3 in this ordinance.

(b) Seepage pits may be used where conditions are unsatisfactory for the installation of leach lines or beds. In no case shall seepage pits extend more than sixty (60) feet below the surface of the ground.

(c) Multiple seepage pit installations shall be connected through an approved distribution box or diversion valve and watertight piping laid on undisturbed or compacted soil.

(d) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet. Seepage pits shall be filled with clean rock 3/4 inches to 2½ inches in diameter, free from fines, except when otherwise approved by the Administrative Authority. Effluent shall be conducted to the bottom of the excavation by means of approved perforated pipe extending to the entire depth of the pit. Approval shall be obtained prior to construction for any pit having an excavation diameter greater than six (6) feet.

(e) Where groundwater is encountered, the bottom of the pit shall be backfilled with clean coarse sand at least ten (10) feet above the ground water encountered.

(f) Each seepage pit shall have a minimum sidewall of ten (10) feet below the inlet.

(g) Connections between a septic tank and seepage pits shall be made with approved watertight pipe. Such pipe shall be laid on natural ground or compacted fill.

(h) Rock fill in seepage pits shall be covered with asphalt-treated building paper, and backfilled with a minimum of eighteen (18) inches of earth.

(i) Subsection (i) of Appendix Section K7 in the UPC is hereby deleted in its entirety.

Sec. K-9. SUBSURFACE DISPOSAL OF INDUSTRIAL WASTE. The discharge of industrial waste into a soil absorption system shall be prohibited unless specifically approved by the Administrative Authority.

Subsections (a) through (g) of Appendix Sec. K9 in the UPC and the Recommended Design criteria for commercial/industrial waste disposal are hereby deleted in their entirety.

Sec. K-13. ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) DEFINITION. Alternate private sewage disposal systems are specially-designed, engineered, and approved private sewage disposal systems suitable for use in localities where the Administrative Authority has determined that the presence of shallow groundwater, rock, or adverse soil, geologic, or hydrologic conditions makes the use of conventional sewage disposal systems potentially hazardous to public health. Alternate private sewage disposal systems shall be limited to "mound" systems and "subsurface sand filtration" systems as regulated herein.

(b) GENERAL REQUIREMENTS. Designs for alternate private sewage disposal systems may be accepted for review by the Administrative Authority when it has been adequately demonstrated that the character of the soil, geology, or hydrology of the site is such that a conventional private sewage disposal system will not function in accordance with recognized health and sanitation standards. Such systems shall be designed by a California- registered civil engineer or a California-registered geologist, who shall submit written verification upon completion of an alternate private sewage disposal system that the installation is in conformance with the approved design.

Properties served by alternate private sewage disposal systems shall be located within an approved on-site wastewater management district or equivalent governmental agency capable of providing necessary maintenance and repair services for private sewage disposal systems within its boundaries. Such systems shall conform with all applicable rules and regulations adopted by said district or agency.

The design and construction of alternate private sewage disposal systems shall comply with the requirements of this Section and with other appropriate criteria established by the Administrative Authority.

Component parts of alternate private sewage disposal systems shall comply with the applicable setback requirements in Table UPC Appendix K-1 of this Code. The construction and capacity of septic tanks installed as components of alternate systems shall comply with Section K-5 and Table K-2 in the UPC.

Leach lines, leaching beds, and seepage pits which are components of alternate systems shall comply with the applicable requirements of this Code. No portion of a distribution bed or related filter material which is a component of a mound or subsurface sand filtration system shall be installed under a walkway, parking area, driveway, or similar paved surface.

The sizing of mound or subsurface sand filtration systems shall be based upon the average percolation rate of the natural soil at the location and depth of the proposed system, and the number of bedrooms or plumbing fixture units, in accordance with this Code and other applicable standards for sizing conventional leachlines, leaching beds and seepage pits. No alternate private sewage disposal system shall be permitted where the percolation rate exceeds sixty (60) minutes per inch.

(c) MOUND SYSTEMS. A mound system is an alternate private sewage disposal system which utilizes pressurized piping to deliver effluent from a septic tank into an above-ground gravel distribution bed, from which the effluent percolates and is filtered through mounded sand fill into natural soil. Typical components of such systems include a septic tank, lift pump and wet well, pressurized effluent piping, a sand fill mound, a distribution bed composed of gravel filter material and perforated distribution piping, a cover of topsoil over the top and sloped sides of the mound.

The lift pump and wet well shall be designed to handle peak flow from the septic tank. In no case shall pump capacity be less than twenty (20) gallons per minute not shall the pump motor be rated at less than one-half horsepower. The pump shall be approved for use in a sewage environment. The liquid holding capacity of the wet well shall be at least 300 gallons for one or two-bedroom dwelling units. An additional 100 gallons capacity shall be provided for each bedroom in excess of two. Equivalent capacity shall be provided for occupancies other than dwellings based on fixture unit calculations as set forth in this Code.

The wet well shall be fitted with automatic high and low level pump controls. Operation of the lift pump shall not cause surges in the liquid level within the tank. An alarm device shall be installed which will provide audio and visual warning signals to occupants of the property in advance of any overflow from the wet well.

Mounds shall not be installed on a slope greater than 12%. The base of the mound shall be located at least two (2) feet above the highest known seasonal groundwater elevation at the

site and two (2) feet above fractured bedrock, if any. Fill material comprising the mound shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the fill material onto the mound. The slope of the sides of the mound shall be not steeper than 3 horizontal to 1 vertical.

Distribution beds shall be level and shall be located a minimum of five (5) feet above the highest known seasonal groundwater elevation at the site. Filter material comprising the bed shall be clean gravel varying in size from .75 inch to 2.5 inches. The total thickness of the bed shall be sufficient to provide a minimum of twelve (12) inches of filter material below, and at least two (2) inches of such material above all distribution piping within the bed. Distribution piping shall uniformly distribute effluent over the entire area of the bed. Distribution beds shall be of sufficient size to limit the application rate for effluent to not more than 1.5 gallons per square foot per day.

After filter material has been placed over the piping, the distribution bed shall be covered with untreated building paper, straw, or similar porous material to prevent closure of voids when earth covering is added. Topsoil shall be placed to a depth of at least twelve (12) inches over the top of the distribution bed, and shall be placed on the sloping sides of the mound to a thickness of at least six (6) inches.

(d) SUBSURFACE SAND FILTRATION SYSTEMS. A subsurface sand filtration system is an alternate private sewage disposal system which utilizes gravity to deliver effluent from a septic tank to a subsurface gravel distribution bed, from which the effluent is filtered through a bed of sand to reduce organic matter and pathogenic organisms, and thence percolates into natural soil. Typical components of such systems include a septic tank, effluent piping, a subsurface distribution bed composed of gravel filter material and perforated distribution piping, a sand filtration bed, and a leaching bed, leach lines, or seepage pits.

Distribution beds shall be designed and constructed in a manner similar to that set forth for mound systems in subsection (c) above, using approved, perforated gravity-flow piping in lieu of pressurized piping. Sand filtration beds shall extend not less than five (5) feet vertically below and five (5) feet horizontally from the edges of any distribution bed. Filtration material shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the filtration material into the filter bed excavation.

Section K-14 NON-HAZARDOUS LIQUID WASTE TRANSFER FACILITIES

Definition: A Non-Hazardous Liquid Waste Transfer Facility is a temporary holding facility for non-hazardous liquid waste from recreational vehicle holding tanks and portable toilets. A Non-Hazardous Liquid Waste Transfer Facility consists of a holding tank, liquid waste loading area with washdown equipment, associated piping, and holding tank liquid level alarm system.

1. Holding tank construction shall be consistent with UPC section K-5, with the exception that baffles are not required and only one access port is required.

2. All piping, including but not limited to materials, cleanouts, and venting, shall be consistent with UPC sections 715.0 through 720.0, inclusive.

3. Minimum setbacks for holding tanks shall be as follows:

Streams and Watercourses	50 feet
Wells	50 feet
Groundwater	5 feet
Structures	5 feet
Property Line	5 feet
On-Site Domestic Water Line	5 feet
Public Water Main	10 feet

4. Minimum holding tank capacity shall be not less than three times the anticipated daily loading to the holding tank and in no case shall be less than 1,000 gallons.

5. An alarm system constructed of durable, corrosion-resistant material shall be installed on each holding tank. This alarm shall give a conspicuous audio and visual indication whenever the tank becomes two-thirds full.

6. The liquid waste loading area shall consist of an impermeable, easily cleanable area designed and constructed in a manner which prevents the formation of insanitary conditions. A ¾ inch water hose connection shall be installed at the liquid waste loading area to allow connection of a hose for area washdown following holding tank pumping. An approved backflow prevention assembly shall be installed in the water service line to the hose connection. Provisions shall be made to store the washdown hose off the ground. A warning sign shall be posted at the water hose connection reading: DANGER - UNSAFE WATER.

7. Holding tanks shall be pumped by a licensed pumper as needed. Quarterly reports of holding tank pumping shall be submitted to the Ventura County Environmental Health Division by March 30, June 30, September 30, and December 31 of each year.

8. Offer to grant an easement to County Service Area 32 is required. A contractual maintenance agreement with a public utility may also be required.

Section K-15 CLUSTERED SYSTEMS

(a) DEFINITION. Clustered systems are comprised of three or more private sewage disposal systems with soil absorption components located in a common area on a single legal lot.

(b) GENERAL REQUIREMENTS. All components of clustered systems shall comply with all applicable requirements of this Code pertaining to private sewage disposal systems and the following additional requirements:

1. The primary (installed) soil absorption components of the clustered system shall provide 200% of the minimum area calculated for each structure connected to the clustered system pursuant to Section K-3 of this Code.

2. Land area providing for complete replacement of the primary soil absorption components of the clustered system shall be set aside for future expansion, and shall conform with Table UPC Appendix K-1 of this Code.

3. a. For residential structures, each private sewage disposal system comprising the clustered system shall be connected to not more than one dwelling unit within a structure.

   b. For non-residential structures, each private sewage disposal system comprising a clustered system shall be connected to one or more structures with a combined daily wastewater discharge not to exceed 1,500 gallons.

4. The soil absorption component of each private sewage disposal system within the clustered system shall be located at least sixteen horizontal feet from the soil absorption component of any other private sewage disposal system within the same clustered system.

5. When a clustered system is (or can become) located on land jointly owned by more than one owner of the structures served (e.g., condominium projects), an easement and agreement approved by the Environmental Health Division providing for access to inspect, maintain, and repair/replace the clustered system shall be recorded in the Office of the County Recorder.

6. A monitoring well, constructed and maintained in conformance with procedures adopted by the Administrative Authority, shall be provided in an approved location.

7. All distribution boxes within the clustered system shall be fitted with risers extending to finish grade elevation.

8. The applicant for each clustered system shall provide a signed statement from a California-Certified Engineering Geologist, certifying the following:

   a. The proposed clustered system site is free against the potential hazard from landslide, excessive settlement and slippage.

   b. Incorporation of geotechnical and geologic recommendations in concert with safe construction practices is anticipated to result in a site which is considered geotechnically and geologically suitable for the intended use and will not adversely affect adjoining properties.

TABLE UPC APPENDIX K-1
(Superscript numbers refer to footnotes (1) through (8) on next page

LOCATION OF SEWAGE DISPOSAL SYSTEMS

Minimum Horizontal Distance in Feet From:	Building Sewer	Septic Tank	Disposal Field	Seepage Pit	Subsurface Sand Filtration System	Mound System
Building or Structures[1]	2	5	8	8	8	20[7]
Property line adjoining private property	Clear[2]	5	5	8	8	10
Water supply well on suction line	50[3]	50	100	150	100[8]	100
Streams, lakes, tidal waters or ocean waters	50	50	50	100	100	100
Large Trees	--	10	--	10	10	--
Seepage pits or cesspools	--	5	5	12	--	--
Disposal Field	--	5	4[4]	5	--	--
On site domestic water service line	1[5]	5	5	5	5	5
Distribution Box	--	--	5	5	--	--
Pressure public water main	10[6]	10	10	10	10	10

NOTE: When disposal fields ~~and~~/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

When facilities are located near tidal or ocean waters, the horizontal distance shall be measured from the historically most landward location of the beach at the mean high tide elevation. Structures or facilities shall be constructed in accordance with Federal, State and local laws to prevent erosion of the beaches and movement of the mean high tide closer than the horizontal distances specified above.

FOOTNOTES TO TABLE UPC APPENDIX K-1

(1) Including porches and steps, whether covered or uncovered, breezeways, roofed port-cocheres, roofed patios, carports, covered walks, covered driveways and similar appurtenances.

(2) See Section 313.3 of the UPC.

(3) The distance may be reduced to not less than twenty-five (25) feet when approved metallic piping is installed. Where special hazards are involved, the distance required shall be increased as may be directed by the County Health Officer or the Administrative Authority.

(4) Plus two (2) feet for each additional foot of depth in excess of one (1) foot below the bottom of the drain line (see Sec. K6(i) of the UPC).

(5) See Sec. 720.0 of the UPC.

(6) For parallel construction. For crossings, approval by the Administrative Authority is required.

(7) This distance shall be increased to 30 feet when the system is located upslope of the structure.

(8) This distance shall be increased to 150 feet when seepage pits are used as a component of the system.

TABLE UPC APPENDIX K-6
(Letters in parenthesis refer to footnotes below)

ABSORPTION AREA REQUIREMENTS

Percolation Rate (Time in minutes required for water to fall one inch)	Required Absorption Area (Sq. ft. per bedroom using standard leach lines. See notes (a) through (e) below.
1 or less	75
2	85
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
over 60 (e)	---

(a) Sufficient usable land area must be available to provide 100% expansion of required absorption area when/if necessary. See Sec. UPC APPENDIX K-1(d) in this Code.

(b) Absorption area should be sufficient to accommodate increased future use stemming from the addition of bedrooms or conversion of unfinished spaces to bedroom use, whenever such changes can be reasonably be anticipated.

(c) The absorption area for leach lines and leaching beds is calculated as trench bottom area only except as provide in Sec. UPC APPENDIX K-3 in this ordinance. Minimum required area for leaching trenches is 150 sq. ft.

(d) The above table allows for the connection of domestic food waste units and automatic clothes washing machines without further increase in absorption area.

(e) Soil having a percolation rate over 60 min/inch is unsuitable for installation of an absorption system.

TABLE UPC APPENDIX K-7

ANALYSIS:

Changes have been made to the sections dealing with exempted work, water supply and distribution, sanitary drainage, required sewers and private sewage disposal systems. These changes are administrative and based on local topographic conditions.

ARTICLE 7 - AMENDMENTS TO THE UNIFORM HOUSING CODE (UHC)

CHAPTER 1 - TITLE AND SCOPE

Section 104 - APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

104.2. RELOCATION. Buildings or structures moved into or within the County shall comply with the provisions of Article 2, Chapter 40 in this ordinance.

Section 105 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. APPEALS BOARD.

203.1 - GENERAL The Housing Advisory and Appeals Board, for the purposes of this housing code, shall be the General Board of Appeals as set forth in Article 2, Chapter 1, Section 105 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 in the UHC.

Sec. 204. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

CHAPTER 3 - PERMITS AND INSPECTIONS

Sec. 302 FEES. Refer to Article 2, Chapter 1, Section 107 in this ordinance.

~~CHAPTER 5 - SPACE AND OCCUPANCY STANDARDS~~

~~Section 503 - ROOM DIMENSIONS~~

~~503.2. FLOOR AREA. 1. Every dwelling unit shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet.~~

~~2. Net floor area, as used herein, shall mean the total number of square feet of floor area in a dwelling unit based upon the interior dimensions of that dwelling unit excluding bathrooms, kitchens, halls, stairwells, closets, storage or utility space, and similar areas.~~

~~No dwelling unit shall be occupied or allowed to be occupied in such a manner that the maximum occupancy of the dwelling unit, as determined below, is exceeded.~~

~~3. Maximum occupancy shall be determined as follows:~~

~~For the first two occupants of any dwelling unit, there shall be a minimum of 220 square feet of net floor area. An additional 100 square feet of floor area shall be provided for every additional occupant of the dwelling unit.~~

~~EXCEPTION: Nothing in this section shall prohibit the use of an efficiency dwelling unit within a structure which complies with the requirements of UBC Section 310.7.~~

CHAPTER 12 - APPEAL

Section 1201 - GENERAL

1201.2. PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 1201 in the UHC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.

The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a substandard building or the premises on which it is located.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 1401 - COMPLIANCE

1401.1. GENERAL. After any order of the Building Official or a Board of Appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor or infraction.

ANALYSIS:

Minor administrative changes have been made to the housing code in regard to enforcement, permits and inspections and appeals. These are administrative changes only.

ARTICLE 8 - AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

CHAPTER 1 - TITLE AND SCOPE

Sec. 104 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

Sec. 205. APPEALS BOARD. The appeals Board for the purposes of the Dangerous Buildings Code shall be the General Board of Appeals as set forth in Article 2 in this ordinance. Appeals

to the Board shall be processed in accordance with the provisions contained in Section 501 in the DBC.

CHAPTER 5 - APPEAL

Section 501 - GENERAL

501.2 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 501 in the DBC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals. The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a dangerous building or the premises on which it is located.

CHAPTER 7 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 701 - COMPLIANCE

701.1 GENERAL. After any order of the Building Official or a board of appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor/infraction.

ANALYSIS:

Minor administrative changes have been made to the dangerous buildings code in regard to enforcement, violations and penalties and appeals. These are administrative changes only.

~~ARTICLE 9 - AMENDMENTS TO APPENDIX CHAPTER 1 OF THE UNIFORM CALIFORNIA CONSERVATION CODE (U CCC)~~

APPENDIX CHAPTER 1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

Section A100 - GENERAL

A100.1 PURPOSE. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

A100.2 SCOPE. The provisions of this Chapter shall apply to all existing buildings in Seismic Zones 3 and 4 which were constructed or under construction, or for which a building permit was issued, prior to May 10, 1962, having at least one unreinforced masonry wall. Except as provided herein, all other provisions of the Uniform Building Code shall apply.

EXCEPTIONS: This code shall not apply to:

1. Detached one or two story family dwellings, detached apartment houses containing less than 5 dwelling units and used solely for residential purposes, and hotels/motels containing less than 5 guest rooms.

2. Essential Facilities as defined in Table 16K of the Uniform Building Code.

3. Hazardous Facilities as defined in Table 16K of the Uniform Building Code.

This does not require alteration of existing electrical, plumbing, mechanical or fire safety systems.

A100.3 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

A100.4 COUNTY ORDINANCE HISTORY. This article together with Article 1, Chapter 8 is a restatement of Ventura County Ordinance No. 3948 which it hereby supersedes. The section numbering has been revised to be consistent with the current numbering sequence found in the U.C.B.C.

Section A101 ADMINISTRATIVE PROVISIONS

A101.1 DEFINITIONS. For the purposes of this Division, the applicable definitions in the Uniform Building Code shall also apply.

HIGH RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of 100 occupants or more as determined by Section 1002.1 and Table 10-A of the Uniform Building Code.

EXCEPTIONS: A high risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum height of 1-1/2 times the story height.

2. Any building used for its intended purpose, as determined by the Building Official for less than 20 hours per week.

LOW RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of less than 20 occupants as determined by Section 1002.1, Table 10-A, of the Uniform Building Code.

MEDIUM RISK BUILDING is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load of 20 occupants or more as determined by Section 1002.1, Table 10-A of the Uniform Building Code.

A101.2 **Rating Classifications.** The rating classifications identified in Table A-9-A are hereby established and each building within the scope of this Division shall be placed in one such rating

classification by the Building Official. The total occupant load of the entire building as determined by Section 1002.1, Table 10-A of the Uniform Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this Division, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

A101.3 **Compliance Requirements.** 1. The owner of each building within the scope of this Division shall, upon service of an order and within the time limits set forth in this Division, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this Division, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within scope of this Division shall comply with the requirements set forth above by submitting to the Building Official for review within the stated time limits:

   A. Within 270 days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this Division; or

   B. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Division; or

   C. Within 120 days after service of the order, plans for installation of wall anchors in accordance with the requirements specified in Section A113 of the UCBC; or

   D. Within 270 days after service of the order, plans for the demolition of the building.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-9-B. These time limits shall begin to run from the date the order is served in accordance with Section A101.4.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners electing to comply with A101.3 of this subsection are also required to comply with Items A101.2 or A101.4 of this subsection provided, however, that the 270-day period provided for in Items A101.2 or A101.4 and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A-9-B shall be extended in accordance with Table No. A-9-C. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A101.4 except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

A101.4 **Administration.**

A101.4.1 Order - Service. A. The Building Official shall, in accordance with the priorities set forth in Table No. A-9-C, issue an order as provided in this section of other owner of each buildings within the scope of this Division.

B. Prior to the service of an order as set forth in Table No. A-9-C, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this Division. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

A101.4.2 Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Division shall be in accordance with the rating classification as shown on Table No. A-9-C. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A-9-C shall be measured from the effective date of this Division. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Division prior to the normal service date for such building set forth in this Division.

A101.4.3 Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Division and, therefore, is required to meet the minimum seismic standards of this Division. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A101.3, which sets forth the owner's alternatives and time limits for compliance.

A101.4.4 Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Division to the Board of Appeals established by Section 105 of the Ventura County Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A101.4 Any such appeal shall be decided by the Board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Division shall be made in accordance with the procedures established in Sections 104.2.7 and 104.2.8 of the Uniform Building Code.

A101.4.5 Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this Division and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Division has not been demonstrated.

If the building is either demolished, found not to be within the scope of this Division or is structurally capable of resisting minimum seismic forces required by this Division as a result of

structural alterations or an analysis, the Building Official shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this Division.

A101.4.6 Enforcement. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section A101.3, the Building Official shall verify that the owner of record of this building has been properly served. If the order has been served on the owner of record, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the Uniform Building Code.

Section A102 GENERAL REQUIREMENTS

A102.1 **GENERAL.** All buildings shall have a seismic resisting system conforming with Section 1603.3 of the Uniform Building Code, except as modified by this Division.

A102.2 **Alterations and Repairs.** Alterations and repairs required to meet the provisions of this Division shall comply with all other applicable requirements of the Uniform Building Code unless specifically provided for in this Division.

(c) A102.3 **Requirements for Plans.** The following construction information shall be included in the plans required by this Division.

1. Accurately dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing material. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned and drawn to scale on the plans.

2. Accurately dimensioned wall elevations showing openings, piers, wall classes as defined in Section A106.3, thicknesses, and heights, wall shear test locations, cracks or damaged portions requiring repairs, the general condition of the mortar joints, and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.

5. The extent and type of parapet corrections which were previously perform, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this Division.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section A113.

TABLE NO. A-9-A
RATING CLASSIFICATIONS

TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A-9-B
TIME LIMITS FOR COMPLIANCE

Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year[1]	180 days[2]	3 years[2]
Wall Anchors	180 days[1]	270 days[2]	1 year[2]

[1]Measured from date of service of order.

[2]Measured from date of building permit issuance.

TABLE A-9-C
EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ANALYSIS:

Administrative changes have been made to the California Conservation Code dealing with time frames for compliance, operational procedures, enforcement and the establishment of service properties. These changes are administrative.

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ORDINANCE NO. 4274

SUMMARY OF PROPOSED ORDINANCE AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:

All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.

An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.

Chapter 2:

The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.

Chapter 3:

The California Electrical Code is adopted with amendments as shown in Article 2 and Article 4.

Chapter 4:

The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.

ATTACHMENT "B"

Chapter 5:

The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.

Chapter 6:

The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.

Chapter 7:

The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.

Chapter 8:

Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Model Codes

Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.

Detached one-story animal shade covers less than 1,000 square feet in area have been added to the list of work not requiring a permit.

The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)

Building Code changes have been made in regards to definitions, high fire hazard areas, structure forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.

Defined words are now shown in bold type to be consistent with the building code and to improve readability.

The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.

The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBC in Appendix Chapter 4, Division 1 - "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.

Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

In Article 4, Amendments to the California Electrical Code (CEC)

Changes to the California Electrical Code have been made centering on administrative powers and duties of enforcement, exempted work, conductors, wiring methods and materials, grounding and emergency systems.

In Article 5, California Mechanical Code (CMC)

Amendments to the mechanical code have been made dealing with local conditions for the installation of factory-built chimneys.

In Article 6, Amendments to the California Plumbing Code (CPC)

Amendments have been made dealing with administrative powers and duties of enforcement, exempted work, definitions, water supply and distributions, sanitary drainage, required sewers and location of sewage disposal systems, and private sewage disposal systems.

In Article 7, Amendments to the Uniform Housing Code (UHC)

Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8, Amendments to the Dangerous Building Code (DBC)

Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)

The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include those dealing with the purpose and scope and administrative provisions.

Prepared By: Neil C. Kleb
Assistant County Counsel

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ORDINANCE NO. 4274

TABLE A-9-C

EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ADOPTED this 5th day of November, 2002 by the following vote:

AYES: Supervisors Bennett, Schilds, Long, Mikels & Flynn

NOES: None

ABSENT: None

John K. Flynn

Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Paul L. Placencia
Deputy Clerk of the Board

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BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

November 5, 2002 at 9:00 a.m.

ORD 4274/206

AMENDING VENTURA COUNTY BUILDING CODE

An Ordinance of the County of Ventura Amending the Ventura County Building Code and Adopting by Reference the Current Editions is presented to the Board at this time, and upon motion of Supervisors Mikels, seconded by Supervisor Schillo, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4274.

Board members vote as follows:

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4274.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ventura County Star, A newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

RMA (2)
AUDITOR
FILES (2)
ITEM 17
11/5/02
KP

Certificate of Publication

Ad No. 512253

In Matter of Publication of:

Ventura Clerk of the Board
Summary Ordinance

State of California)
))§
County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 11, 2002 (2nd copy)

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 18th of December 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

RECEIVED
DEC 20 2002

OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO.4274 AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.
An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.
Chapter 3:
The California Electrical Code is adopted with an amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Mode Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.
Detached one-story animal shade covers less than 1,000 square feet in area have been added to the list of work not requiring a permit.
The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)
Building Code changes have been made in regards to definitions, high fire hazard areas, structure, forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.
Defined words are now shown in bold type to be consistent with the building code and to improve readability.
The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.
The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBS in Appendix Chapter 4, Division I, "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.
Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

Certificate of Publication

Ad No. VC512253

In Matter of Publication of:

County of Ventura County Star Summary of Ordinance No. 4274 (GI02-018)

State of California)

))§

County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Simi Valley Star, Oxnard Star, Moorpark Star, Thousand Oaks Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 11, 2002

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 11th of November 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

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BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO.4274 AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

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Chapter 5:
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Chapter 6:
The Uniform Housing Code is adopted with *amendments as shown in Article 2 and Article 7.*
Chapter 7:
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Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.
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Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

In Article 4, Amendments to the California Electrical Code (CED)
Changes to the California Electrical Code have been made centering on administrative powers and duties of enforcement, exempted work, conductors, wiring methods and materials, grounding and emergency systems.
In Article 5, California Mechanical Code (CMC)
Amendments to the mechanical code have been made dealing with local conditions for the installation of factory-built chimneys.
In Article 6, Amendments to the California Plumbing Code (CPC)
Amendments have been made dealing with administrative powers and duties of enforcement, exempted work, definitions, water supply and distributions, sanitary drainage, required sewers and location of sewage disposal systems, and private sewage disposal systems.

In Article 7, Amendments to the Uniform Housing Code (UHC)
Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8 Amendments to the Dangerous Building Code (DBC)
Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)
The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include those dealing with the purpose and scope and administrative provisions.

Passed and adopted this 5th day of Nov. 2002

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn
Noes: None Absent: None
Publish: Nov 11, 2002 Ad No.VC512253

02-018

Certificate of Publication

Ad No(s): 507924

In Matter of Publication of:

Summary of Ordinance

State of California)
((§
County of Ventura)

I, **Sharon K. Palmer,** hereby certify that the **Ventura County Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

October 31, 2002

I certify, under penalty of perjury, that the foregoing is true and correct.

Dated this **13th** day of **November 2002** in San Buenaventura, California.

(Signature)
skp

RECEIVED
NOV 15 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO. AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follow: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Building, 1997 edition; California Electric Code, 2001 edition California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

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Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permits, [illegible]
Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8, Amendments to the Dangerous Building Code (DBC)
Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)
The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include these dealing with the purpose and scope and administrative provisions.

Passed and adopted this ___ day of __, 2002.
Ayes: Supervisors Noes: Absent: ___
Publish: Oct 31, 2002 Ad No.VC507924

02-017

Certificate of Publication

Ad No. 497812

In Matter of Publication of:

Ventura County Clerk of Board
Notice of Public Hearing

State of California)
))§
County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 20, 2002 (2nd copy)

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 18th of December 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

NOTICE OF PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN BUILDING CODES, TOGETHER WITH AMENDMENTS THERETO; AND ADOPTING CERTAIN OTHER PROVISIONS REGULATING BUILDINGS AND STRUCTURES

NOTICE IS HEREBY GIVEN that a public hearing, as provided by law, will be held by the Board of Supervisors of the County of Ventura to consider adoption of amendments to the Ventura County Building Code.

The proposed ordinance would adopt by reference current editions of the following California and uniform codes, making them applicable in the unincorporated areas of Ventura County: California Building Code 2001 edition, Uniform Housing Code 1997 edition. Uniform Code for the Abatement of Dangerous Buildings 1997 edition California Electrical Code 2001 edition, California Plumbing Code 2001 edition, California Mechanical Code 2001 edition and the California Conservation Code 2001 edition.

The proposed ordinance would amend certain administrative and regulatory provisions of the Ventura County Building Code.

Said public hearing will be held on Tuesday, November 5, 2002, at 10:00 a.m. in the Board of Supervisors' Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California, at which time any interested person may attend and be heard on this matter.

The Board of Supervisors may or may not adopt the proposed ordinance as result of the public meeting. Final action will be taken at a subsequent meeting of the Board of Supervisors.

The Clerk of the Board of Supervisors will maintain copies of the proposed ordinance and code on file at the Government Center, Hall of Administration, Fourth Floor 800 South Victoria Avenue, Ventura, California for reveiw by interested persons.
Dated this 11th day of October 2002.

JOHN F. JOHNSTON
Clerk of the Board of Supervisors
By: Karen L. Placencia
Deputy Clerk of the Board
Publish: Oct 11, 18, 2002
Ad No.VC497812

RECEIVED
DEC 20 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

02-014

October 8, 2002 at 8:30 a.m.

206

RESOURCE MANAGEMENT AGENCY – Public Hearing and Adoption of an Ordinance Adopting the Proposed Amendments to the Ventura County Building Code (VCBC) and Related Codes. READ ORDINANCE IN TITLE ONLY; CONTINUE FINAL ADOPTION TO NOVEMBER 5, 2002 AT 9:00 A.M.
VARIOUS BUILDING CODES ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

Jack Phillips

244

Cont To 11/5/02
9 am

ORD
L1274

RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

October 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: ADOPTION OF PROPOSED AMENDMENTS TO THE VENTURA COUNTY BUILDING CODE (VCBC) AND RELATED CODES

RECOMMENDED ACTION:

1. Conduct a public hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing Law, for final adoption on November 5, 2002, at 9:00 a.m.

2. At a second meeting on November 5, 2002, at 9:00 a.m., receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective thirty days from the date of final passage, adopt a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law, and direct that the findings be filed with the State Building Standards Commission.

FISCAL/MANDATES IMPACT: None

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

The uniform building codes form the primary basis of authority under which local building departments regulate the construction of buildings and structures. The California Health and Safety Code requires every city or county to utilize virtually the same housing construction standards as those of the State, but with provision for local adjustments to reflect local conditions. The recommended revisions to Ventura County's local ordinance are part of the normal legal process which is prescribed by State law for the adoption of building codes.

The local County building codes which are currently in effect were last amended by the Board in June 1999. This proposed ordinance will update references to the latest editions of the State codes, and will maintain uniformity with nearby city and county jurisdictions, which are completing the same process. Additionally, the proposed ordinance will improve certain of the administrative and regulatory provisions of the Ventura County Building Code (VCBC) to facilitate administration and enforcement of the codes. The VCBC is a compilation of previously-adopted ordinances regulating construction and incorporates State adopted codes and other model codes.

4i12-1.02

Attachment "A" is a copy of the VCBC which incorporates the proposed amendments without strike outs or underlining and has been furnished to the Clerk of the Board for publication as required by law.

Attachment "B" is an abbreviated summary by article of the changes made to the VCBC.

Attachment "C" is a copy of the letter sent out by the Building Official to interested parties requesting their review of the draft VCBC.

Attachment "D" is a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law. Adoption of these express findings is required by Health and Safety Code Section 17922. A county may make modifications in the requirements of the State adopted codes which are reasonably necessary because of local conditions. Changes to State construction standards may not, however, result in standards less than State minimums.

Attachment "E" are the express findings required for adoption.

A copy of the proposed Ventura County Building Code and these attachments are available in the Clerk of the Board's office and at the Building and Safety Counters in the Simi Valley Court House and in the Administration Building in Ventura.

Existing amendments that have not changed from the prior code have been simply brought forward without modification. Changes made by the amendments fall into one of the following categories:

1. Editorial changes that either update references, section numbers, chapter and section titles, or add highlighting of definitions, or make grammatical corrections and clarifying language revisions. These are found in various places throughout the code.

2. Administrative changes that modify permit processes or requirements or other administrative provisions in the code. Prominent administrative changes include those dealing with the title, scope and purpose of the code, violations, organization and enforcement, Boards of Appeal, permits, fees, inspections and certificates of occupancy.

3. Technical changes or "building standards", which actually affect the specific design and approval of a structure. Many of the amendments dealing with "building standards" have been reduced or eliminated as they are now found in the State code itself and are no longer necessary to add by amendment.

   Other technical changes have been made to the codes in regard to definitions, high fire hazard areas, structural forces, foundations, shear walls, gypsum board and plaster, relocated buildings, swimming pools, mobile homes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing, elevators, excavation and grading, wiring methods and materials, factory-built chimneys and sewage disposal systems.

Beginning on September 25, 2002, an initial draft of the proposed VCBC amendments was sent to interested parties, including engineers, architects and draftspersons, builders and contractors, individual citizens and industry groups such as the Ventura County Contractors Association, Building Industries Association, American Institute of Architects, and the Structural Engineers Association and to members of the County's Building Appeals Boards.

This item has been reviewed by the Chief Executive Office, County Counsel and the Auditor-Controller. A legislative version with strikeouts through deleted words and sentences and underlining under new words and sentences is on file with the Clerk of the Board of Supervisors. If you have any questions, please call me at extension 2787.

Jack Phillips

JACK PHILLIPS, BUILDING OFFICIAL

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Attachment "A": Proposed Ventura County Building Code

Attachment "B": Abbreviated Summary of Code Amendments

Attachment "C": Letter from Building Official to Interested Parties

Attachment "D": Resolution Adopting Express Findings Regarding Modification of Uniform Codes Subject to the State Housing Law

Attachment "E": Express Findings Required for Adoption

c: Building Industries Association
American Institute of Architects
Associated General Contractors of California
Ventura County Contractors Association
Structural Engineers Association

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: October 28, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Roberta Rodriguez
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-017

Please publish the attached: **SUMMARY ORDINANCE – Amending the Ventura county Building Code and Related Codes - Hearing – November 5, 2002,**

One (1) time in the issues of THURSDAY, OCTOBER 31, 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.star

2nd Nov 5th 9 am

NOTICE OF PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN BUILDING CODES, TOGETHER WITH AMENDMENTS THERETO; AND ADOPTING CERTAIN OTHER PROVISIONS REGULATING BUILDINGS AND STRUCTURES

NOTICE IS HEREBY GIVEN that a public hearing, as provided by law, will be held by the Board of Supervisors of the County of Ventura to consider adoption of amendments to the Ventura County Building Code.

The proposed ordinance would adopt by reference current editions of the following California and uniform codes, making them applicable in the unincorporated areas of Ventura County: California Building Code 2001 edition, Uniform Housing Code 1997 edition, Uniform Code for the Abatement of Dangerous Buildings 1997 edition, California Electrical Code 2001 edition, California Plumbing Code 2001 edition, California Mechanical Code 2001 edition and the California Conservation Code 2001 edition.

The proposed ordinance would amend certain administrative and regulatory provisions of the Ventura County Building Code.

Said public hearing will be held on Tuesday, November 5, 2002, at 10:00 a.m. in the Board of Supervisors' Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California, at which time any interested person may attend and be heard on this matter.

The Board of Supervisors may or may not adopt the proposed ordinance as a result of the public meeting. Final action will be taken at a subsequent meeting of the Board of Supervisors.

The Clerk of the Board of Supervisors will maintain copies of the proposed ordinance and code on file at the Government Center, Hall of Administration, Fourth Floor, 800 South Victoria Avenue, Ventura, California for review by interested persons. Dated this 11 day of October 2002.

JOHN F. JOHNSTON
Clerk of the Board of Supervisors

By: Karl Racenca
Deputy Clerk of the Board

G:\WPC\WINWORD\4i10-1.02.doc

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: October 3, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Karel Placencia
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-014

Please publish the attached: **FIRST AND SECOND NOTICE OF PUBLIC HEARING – Adoption of Ordinance for Proposed Amendments to the Ventura County Building Code (VCBC) and Related Codes,**

Two (2) times in the issues of FRIDAY, OCTOBER 11ST & 18TH , 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.star

RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

October 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: ADOPTION OF PROPOSED AMENDMENTS TO THE VENTURA COUNTY BUILDING CODE (VCBC) AND RELATED CODES

RECOMMENDED ACTION:

1. Conduct a public hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing Law, for final adoption on November 5, 2002, at 9:00 a.m.

2. At a second meeting on November 5, 2002, at 9:00 a.m., receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective thirty days from the date of final passage, adopt a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law, and direct that the findings be filed with the State Building Standards Commission.

FISCAL/MANDATES IMPACT: None

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

The uniform building codes form the primary basis of authority under which local building departments regulate the construction of buildings and structures. The California Health and Safety Code requires every city or county to utilize virtually the same housing construction standards as those of the State, but with provision for local adjustments to reflect local conditions. The recommended revisions to Ventura County's local ordinance are part of the normal legal process which is prescribed by State law for the adoption of building codes.

The local County building codes which are currently in effect were last amended by the Board in June 1999. This proposed ordinance will update references to the latest editions of the State codes, and will maintain uniformity with nearby city and county jurisdictions, which are completing the same process. Additionally, the proposed ordinance will improve certain of the administrative and regulatory provisions of the Ventura County Building Code (VCBC) to facilitate administration and enforcement of the codes. The VCBC is a compilation of previously-adopted ordinances regulating construction and incorporates State adopted codes and other model codes.

4i12-1.02

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Attachment "B" is an abbreviated summary by article of the changes made to the VCBC.

Attachment "C" is a copy of the letter sent out by the Building Official to interested parties requesting their review of the draft VCBC.

Attachment "D" is a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law. Adoption of these express findings is required by Health and Safety Code Section 17922. A county may make modifications in the requirements of the State adopted codes which are reasonably necessary because of local conditions. Changes to State construction standards may not, however, result in standards less than State minimums.

Attachment "E" are the express findings required for adoption.

A copy of the proposed Ventura County Building Code and these attachments are available in the Clerk of the Board's office and at the Building and Safety Counters in the Simi Valley Court House and in the Administration Building in Ventura.

Existing amendments that have not changed from the prior code have been simply brought forward without modification. Changes made by the amendments fall into one of the following categories:

1. Editorial changes that either update references, section numbers, chapter and section titles, or add highlighting of definitions, or make grammatical corrections and clarifying language revisions. These are found in various places throughout the code.

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3. Technical changes or "building standards", which actually affect the specific design and approval of a structure. Many of the amendments dealing with "building standards" have been reduced or eliminated as they are now found in the State code itself and are no longer necessary to add by amendment.

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Beginning on September 25, 2002, an initial draft of the proposed VCBC amendments was sent to interested parties, including engineers, architects and draftspersons, builders and contractors, individual citizens and industry groups such as the Ventura County Contractors Association, Building Industries Association, American Institute of Architects, and the Structural Engineers Association and to members of the County's Building Appeals Boards.

This item has been reviewed by the Chief Executive Office, County Counsel and the Auditor-Controller. A legislative version with strikeouts through deleted words and sentences and underlining under new words and sentences is on file with the Clerk of the Board of Supervisors. If you have any questions, please call me at extension 2787.

Jack Phillips

JACK PHILLIPS, BUILDING OFFICIAL

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Attachment "A": Proposed Ventura County Building Code

Attachment "B": Abbreviated Summary of Code Amendments

Attachment "C": Letter from Building Official to Interested Parties

Attachment "D": Resolution Adopting Express Findings Regarding Modification of Uniform Codes Subject to the State Housing Law

Attachment "E": Express Findings Required for Adoption

c: Building Industries Association
American Institute of Architects
Associated General Contractors of California
Ventura County Contractors Association
Structural Engineers Association

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
812	NOV. 6 08:58	8054776710	0° 00' 51"	003	OK	N ECM

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: November 6, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Karel Placencia
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-018

Please publish the attached: **ORDINANCE NO. 4274, An Ordinance Amending the Ventura County Building Code and Related Codes,**

One (1) time in the issues of MONDAY, November 11, 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24
CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

AGREEMENT BETWEEN COUNTY OF VENTURA AND CITY OF CAMARILLO PERTAINING TO CAMARILLO AIRPORT DEVELOPMENT AND SURROUNDING LAND USE

THIS AGREEMENT is entered into by and between the COUNTY OF VENTURA (hereinafter "COUNTY") and the CITY OF CAMARILLO (hereinafter "CITY") and shall become binding and effective upon the date of the last signature hereupon. The parties make the following recitals:

A. COUNTY has been granted possession of the major portion of the former Oxnard Air Force Base under lease from the Federal Government for use as a public airport facility (which facility is hereinafter referred to as the "Camarillo Airport").

B. COUNTY and CITY anticipate that fee title to the Camarillo Airport will be transferred from the Federal Government to COUNTY in the near future in accordance with COUNTY'S application therefor.

C. COUNTY'S application for transfer of Camarillo Airport calls for the establishment of a joint powers body representing COUNTY and CITY to oversee airport development.

D. Most of the Camarillo Airport and much of the land surrounding the airport is located within CITY.

E. COUNTY and CITY desire to achieve maximum mutual cooperation in the development of Camarillo Airport and to maintain a balanced perspective in fulfilling COUNTY aviation requirements within a framework of continuing community sensitivity.

F. COUNTY and CITY objectives will be realized by a joint exercise of powers by and between COUNTY and CITY to form a joint review body to oversee airport development and surrounding land use planning.

Based upon the foregoing recitals, the parties do hereby agree as follows:

1. COUNTY and CITY do hereby jointly exercise their powers and create the Camarillo Airport Authority (hereinafter "Authority").

2. The Authority shall be composed of two members of the Ventura County Board of Supervisors, which members shall be selected by the Board of Supervisors; two members of the Camarillo City Council, which members shall be selected by the City Council; and a fifth member to be selected by a majority of the other four members.

3. The Ventura County Board of Supervisors shall not give formal approval or otherwise act upon any matter brought before it pertaining to development, operation or any other matter at the Camarillo Airport until the matter shall have first been submitted to the Authority and a recommendation received therefrom.

4. The Camarillo City Council and the Ventura County Board of Supervisors shall not grant any approval or take any other action in respect to any land use matter within the Camarillo Airport Zone until the matter shall have first been submitted to the Authority and a recommendation received therefrom. "Any land use matter within the Camarillo Airport Zone" shall mean actions relating to zoning, master or general planning, use permits and all other exercises

of the police power which regulate the development of the area designated in Exhibit A, attached hereto and incorporated herein by this reference.

5. COUNTY shall operate the Camarillo Airport in a manner consistent with the restrictions specified in Exhibit B, attached hereto and incorporated herein by this reference. The restrictions shall not be modified, except in emergencies, until the proposed modification shall have first been submitted to the Authority and a recommendation received therefrom.

6. COUNTY and CITY shall exercise their police powers so as to maintain the compatibility of the land within the Camarillo Airport Zone with aviation use and shall not allow uses inconsistent therewith.

7. The Authority shall act expeditiously and avoid unreasonable delays in formulating recommendations for the Ventura County Board of Supervisors and the Camarillo City Council. Any matter submitted to the Authority shall be deemed to have been approved following the expiration of sixty (60) days following submission unless a majority of the members of the Authority shall have denied or taken other action on a matter submitted to it.

8. Notwithstanding the provisions of paragraphs 3 and 4, the Camarillo City Council and the Ventura County Board of Supervisors may act on any matter prior to (1) receiving a recommendation from the Authority or (2) the expiration of sixty (60) days, whichever occurs first, to the extent that such action may be required by law. In the event of a requirement for early action on any matter to be submitted to the Authority, such matter shall be submitted to the Authority at the earliest possible date and the Authority shall be given notice of the date by which action must be taken.

9. The Ventura County Board of Supervisors and the Camarillo City Council shall each give full consideration to all recommendations of the Authority and shall not take any action inconsistent therewith unless by at least a four-fifths vote.

10. The Authority shall hold monthly meetings at a time chosen by members of the Authority. Special meetings may be called by the chairman, vice chairman or any three members. The Authority shall promulgate and adopt rules for the orderly conduct of its meetings and affairs.

11. The Authority shall elect from its members a chairman and vice chairman to serve for one year. Elections shall be held in January.

12. COUNTY shall, without cost to CITY, provide staff and secretarial support to the Authority, which said support shall include the taking of minutes at all Authority meetings, the preparation and distribution of agendas for Authority meetings and coordination of Authority business with CITY staff.

13. All additional expenditures which are recommended by Authority shall be paid by COUNTY subject to COUNTY'S prior approval. The provisions of paragraph nine, pertaining to the four-fifths vote requirement, shall not apply to funding approvals. In the event COUNTY fails to approve any proposed expenditure, the expenditure shall not be incurred unless and until the manner of payment is mutually agreed upon between the parties hereto.

14. The debts, liabilities and obligations of the Authority shall be solely the debts, liabilities and obligations of the Authority and neither the CITY nor the COUNTY shall be liable therefor.

15. The term of this agreement shall be for perpetuity; provided, however, that if COUNTY is precluded from operating the Camarillo Airport for public airport purposes, then this agreement shall be of no further force or effect.

16. This agreement may be modified at any time by mutual agreement of the parties.

COUNTY OF VENTURA

By _____
Chairman, Board of Supervisors

ATTEST:

ROBERT L. HAMM, County Clerk, County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof.

By _____
Deputy Clerk

CITY OF CAMARILLO

By _____
Mayor

ATTEST:

By _____
City Clerk

EXHIBIT B

CAMARILLO AIRPORT RESTRICTIONS

1. The airport shall be operated for general aviation purposes only. General aviation is defined in Attachment 1, affixed hereto and incorporated herein.

2. The airport operating hours will be from 7:00 AM to 10:00 PM.

3. The usable runway length shall not exceed 6,000 feet and shall be the most westerly 6,000 feet of the existing runway.

4. An aircraft weight limitation of 115,000 lbs. (twin wheel) shall be in effect.

5. The airport VFR traffic pattern shall be to the south of the airfield as designated on Attachment 2, affixed hereto and incorporated herein.

6. Airport development shall be guided to ensure that residential areas are not exposed to noise levels greater than 60 CNEL average noise and 90 dBA single event noise.

EXHIBIT A

The "Camarillo Airport Zone" shall consist of the area bounded by the following:

Highway 34 to the south; the southerly extension of Carmen Drive to the east; Highway 101 to the north; the western boundary of the Camarillo sphere of interest, as designated on the 1974 Camarillo General Plan, to the west.

AMENDMENT #1

"AGREEMENT BETWEEN COUNTY OF VENTURA AND CITY OF CAMARILLO PERTAINING TO CAMARILLO AIRPORT DEVELOPMENT AND SURROUNDING LAND USE"

1. WHEREAS, the County of Ventura and the City of Camarillo, in October of 1976, entered into a joint powers agreement pertaining to Airport Development and Surrounding Land Use; and

2. WHEREAS, said agreement provides for the formation of the Oxnard Airport Authority and selection of members thereof; and

3. WHEREAS, the Authority now wishes to amend the "Agreement" to allow alternate members to be appointed and vested with certain voting authority;

4. NOW, THEREFORE, it is hereby resolved that the "AGREEMENT BETWEEN COUNTY OF VENTURA AND CITY OF CAMARILLO PERTAINING TO CAMARILLO AIRPORT DEVELOPMENT AND SURROUNDING LAND USE" be amended as follows:

pg 2 para 2 "Composition of Authority"

Add: "Members of the Board of Supervisors may be selected by the Board of Supervisors as alternates, and members of the City Council may be selected by the City Council as alternates". An alternate to the fifth member (public member) may be selected by a majority vote of the other four Authority members. "Such designated alternate(s) may be a voting participant(s) at an Authority meeting at such time as the regular member(s) representing his/her jurisdiction is not in attendance".

ATTACHMENT 1

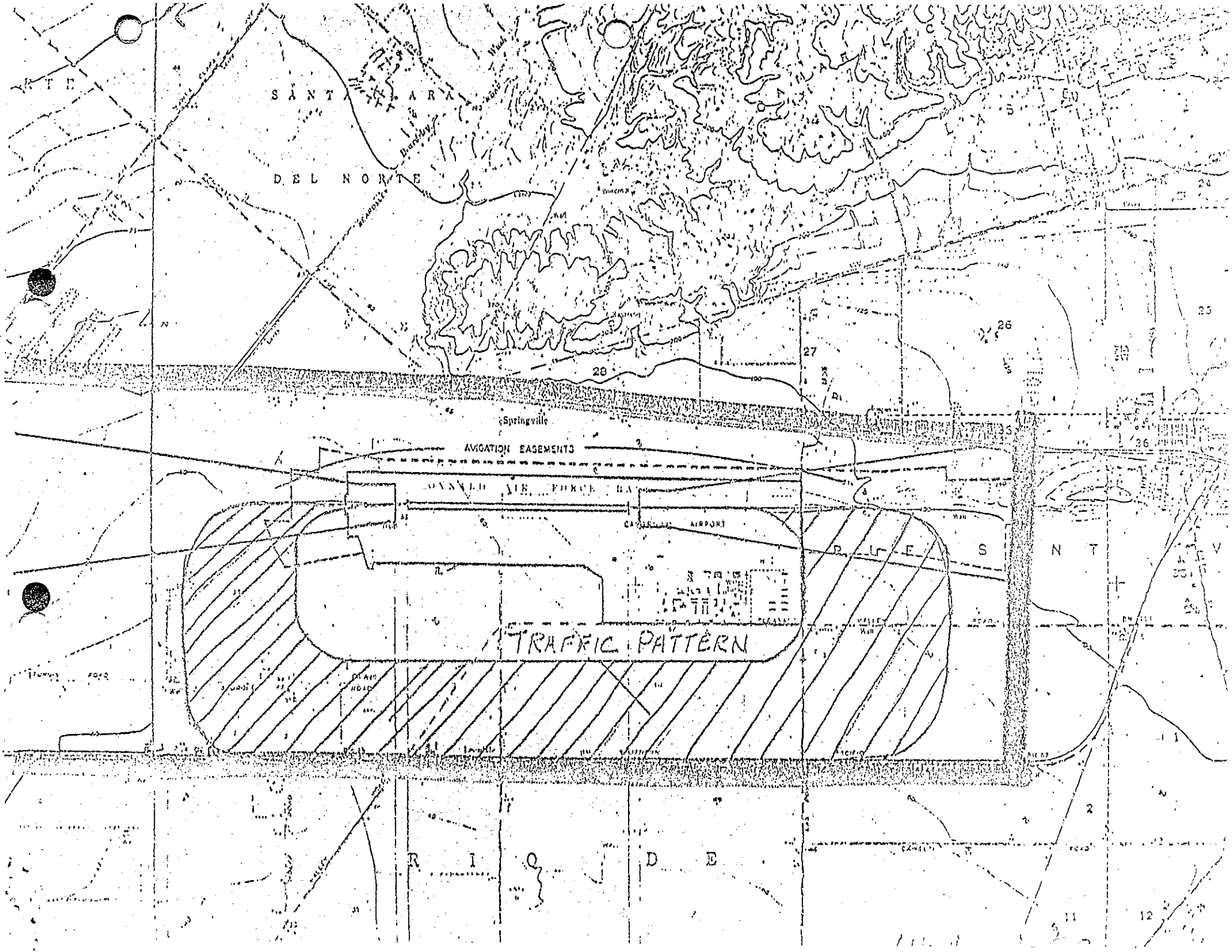
GENERAL AVIATION

General aviation includes all business and commercial, training, personal transportation, proficiency, and sport flying not classified as air carrier. General aviation includes air taxi or charter for revenue on a non-schedule basis (interstate limited to 30 passengers, 7,500 lbs. cargo), and intrastate freight carriers and interstate freight carriers which operate through exclusive long-term contracts (non-common carriers).

Excluded from general aviation are all air carrier operations. Air carrier operations consist of operations which are certificated by the CAB or the PUC and comprise the following:

(a) CAB Certificate of Convenience & Necessity covers all interstate common carriers (services offered to public at large) on a regular schedule and route. CAB also certificates interstate air taxi and charter aircraft with more than 30 seats which operate for revenue on a non-scheduled basis. CAB certificates all interstate common carrier freight airlines also, including air taxi over 7,500 pounds of cargo carried.

(b) PUC certificates all air carrier (people) of any size which operate on a regularly scheduled basis over scheduled routes for revenue. This includes third level carriers such as Golden West. PUC does not certificate intrastate freight air carriers.


SANTA CLARA
DEL NORTE
Springville
AVIGATION EASEMENTS
TRAFFIC PATTERN
R I O J D E

STATEMENT OF AMENDED BY-LAWS OF

THE CAMARILLO AIRPORT AUTHORITY

The following provisions shall constitute the By-laws of the Camarillo Airport Authority as amended:

ARTICLE I. CONSTITUTION

The Camarillo Airport Authority, hereinafter referred to as "Authority," was formed pursuant to a joint powers agreement on October 21, 1976, between the City of Camarillo and the County of Ventura, such accord being entitled "Agreement Between County of Ventura and City of Camarillo Pertaining to Camarillo Airport Development and Surrounding Land Use."

ARTICLE II. PURPOSE

The purpose of the Authority is to review and act upon policy matters relating to airport operations and development, and policy matters regarding changes in land use within "Camarillo Airport Zone" as defined in the joint powers agreement.

The Ventura County Board of Supervisors shall not give formal approval or otherwise act upon any matter brought before it pertaining to the development or operation of the Camarillo Airport until it has been first submitted to the Authority and a recommendation received therefrom.

The Camarillo City Council and the Ventura County Board of Supervisors shall not grant any approval or take any other action in respect to any land use matter within the Camarillo

Airport Zone until it has been first submitted to the Authority and a recommendation received therefrom. "Any land use matter within the Camarillo Airport Zone" shall mean actions relating to zoning, master or general planning, use permits and all other exercises of the police power which regulate the development of the Airport Zone.

ARTICLE III. DUTIES AND RESPONSIBILITIES

All matters concerning the Camarillo Airport and Camarillo Airport Zone, or the air transportation system within the County of Ventura requiring Board or Council action shall first be referred to the Authority for its review prior to submission to the Board or Council for action.

The Authority shall act expeditiously and avoid unreasonable delays in formulating recommendations to the Ventura County Board of Supervisors and the Camarillo City Council. Any matter submitted to the Authority shall be deemed to have been approved following the expiration of sixty (60) days following submission unless a majority of the members of the Authority shall have denied or taken other action upon it.

The Department of Airports staff shall provide assistance, including obtaining any necessary legal or other technical assistance required by the Authority in formulating its recommendations. The Department of Airports may request the Authority to review and make recommendations upon matters under its jurisdiction which would have not required Board or Council action or approval. The Authority shall, at all of

its meetings, set aside time for public comment and input on the matters at hand. It shall hear all complaints, suggestions and viewpoints from airport users, lessees and other interested parties. The Authority shall give fair, open-minded consideration to public comment and make its deliberations and dispositions public in all matters brought before it. The Authority may hold public hearings when necessary to serve the public interest. Correspondence containing representations and/or recommendations of the Authority being sent to the Board, Council, members of the general public or other agencies of the County shall first be approved by a majority vote of the Authority, and such materials shall be transmitted under the signature of the Chairman of the Authority or his or her designee. Correspondence containing County and/or City policy or representations which are being transmitted to federal, state or other non-County/City agencies shall be sent to the Board and/or Council as appropriate for approval and signature.

County shall, without cost to City, provide staff and secretarial support to the Authority, which support shall include the taking of minutes at all Authority meetings, the preparation and distribution of agendas for Authority meetings and coordination of Authority business with City staff.

All additional expenditures which are recommended by Authority shall be paid by County subject to County's prior approval. In the event County fails to approve any proposed

expenditure, such expenditure shall not be incurred unless and until the manner of payment is mutually agreed upon by the Authority. The debts, liabilities and obligations of the Authority shall be solely the debts, liabilities and obligations of the Authority; neither the City nor the County shall be liable therefor.

ARTICLE IV. MEMBERSHIP

The Authority shall be composed of two members of the Ventura County Board of Supervisors, which members shall be selected by such Board; two members of the Camarillo City Council, which members shall be selected by such Council; and a fifth member selected by a majority of the other four members. Alternates for the representatives of the Board and the Council may be selected by the respective bodies. An alternate to the fifth member may be selected by a majority vote of the other five Authority members. Any such designated alternate(s) may be a voting participant at an Authority meeting at such time as a regular member(s) is not in attendance. Upon the termination of office of the fifth member prior to the expiration of his or her term, the designated alternate shall succeed to such position, following a majority vote of approval by the five Authority members.

ARTICLE V. TERMS OF OFFICE

Members from the Board of Supervisors and the City Council shall serve at the pleasure of their respective bodies. The term of the fifth member shall be two (2) years,

with no such member holding office for more than four (4) consecutive years or two (2) consecutive terms, whichever period is shorter.

The term of office of the fifth member shall commence on the first of March. Prospective candidates shall complete and return an approved application form to the Airport Authority in compliance with the instructions provided, when so ordered by the Authority. Final selection will be by majority vote of the other four Authority members. The final selection shall be made by the Authority prior to the end of the fifth member's term.

The term of office of the Alternate Public Member shall be the same as that of the Public Member. Prospective candidates shall complete and return an approved application form to the Airport Authority in compliance with the instructions provided. Vacancy in the Public Member position shall be filled by the appointment of the Alternate Public Member upon a majority vote of the five Authority members.

ARTICLE VI. OFFICERS

The Authority shall select from its membership a chairman and a vice-chairman. Each shall serve for one (1) calendar year beginning on the first meeting in January. The chairman shall be responsible for conducting the meetings and shall be guided by Roberts' Rules of Order, Revised. The Airport Administrator for the Department of Airports shall act as the Authority's administrative secretary. The administrative secretary shall be directly responsible to the

chairman and the Authority for the administrative and secretarial needs of the Authority. From time to time the chairman will assign members to committees for purposes of special studies and pursuits. Each committee will be headed by a committee chairman. The committee chairman shall be responsible to the Authority for carrying out its assigned task.

ARTICLE VII. MEETINGS

The Authority shall hold meetings once each month at a time and place selected by the Authority. Meetings shall be open to the public. The administrative secretary shall prepare and publish the agenda for each meeting and have it distributed to Authority members and all interested parties after it has been approved by the chairman or his or her designee. Meetings may be cancelled only on the approval of the chairman. Special meetings may be called by the chairman, vice-chairman or any three members. In the absence or unavailability of the chairman, the vice-chairman shall assume all duties and responsibilities of the chairman. In the absence of both officers, the next most senior member shall assume the duties and responsibilities of the chairman. No action shall be taken except by a majority of a quorum of the Authority. A quorum shall exist when at least three (3) Authority members are present and a quorum must contain one City member, one County member and one public member. Voting shall generally take place by voice vote unless a ballot vote is requested by any one member. The secretary shall poll each member and record his or her vote on all motions acted

upon by voice vote, and record the results of all ballot votes. An accurate record of each regular and special meeting shall be kept and published for all interested parties.

ARTICLE VIII. AMENDMENTS

Amendments to these By-laws may be made by the Authority at any time by a majority vote of the Authority, as long as such amendments are consistent with the joint powers agreement ("Agreement Between County of Ventura and City of Camarillo Pertaining to Camarillo Airport Development and Surrounding Land Use").

ARTICLE IX. EFFECTIVE DATE

These By-laws, as amended, shall take effect upon adoption by the Authority.

Upon motion of Thomas S. Martin, seconded by Michael D. Morgan, and duly carried, the foregoing amended By-laws were approved by the Camarillo Airport Authority on October 13, 1988.

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, MAY 8, 2007 AT 9:30 A.M.

ORDINANCE NO. 4361

VENTURA COUNTY CAMPAIGN FINANCE REFORM ORDINANCE

An Ordinance of the Board of Supervisors of the County of Ventura, State of California, Relating to Amendments to the Ventura County Campaign Finance Reform Ordinance at this time, and upon motion of Bennett, seconded by Supervisor Long, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4361.

Board of Director members vote as follows:

Ayes: Supervisors Bennett, Long, and Parks.

Noes: Supervisor Foy.

Absent: Supervisor Flynn.

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4361.

It is further ordered that said ordinance shall take effect and be enforced at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ventura County Star, a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

CEO
Auditor
Files (3)
Item 35A
05/08/07

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS, KATHY I. LONG, PETER C. FOY AND JOHN K. FLYNN
May 8, 2007 at 9:30 a.m.

205/209.100/ORD #4361

SECOND HEARING - Adoption of Ordinance Code Amendments to Ordinance No. 4350 and 4322 - Ventura County Campaign Finance Reform. (Heard on April 24, 2007 - Item 36) (County Executive Office)

(X) All board members are present except Supervisor Flynn.

(X) The following person is heard: **Del Tompkins.**

(X) Upon motion of **Supervisor Bennett,** seconded by **Supervisor Long,** and duly carried, the Board hereby approves the attached staff recommendation and adopts the following statement of intent: The Board hereby declares as its legislative intent that contributions returned as per Section 1269(c) are not violations of the Ordinance by the receiving candidate or committee; with **Supervisor Foy Dissenting**.

By: Ilene De La Torre
Deputy Clerk of the Board

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument
is a true and correct copy of the document
which is on file in this office.
JOHN F. JOHNSTON, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board

Item 35B
05/08/07

DISTRIBUTION: Originating Agency, Auditor, File

ORDINANCE NO. 4361

AMENDMENTS TO AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS, REPEALING AND REENACTING ARTICLE 6, CHAPTER 2, DIVISION 1 OF THE VENTURA COUNTY ORDINANCE CODE, SECTION 1261 ET SEQ., REGARDING LOCAL CAMPAIGN FINANCE REFORM

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1. Repeal of Existing Ventura County Campaign Finance Reform Ordinance

Section 2 of Ordinance No. 4322 of the County of Ventura, which reenacted section 1261 and enacted sections 1262 through 1298 of Article 6 of Chapter 2 of Division 1of the Ventura County Ordinance Code, is hereby repealed.

Ordinance No. 4350 of the County of Ventura, which amended section 1295, subdivision (g) of Article 6 of Chapter 2 of Division 1 of the Ventura County Ordinance Code, is hereby repealed.

Section 2. Intent To Clarify Existing Law

It is the intent of the Ventura County Board of Supervisors in repealing and reenacting this Ordinance to construe and clarify the meaning and effect of existing law by confirming that the limitations set forth in Section 1270 of Article 6 of Chapter 2 of Division 1 of the Ventura County Ordinance Code are to be construed as a limit solely on contributions and not as a limit on the amount of expenditures by Independent Expenditure Committees.

Section 3. Enactment of Ventura County Campaign Finance Reform Ordinance

Sections 1261 through 1298 of Article 6 of Chapter 2 of Division 1 of the Ventura County Ordinance Code are hereby reenacted as follows:

Section 1261. Name of Ordinance

This ordinance shall be known and cited as the "Ventura County Campaign Finance Reform Ordinance."

Section 1262. Purpose of the Ordinance

The purpose of this ordinance is to promote public trust in governmental institutions and the electoral process, reduce the appearance of corruption, and to prevent individuals or organizations from using their financial strength to corrupt Ventura County government by creating political debts through contributions or expenditures that allow them to control or unduly influence elected officials. To further these purposes, this ordinance is written to help individual voters by reducing the potential influence and the appearance of influence resulting from large campaign contributions, to candidates, committees supporting candidates, or independent expenditure committees and thus to promote the integrity of the process of electing Ventura County candidates and the integrity of Ventura County government. Finally, to further these purposes, this ordinance provides full and fair enforcement of all its provisions.

Section 1263. Relationship to the Political Reform Act of 1974

This ordinance is intended to supplement the Political Reform Act as amended. Unless a word or term is specifically defined in this ordinance or the contrary is stated or clearly appears from the context, words and terms shall have the same meaning as when they are used in Title 9 of the California Government Code, in which the Political Reform Act is codified, and as supplemented by the Regulations of the Fair Political Practices Commission as set forth in Title 2, Division 6 of the California Code of Regulations, as well as any amendments to the Act or to the Regulations of the Fair Political Practices Commission.

Section 1264. Definitions

(a) "County candidate" means any individual who is a candidate for Supervisor, Sheriff, District Attorney, County Clerk, Treasurer-Tax Collector-Public Administrator, Auditor, County Superintendent of Schools, or Assessor. The provisions of Government Code 82007 shall also apply to such individuals.

(b) "Elective county officer" means any individual who is a Supervisor, Sheriff, District Attorney, County Clerk, Treasurer-Tax Collector-Public Administrator, Auditor, County Superintendent of Schools, or Assessor.

(c) "County-wide office" means the office of Sheriff, District Attorney, County Clerk, Treasurer-Tax Collector-Public Administrator, Auditor, County Superintendent of Schools, or Assessor.

(d) "Participating candidate" means a candidate who has agreed to limit his or her expenditures pursuant to Section 1265.

(e) "Non-participating candidate" means a candidate who has not agreed to limit his or her expenditures pursuant to Section 1265.

(f) "Commission" refers to the Ventura County Campaign Finance Ethics Commission as created by Section 1295 of this ordinance.

(g) "Candidate pool" means the pool of candidates nominated by the Board of Supervisors from which the Independent Selector will recommend candidates for appointment by the Board of Supervisors.

(h) "Clerk" means the County Clerk or his or her designee.

(i) "Clerk of the Commission" means the County Executive Officer or his or her designee.

(j) "Independent Expenditure Committee" means any committee not controlled by the candidate that contributes to or expends funds for or against a candidate.

(k) "Independent Selector" is the person appointed by the Board of Supervisors pursuant to section 1295 (c) to assist in the selection of the five individuals to be appointed to the Commission.

(l) "Non-benefiting participating candidate" means a candidate who has agreed to limit his or her expenditures pursuant to Section 1265 and who has been opposed by independent expenditures, or whose opponent has been supported by independent expenditures.

(m) "Sponsored Committee" means a committee, other than a controlled committee, which has one or more sponsors.

(n) "Sponsor" of a committee means any person, except a candidate, proponent, or other individual to whom any of the following applies:

(1) The person who directly or whose members, officers, employees, or shareholders provide 80 percent or more of the committee's contributions;

(2) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers or employees;

(3) The person provides, alone or in combination with other organizations, all or nearly all of the administrative services for the committee; or

(4) The person sets, alone or in combination with other persons or organizations, the policies for soliciting contributions or making expenditures of committee funds.

Section 1265. Expenditure Limits

(a) No candidate for the office of Supervisor who voluntarily accepts expenditure limits and no controlled committee of such a candidate shall make

campaign expenditures of more than one hundred fifty thousand dollars ($150,000) per election.

(b) No candidate for countywide office who voluntarily accepts expenditure limits and no controlled committee of such a candidate shall make campaign expenditures of more than five hundred thousand dollars ($500,000) per election.

(c) The Clerk shall adjust the expenditure limits in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. These adjustments shall be rounded off to the nearest one thousand dollars ($1,000) for limitations on expenditures.

Section 1266. Acceptance of Expenditure Limits

Each county candidate shall file with the Clerk a statement of acceptance or rejection of the voluntary expenditure limits set forth in Section 1265 before accepting any contributions. If he or she agrees to the spending limits, the candidate shall not be subject to the contribution limitations in Section 1267, but shall be subject to the contribution limitations in Section 1268.

Section 1267. Contribution Limitations for Non-Participating Candidates

(a) Except as provided in Section 1268, no person shall make to any county candidate, or the controlled committee of such a candidate or elective county officer, and no such county candidate, or controlled committee of such candidate shall accept from a person any contribution totaling more than three hundred and fifty dollars ($350) for each of the following elections for which the individual is a candidate: a primary election or a general (runoff) election.

(b) The provisions of this section do not apply to a candidate's contributions of personal and community property funds to the candidate's own campaign, but shall apply to contributions from the candidate's spouse or registered domestic partner of the spouse's or registered domestic partner's separate property.

Section 1268. Contribution Limitations for Participating Candidates

(a) No person shall make to any participating candidate for elective county office or the controlled committee of such a candidate, and no such participating candidate for elective county office, or controlled committee of such a candidate shall accept from a person any contribution totaling more than seven hundred dollars ($700) per election for each of the following elections for which the individual is a candidate: a primary election, or a general (runoff) election.

(b) The provisions of the section do not apply to a participating candidate's contributions of personal and community property funds to the candidate's own campaign but shall apply to contributions from the candidate's spouse or registered domestic partner of the spouse's or registered domestic partner's separate property.

Section 1269. Contributions to Candidates and Committees that Contribute to Candidates

(a) The combined total amount a person is allowed to contribute to a candidate's election committee and all other committees that contribute to that candidate shall be no more than seven hundred dollars ($700) over the election cycle. A willful or knowing violation of this subdivision shall violate the ordinance and section 1294 shall apply.

(b) No committee shall knowingly accept a contribution in excess of fifty dollars ($50) that will cause this seven hundred dollars ($700) limit to be exceeded by any individual contributor.

(c) If a committee discovers that it has accepted a contribution in excess of fifty dollars ($50) that has caused a contributor's seven hundred dollar ($700) limit to be exceeded, the committee shall return the contribution within 5 business days of the discovery.

(d) An aggregate contribution over the election cycle to a committee that is not controlled by the candidate which is under fifty dollars ($50) shall be exempted from the seven hundred dollar ($700) limit referred to in this section only.

Section 1270. Contributions to Independent Expenditure Committees

(a) Except as provided in subsection (b) below, no person shall make any contribution to an Independent Expenditure Committee, nor shall any person accept any contribution on behalf of an Independent Expenditure Committee which will cause the total amount contributed by such person to such Independent Expenditure Committee to exceed seven hundred dollars ($700) per election cycle.

(b) Notwithstanding the prohibition in subdivision (a), an Independent Expenditure Committee may receive contributions from any contributor that individually or cumulatively exceed seven hundred dollars ($700) if the funds for the committee's contributions to County Candidates and/or independent expenditures are expended from a separate account or accounts funded entirely by contributions which total seven hundred dollars ($700) or less per contributor per county candidate.

(c) On the same dates and in the same manner as required by the Political Reform Act, Article 2 of Chapter 4 of Title 9 of the Government Code (Section 84200 et seq.), any Independent Expenditure Committee that contributes to or expends funds for or against a County Candidate shall disclose each contribution made to it that individually or cumulatively totals fifty dollars ($50) or more per contributor.

Section 1271. Disclosure of Spending by Non-Participating Candidates

(a) If a non-participating candidate's total expenditures are twenty-five percent (25%) or more of the expenditure limits, the candidate shall notify and declare to the Clerk and opposing candidates within twenty-four (24) hours of the time such a total is reached.

(b) The Clerk or the Commission may make their own determination as to whether such expenditures have been made by non-participating candidates.

(c) Upon receiving a declaration or determining that a non-participating candidate has spent twenty-five percent (25%) or more of the expenditure limits, the Clerk shall inform within twenty-four (24) hours the opposing participating candidate(s) that they are no longer bound by the voluntary expenditure limits.

(d) Nothing in this section shall affect or change the contribution limits set forth in Sections 1267 and 1268.

Section 1272. Election Cycles

(a) For purposes of the limits of this ordinance and reporting procedures, if there is a general (runoff) election, contributions or expenditures made at any time from the beginning date a candidate may commence receiving contributions pursuant to Section 1279 to the day before the primary election shall be considered primary election contributions. For the general (runoff) election, contributions made from the date of the primary election through 90 days after the general (runoff) election shall be considered general (runoff) election contributions.

(b) For purposes of the limits of this ordinance and reporting procedures if there is not a general (runoff) election, contributions or expenditures made at any time from the beginning date a candidate may commence receiving contributions pursuant to Section 1279 through 90 days after the date of the primary election shall be considered primary election contributions.

Section 1273. Loans

(a) The provisions of this ordinance regarding loans apply to extensions of credit, including accrued expenses, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) If a candidate makes a loan to his or her campaign or controlled committee, the outstanding loan balance may not exceed twenty thousand dollars ($20,000) after the election. Any excess above twenty thousand dollars ($20,000), which remains outstanding after the election, shall be deemed a non-recoverable contribution made on the date the loan was made. A candidate may not charge interest on any loan made by the candidate to the candidate's campaign.

(c) Extensions of credit, other than candidate loans and loans by commercial lending institutions to a candidate pursuant to subsection (a), for a period of more than 30 days are subject to the contribution limits of this ordinance.

(d) Every loan to a county candidate or elective county officer or his or her controlled committees shall be by written agreement. Each county candidate or elective county officer shall maintain in his or her committee's records a copy of the written loan agreement.

(e) This section shall apply only to loans and extensions of credit used or intended for use for campaign purposes or which are otherwise connected with the holding of public office.

Section 1274. Family Contributions

(a) Contributions made by a husband and wife or by registered domestic partners shall not be aggregated and shall be divided equally for donation tracking purposes.

(b) A contribution of fifty dollars ($50) or more made by a child less than eighteen (18) years of age is presumed to be a contribution from the parent or guardian of the child. For donation tracking purposes, if the parents or guardians of the child are married or have joint legal custody of child, the contribution shall be divided equally between them; if one parent or guardian has primary or sole legal custody of the child then the contribution shall be attributed to that parent or guardian. The committee or candidate accepting a contribution from a child under the age of eighteen (18) shall obtain the information concerning parental attribution.

Section 1275. Independent Expenditures

(a) In addition to any other report required by the Political Reform Act, a committee that makes independent expenditures of one thousand dollars ($1,000) or more during an election cycle for or against a candidate for elective county office shall file a report with the Clerk disclosing the making of each such independent expenditure. The report shall include the name and full street address of the committee, the Secretary of State identification number of the committee, the name of the treasurer of the committee, the names, addresses and occupations of the three largest contributors to the independent expenditure committee during the election cycle, and shall identify the candidate supported or opposed by the expenditure. This report shall disclose the same information required by subdivision (b) of Government Code Section 84204 and shall be filed within twenty-four (24) hours of the time the independent expenditure is made. A copy or transcript of any material published or broadcast shall also be included.

(b) The report to the Clerk shall include a signed statement under penalty of perjury by the person or persons making the independent expenditure identifying the

candidate or candidates whom the independent expenditure is intended to help elect or defeat and affirming that the expenditure is independent and that it is not coordinated with a county candidate. The statement may be on a separate form from the remainder of the report as provided by the Clerk, and will be considered timely if postmarked by the date required for filing the report to the Clerk.

(c) Any individual or organization that fails to file the required report with the Clerk within the timeframe set forth in subsection (a) or provides materially false information in a report filed pursuant to subdivisions (a) or (b) may be fined up to three times the amount of the independent expenditure.

(d) Upon receiving a report that an independent expenditure has been made or obligated to be made, the Clerk shall inform within twenty-four (24) hours all other candidates in the race.

(e) If a single independent expenditure committee spends in support or opposition to a candidate more than twenty five percent (25%) of the amount of the voluntary expenditure limit pertaining to the candidate, the committee must report that fact to the Clerk within twenty-four (24) hours.

(f) If expenditures in the aggregate by any committee or committees not controlled by the candidate spent in support or opposition to a candidate is more than twenty five percent (25%) of the voluntary expenditure limit in that race, the Clerk shall inform within twenty-four (24) hours the non-benefiting participating candidate(s) that they are no longer bound by the voluntary expenditure limits.

(g) A controlled committee of a county candidate may not make independent expenditures and may not contribute funds to another committee for the purpose of making independent expenditures to support or oppose other county candidates.

Section 1276. Multiple Campaign Committees and Bank Accounts Prohibited

A county candidate or elective county officer shall have no more than one (1) controlled campaign committee for election to county office. Such a committee shall have only one (1) bank account out of which all qualified campaign expenses shall be made. This section does not prevent a county candidate or elective county officer from establishing another committee solely for the purpose of running for a state, federal, city, special district or other office, or solely formed to support or oppose a ballot measure.

Section 1277. Legal Defense Account

(a) A candidate for elective county office or an elected county officer may establish a separate account to defray attorney's fees and other related legal costs incurred for the candidate's or officer's legal defense if the candidate or officer is subject to one or more civil or criminal proceedings or administrative proceedings arising

directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental activities and duties. These funds may be used only to defray those attorney's fees and other related legal costs.

(b) A candidate for an elective county office or an elected county officer may receive contributions of up to three hundred dollars ($300) per person per calendar year in the aggregate for accounts in subdivision (a). All contributions shall be reported in a manner prescribed by the Clerk. Contributions to such funds shall not be considered campaign contributions.

(c) In regards to the legal defense accounts, once the legal dispute is resolved, the candidate shall dispose of any funds remaining after all expenses associated with the disputes are discharged, for one or more the of purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Government Code Section 89519.

Section 1278. Electronic Filing of Campaign Statements

(a) Any county candidate and the candidate's controlled committee that raises or spends at least ten thousand dollars ($10,000), or any independent expenditure committee that raises or spends at least ten thousand dollars ($10,000) in any county election in support of or opposition to a county candidate, shall file all campaign statements in a format that is approved by the Clerk for electronic filing.

(b) The Clerk shall cause to be placed on the County's web site a copy of each campaign statement required by subdivision (a) to be filed in a format approved for electronic filing within one working day of the statement's filing with the Clerk.

Section 1279. When Contributions May Be Collected

Neither a county candidate, elected county officials, nor any committee controlled by the candidate may receive any contributions more than one year before and 90 days after an election on which the candidate is on the ballot.

Section 1280. Deposit of Contributions

A county candidate, elective county officer, or the controlled committee of such a candidate or elective county officer, shall not deposit and shall return within 20 days of receipt any contribution of twenty five dollars ($25) or more for the which the candidate, elective county officer, or controlled committee does not have on file in the records of the candidate, elective county officer or controlled committee the name, address, occupation, and employer of the contributor.

Section 1281. Return of Contributions

(a) A county candidate may return all or part of any contribution to the donor who made the contribution at any time, whether or not other contributions are returned.

Such contributions, if deposited, shall be reported and the return of the contribution shall be reported.

(b) A county candidate, elective county officer, or committee may return a contribution pursuant to subdivision (a) after the date that the candidate, elective county officer, or committee has reported the contribution.

Section 1282. Contributions Funneled Through Intermediary

All contributions by a person made to a county candidate, including contributions which are in any way earmarked or otherwise directed to the candidate through an intermediary or conduit, are contributions from the person to the candidate. A person may not make any contribution to any person on the condition or with the agreement that it will be contributed to any particular candidate unless the contribution is fully disclosed pursuant to Government Code Section 84302. Such a contribution shall be subject to all the provisions of this ordinance.

Section 1283. Laundered Contributions

Any county candidate or committee that intentionally or negligently makes or receives a contribution in violation of Government Code Section 84301 shall pay to the General Fund of the County up to three times the amount of the contribution. Payment to the County for violation of this provision shall be made as long as the person responsible or the committee controlled by such person has any funds sufficient to pay the fine.

Section 1284. Bundling of Contributions

Contributions made directly or indirectly to a particular county candidate through an intermediary or conduit shall be treated as contributions from both the contributor and the intermediary or conduit to the candidate for the purposes of this limitation. This limitation does not apply to an intermediary or conduit who is one of the following:

(a) The candidate's campaign treasurer, provided the candidate has only one officially recorded treasurer.

(b) A volunteer, presenting contributions raised by hosting a single fundraising event per election cycle outside the volunteer's place of business wherein guests are invited to a specified place at a specified time.

Provided, however, that a volunteer as set forth in (b), above, does not include the following:

(1) An officer, employee or agent of another political action committee acting on behalf of the committee;

(2) A person registered as a lobbyist with the government agency for which the candidate is running or is an officeholder;

(3) An officer, employee or agent of a corporation or labor union acting on behalf of the corporation or labor union.

Section 1285. Disclosure of Contributions

(a) On the same dates and in the same manner as required by the Political Reform Act, Article 2 of Chapter 4 of Title 9 of the Government Code (Section 84200 et seq.), County Candidates or the controlled committees of such candidates shall disclose each contribution that individually or cumulatively totals $50 or more per contributor.

(b) Contributions to a committee from each contributor shall be totaled over the election cycle and reported in a manner prescribed by the Clerk. The term "election cycle" as used in this section shall mean the applicable period described in Section 1272.

(c) Contributions of goods and services shall be reported at the fair market value of the contribution and covered by the contribution limits of this ordinance.

(d) Contributions received between the final filing period prior to an election and the election, in excess of two hundred fifty dollars ($250), must be reported to the Clerk within twenty four (24) hours of receipt of the contribution but shall not be deposited until the committee has the name, address, occupation and employer of the contributor.

Section 1286. Cash Contributions

Notwithstanding Government Code Section 84300, all contributions of twenty five dollars ($25) or more, other than in-kind contributions, made to any county candidate, or the controlled committee of such a candidate, shall be made in the form of a written instrument containing the name of the donor and the name of the payee.

Section 1287. Anonymous Contributions

Notwithstanding Government Code Section 84304, the total amount of anonymous contributions that may be accepted by any county candidate, or the controlled committee of such a candidate or elective county officer, shall not exceed a total of five hundred dollars ($500) over the election cycle.

Section 1288. Aggregation of Contributions

(a) All contributions made by a sponsored committee to a county candidate or to a committee controlled by such a candidate or elective county officer shall be combined with those contributions made by the sponsor or sponsors of the committee.

(b) For purposes of the contribution limits contained in this ordinance, two or more entities shall be treated as one person when any of the following circumstances apply:

(1) The entities share the majority of their boards of directors;

(2) The entities share two or more officers;

(3) The entities are owned or controlled by the same majority shareholder or shareholders;

(4) The entities are in a parent-subsidiary relationship;

(5) Any individual and any partnership in which the individual is a general partner or an individual and any corporation in which the individual owns a controlling interest [fifty percent (50%) or more], or an individual and any entity in which the individual has the authority to direct and control the contribution decisions of the entity;

(6) Any contributions made by a committee in support of or in opposition to a county candidate shall be aggregated with the contributions made by any other committee in support of or in opposition to the same county candidate if a majority of the officers of such committees are the same individuals.

(c) Candidates and candidate controlled committees shall provide, upon request by the Clerk, information sufficient to allow the Clerk to determine whether any of the circumstances set forth in subsections (b)(1) – (6) exist.

Section 1289. Campaign Advertisements

All broadcast and print advertisements placed by county candidates or their controlled committees shall include a clear written or spoken statement indicating that the candidate has approved of the contents of the advertisement.

Section 1290. Payment and Disclosure of Payment for Goods and Services

(a) An expenditure is made on the date the payment is made, the date the county candidate or committee receives the goods or services, or the date the county candidate or committee commits to pay for the goods or services, whichever is earlier.

(b) No person who supplies goods or services to a county candidate or committee for use in connection with the campaign of such a candidate or supporting or opposing a county candidate shall refuse to divulge or disclose to the Commission his

or her records of any expenditures made by the county candidate or committee for such goods or services.

Section 1291. Application of Ordinance to Other Elections

(a) In the event a county candidate also runs for election for a state, federal, city, special district or other non-county office, the provisions of this ordinance do not apply to the county candidate's campaign for such other office nor to any committee established solely for the purpose of running for such state, federal, city, special district, or other non-county office, or committee controlled by the candidate and formed solely to support or oppose ballot measures.

(b) The contribution and expenditure limits of this ordinance shall not apply to recall elections but all other provisions shall apply to recall elections.

Section 1292. Prohibition on Transfers

(a) No committee controlled by a county candidate shall make any contributions to any other committee supporting or opposing any other county candidate or elective county officer.

(b) No contributions shall be accepted by any county candidate, or by any committee controlled by such county candidate, from any other committee controlled by a federal, state, or local candidate or officeholder that exceed the contribution limits of this ordinance.

(c) The provisions of this section do not apply to a county candidate's contributions of personal funds to any campaign but the contribution limits of this ordinance shall apply.

Section 1293. Access to Records

Each county candidate and committee shall deliver, on demand, to the Commission and any public officer having authority to enforce this division a written authorization permitting the officer to have access to all records pertaining to the campaign contribution checking account.

Section 1294. Penalties

(a) Any person who knowingly or willfully violates any provision of this ordinance is guilty of a misdemeanor.

(b) Any person who intentionally or negligently violates any provision of this ordinance shall be liable in an administrative hearing brought by the Commission, or a civil action brought by a person residing in the jurisdiction for an amount not more than

three times the amount or value not properly reported or improperly received, contributed or expended.

(c) No civil action alleging a violation of this ordinance may be filed against a person if the District Attorney has filed a criminal action or the Commission has filed an administrative action for the same violation.

(d) Before filing civil action, any person, other than the Commission, County Counsel or the District Attorney, must comply with the provisions of Government Code section 91007 except any reference to 120 days shall be 60 days. For the purposes of this section, the Commission shall be the civil prosecutor.

Section 1295. Ventura County Campaign Finance Ethics Commission

(a) This ordinance shall create the Ventura County Campaign Finance Ethics Commission ("Commission").

(b) The Commission shall consider formal complaints of violations of the Ventura County Campaign Finance Reform Ordinance, submitted by a Ventura County resident in writing and signed by the complainant under penalty of perjury. The Commission shall review notifications of apparent violations reported by the Clerk of the Commission. The Commission may consider potential violations of this ordinance without receiving a complaint.

(c) The Board of Supervisors shall appoint an individual to perform the duties ascribed to the Independent Selector by the ordinance. The Independent Selector shall serve a three (3) year term. When considering an individual to appoint as the Independent Selector the Board of Supervisors should first consider judges, current or retired, who are available and willing to perform these duties.

(d) The Commission shall consist of five (5) members. One appointment shall be made from each Supervisor's nominations. Each appointee to the Commission shall be a registered voter of Ventura County, shall not hold any other public office, serve as an officer of any political party or partisan organization, employ, or be employed as, a county lobbyist nor seek election to any other public office during the term of appointment. For the initial nomination cycle, each member of the Board of Supervisors shall nominate three (3) individuals as nominees to the Commission. The Independent Selector shall recommend one person from each of the three nominees submitted by each Supervisor for a total of five (5) recommendations. The Board of Supervisors, after due consideration of the recommendations by the Independent Selector shall appoint five (5) individuals, one from each of the three candidates nominated by each Supervisor, as appointees to the Commission.

(e) When selecting candidates for the Commission, consideration should be given to the ethnic diversity of Ventura County, the independence of the candidate and experience in any of the following areas: judicial experience, membership in good

standing with the California Bar Association, member or representative from a neutral political studies organization, educator of political science, law or philosophy, and community service that has demonstrated the candidate's integrity.

(f) The Board shall appoint the members of the Commission within 60 days of the effective date of this ordinance or by July 1, 2003, whichever is later.

(g) Each member shall serve for a term of five years. Commissioners may be removed for good cause by a majority vote of the Board of Supervisors. The first Commission appointees' terms of office shall be staggered in one-year increments, and determined by lot. When a vacancy arises, the Independent Selector shall recommend a replacement from a pool of three candidates nominated by the Supervisor whose appointee is to be replaced. After consideration of the candidate recommended by the Independent Selector, the Board of Supervisors shall appoint a replacement from a pool of three candidates nominated by the Supervisor whose appointee is to be replaced. Members who have served a full five-year term are not eligible for reappointment. Members who have served less than a full five-year term but not more than three years on the Commission are eligible for reappointment. Notwithstanding anything else in this section, those Commissioners appointed to the first Commission in 2003 are eligible for reappointment for one time regardless of length of service. Commission members who are eligible for reappointment may be nominated and reappointed by the Board of Supervisors without submission to the Independent Selector.

(h) The Chair of the Commission shall be a retired judge. The Independent Selector shall recommend from the appointees a candidate to serve as Chair of the Commission. If a retired judge is not available to serve as Chair, the Independent Selector shall recommend from the appointees the most qualified appointee with legal experience to serve as Chair. After due consideration of the candidate recommended by the Independent Selector the Board of Supervisors shall select from the appointed commissioners the individual most qualified to serve as Chair.

(i) The County Counsel shall provide the Commission such legal staff and services necessary to perform its duties and responsibilities. The Clerk of the Commission shall provide the Commission such clerical staff and services necessary to perform its duties and responsibilities.

(j) The Commission shall be subject to the Ralph M. Brown Act, Government Code Section 54950 et. seq.

(k) The Commission shall operate in as cost effective a manner as possible.

(l) The Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of this ordinance.

(m) The Commission shall establish operating procedures and processes to: receive and consider formal complaints alleging violations of the Ventura County

Campaign Finance Reform Ordinance submitted in writing and signed by the complainant under penalty of perjury, establish procedures by which enforcement cases shall be presented to them, negotiate settlements of violations, and hold hearings to determine if a violation of this ordinance has occurred.

(n) The Commission shall engage the services of attorneys who are not county employees to perform initial reviews of complaints.

(o) The Ventura County Campaign Finance Ethics Commission shall have the power and authority to: issue subpoenas to compel the attendance and testimony of witnesses, administer oaths and affirmations, to take evidence and require by subpoena the production of any books, papers, records, documents or other items material to the performance of the Commission's duties or exercise of its powers. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. Failure to obey a subpoena constitutes contempt.

(p) A copy of all complaints received by the Commission will be forwarded to the District Attorney by the Clerk of the Commission within 24 hours. Within 14 days after receipt of a complaint under this section, the Commission shall notify in writing the person who made the complaint of the action, if any, the Commission has taken or plans to take on the complaint, together with the reasons for such action or nonaction. If no decision has been made within 14 days, the person who made the complaint shall be notified of the reasons for the delay and shall subsequently receive notification as provided above.

(q) When the Commission determines on the basis of a hearing that a violation of this ordinance has occurred, it may require the violator to do all or any of the following:

(1) Cease and desist violation of this ordinance;

(2) File any reports, statements, or other documents or information required by this ordinance;

(3) Pay a monetary penalty of up to five thousand dollars ($5,000) per violation to the General Fund of the County;

(4) Pay a fine up to three times the amount or value not properly reported or improperly received or expended.

(r) When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

Section 1296. Duties of the County Clerk

The Clerk shall:

(a) Supply the necessary forms and manuals prescribed by the Commission.

(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this ordinance.

(c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this ordinance.

(d) Report apparent violations of this ordinance to the appropriate agencies including the Commission.

(e) Compile and maintain a current list of all reports and statements filed with this office.

Section 1297. Severability

If any provision of this ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected, and to this extent the provisions of this ordinance are severable.

Section 1298. Construction

This ordinance shall be liberally construed to accomplish its purposes.

PASSED AND ADOPTED this 8th day of May, 2007, by the following vote:

AYES: Supervisors Bennett, Long & Parks
NOES: Supervisor Foy
ABSENT: Supervisor Flynn

Linda Parks
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors,
County of Ventura, State of California

By: Rene DeLaTorre
Deputy Clerk of the Board

ATTACHMENT "A"

Summary of Ordinance No. 4361
Ventura County Campaign Finance Reform Ordinance

The following represents a summary of amendments to the Ventura County Campaign Finance Reform Ordinance adopted by the Board of Supervisors on May 8, 2007.

Section 1 – Repeal of Existing Ventura County Campaign Finance Reform Ordinance: Change Ordinance number and repeal Ordinance No. 4350

Section 2 – Add new Section: Intent to Clarify Existing Law as it pertains to Section 1270 of Article 6, Chapter 2, Division 1 of the Ordinance

Section 3 – Renumber Section 2: Enactment of Ventura County Campaign Finance Reform Ordinance

Section 1267 (a) – Contribution Limitations for Non-Participating Candidates - Increase contribution limits from $300 to $350

Section 1268 (a) – Contribution Limitations for Participating Candidates - Correct typographical error and replace the word "comply" with "county" and increase contribution limits from $600 to $700

Section 1269 (a), (b), (c) & (d) – Contributions to Candidates and Committees that Contribute to Candidates - Increase contribution limits from $600 to $700

Section 1270 (a) & (b) – Contributions to Independent Expenditure Committees – Language changes to clarify the meaning and effect of existing law to confirm that the limitations established under Section 1270 are to be construed as a limit solely on contributions and not a limit on the amount of expenditures by Independent Expenditure Committees. Increase contribution limits from $600 to $700.

Section 1270 (c) – Contributions to Independent Expenditure Committees – Add new section (c) to require Independent Expenditure Committees to disclose contributions of $50 or more to align with State reporting requirement and requirements of candidates and candidates' committees

Section 1271 (a) & (c) – Disclosure of Spending by Non-Participating Candidates – Reduce from 75% to 25%, the point at which non-participating candidates' expenditures release participating candidates from voluntary expenditure limits

Section 1285 (a) – Disclosure of Contributions – Delete and replace with new language to revise contribution reporting requirements to align with State requirements

Section 1295 (g) – Ventura County Campaign Finance Ethics Commission – Delete and replace language to clarify action taken for vacancies on the Commission. Add sentence to permit reappointment of a Commission member by the Board of Supervisors without submission to the Independent Selector.

Section 1295 (n) – Ventura County Campaign Finance Ethics Commission – Add new (n) to require Commission to engage outside attorneys to perform initial reviews of complaints.

Section 1295 (o) through (r) – Ventura County Campaign Finance Ethics Commission – Re-letter remaining items to accommodate new section

PASSED AND ADOPTED this 8th day of May, 2007 by the following vote:

AYES: Supervisors Bennett, Long + Parks

NOES: Supervisors Foy

ABSENT: Supervisor Flynn

Linda Parks
CHAIR, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Helene De La Torre
Deputy Clerk of the Board

An issue of interpretation of the Ordinance has developed that could use some clarification from our board.

Section 1269 (c) states:

"If a committee discovers that it has accepted a contribution in excess of the fifty dollars ($50) that has caused a contributor's six hundred dollar ($600) limit to be exceeded, the committee shall return the contribution within 5 business days of the discovery."

When we wrote the Ordinance, we intended that this section would provide a 5-day grace period under which candidates could return inadvertently accepted excess contributions without being penalized. Such grace periods are common in other campaign finance ordinances. A campaign treasurer may not always instantly recognize a partnership or business relationship that may give rise to an excess contribution and should have a reasonable chance to return the contribution.

Recently, the Ethics Commission's hired investigator stated that because section 1269(c) doesn't explicitly say that no violation occurs if the contribution is returned within 5 days, that therefore even promptly returned contributions are a violation on the part of the committee. This interpretation is illogical, as it results in Section 1269 (c) having no meaning at all. Therefore, we offer this motion to clarify our Board's legislative intent in adopting this section:

The Board hereby declares as its legislative intent that contributions returned as per Section 1269 (c) are not violations of the Ordinance by the receiving candidate or committee.

Ventura County
Campaign Finance Ethics Commission

OPERATING POLICIES

Adopted July 11, 2007

Ventura County Campaign Finance Ethics Commission
Telephone: (805) 654-2251
Fax: (805) 677-8711

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OPERATING PROCEDURES

ARTICLE I – IDENTIFICATION

Section 1.01: Name

Ventura County Campaign Finance Ethics Commission ("Commission")

Section 1.02: Contact Information

Clerk of the Commission, 800 South Victoria Avenue, L1920 Ventura, CA 93009-1920
Telephone: (805) 654-2251
Fax: (805) 677-8711
E-Mail: Roberta.Rodriguez@Ventura.org

Section 1.03: Authority, Statutory Requirements, other Laws and Policies

The Commission shall comply with all applicable laws, including, but not limited to, the Ralph M. Brown Act (Government Code Section 54950, et seq.), and the Political Reform Act of 1974 (Government Code sections 81000, et seq.).

ARTICLE II - MISSION STATEMENT

To preserve public confidence in our county government through the prompt and fair enforcement of local governmental campaign finance ethics laws.

ARTICLE III - ETHICS COMMISSION

Section 3.01: Number, Appointing Authority and Qualifications

The Commission shall consist of five members. One appointment shall be made from each Supervisor's nominations. For the initial nomination cycle, each member of the Board of Supervisors shall nominate three individuals as nominees to the Commission. The Independent Selector shall recommend one person from each of the three nominees submitted by each Supervisor for a total of 5 recommendations. The Board of Supervisors shall appoint five individuals, one from each of the three candidates nominated by each Supervisor, as appointees to the Commission. When selecting candidates, consideration should be given to the ethnic diversity of Ventura County, the independence of the candidate and experience in such areas as judicial experience, membership in good standing with the California Bar Association, member or representative from a neutral political studies organization, educator of political science, law or philosophy and community service that has demonstrated the candidate's integrity. (Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295(d)(e))

Section 3.02: Term of Appointment

The members of the Commission shall serve five-year terms beginning on July 1 and ending on June 30 of the term-end year. The first Commission appointees' terms of office, which are effective July 1, 2003, shall be staggered in one-year increments, and determined by lot to classify their terms so that the term of one commissioner shall expire on each of the second, third, fourth and fifth anniversaries of such date, respectively; and on the expiration of these and successive terms of office, the appointments shall be made for five-year terms.

A member who has served a full five-year term is not eligible for reappointment. A member who has served less than a full five-year term but not more than three years on the Commission is eligible for reappointment. Commissioners appointed to the first commission in 2003 are eligible for reappointment for one time regardless of length of service. Commission members who are eligible for reappointment may be nominated and reappointed by the Board without submission to the Independent Selector. (Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295(g))

Section 3.03: Conditions of Appointment:

(a) Each appointee to the Commission shall be a registered voter of Ventura County.
(b) Appointees shall not hold any other public office.
(c) Appointees shall not serve as an officer of any political party or partisan organization.
(d) Appointees shall not employ, or be employed as, a county lobbyist.
(e) Appointees shall not seek election to any other public office during the term of appointment.
(Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295(d))

Section 3.04: Vacancy and Removals

If a member is unable to complete his or her full term or when the appointee's term expires, unless the member is reappointed as set forth above, the Independent Selector shall recommend a replacement from a pool of three candidates nominated by the Supervisor whose appointee is to be replaced. After consideration of the candidate recommended by the Independent Selector, the Board of Supervisors shall appoint a replacement from a pool of three candidates nominated by the Supervisor whose appointee is to be replaced. Commissioners may be removed for good cause by a majority vote of the Board of Supervisors.
(Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295(g))

Section 3.05: Compensation

Commissioners shall serve without any compensation.

Section 3.06: Function

The Commission shall consider formal complaints of violations of the Ventura County Campaign Finance Reform Ordinance, submitted by a Ventura County resident in writing using the prescribed Complaint Form and signed by the complainant under penalty of perjury. The Commission shall review notifications of apparent violations reported by the County Clerk or Clerk of the Commission. The Commission may consider potential violations of this ordinance without receiving a complaint. (Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295(b))

Section 3.07: Duties and Responsibilities

The Commission:

(a) Shall operate in as cost effective a manner as possible.
(b) May adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of this ordinance.
(c) Shall establish operating procedures and processes to:
    (1) Receive and consider formal complaints alleging violations of the Ventura County Campaign Finance Reform Ordinance submitted in writing and signed by the complainant under penalty of perjury.
    (2) Review and investigate notifications of apparent violations reported by the County Clerk or the Clerk of the Commission.
    (3) Establish procedures by which enforcement cases shall be presented to them.
    (4) Negotiate settlements of violations.
    (5) Hold hearings to determine if a violation of this ordinance has occurred.
(d) Shall have the power and authority to:
    (1) Issue subpoenas to compel the attendance and testimony of witnesses.
    (2) Administer oaths and affirmations.
    (3) Take evidence and require by subpoena the production of any books, papers, records, documents or other items material to the performance of the Commission's duties or exercise of its powers.

(Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295(k-o))

Section 3.08: Complaints

(a) The Commission shall receive and consider formal complaints alleging violations of the Ventura County Campaign Finance Reform Ordinance submitted in writing using the prescribed Complaint Form and signed by the complainant under penalty of perjury.
(b) Complaints shall be filed with the Clerk of the Commission.
(c) The Commission shall also review and investigate notifications of apparent violations reported by the County Clerk or the Clerk of the Commission. The Commission may also consider potential violations of this ordinance without receiving a complaint. (Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295 (b)) When the County Clerk, the Clerk of the Commission or the Commission identifies a potential violation of the Ordinance, the Commission may direct the Clerk of the Commission to prepare and file a Complaint setting forth the allegations. Such Complaints prepared by the Clerk of the Commission need not be signed under penalty of perjury.
(d) A copy of all complaints received by the Commission, including those prepared by the Clerk of the Commission, will be forwarded to the Respondent and the District Attorney by the Clerk of the Commission within 24 hours, provided that the complaint is filed by 5 p.m. on a Thursday. Otherwise, the complaint will be forwarded to the District Attorney and the Respondent on the next regular business day.
(e) Each Complaint filed with the Commission shall be assigned to an attorney, who is not an employee of the County of Ventura, to review the Complaint, investigate the allegations and bring the matter to a negotiated or adjudicated resolution. Within 14 days after receipt of a Complaint, the Commission shall notify the person who made the Complaint and the Respondent of the assignment to the attorney and provide to those persons the name and contact information of the assigned attorney. (Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295 (n), (p).)

(f) When the Commission determines on the basis of a hearing that a violation of this ordinance has occurred, it may require the violator to do all or any of the following:
   (1) Cease and desist violation of this ordinance.
   (2) File any reports, statements, or other documents or information required by this ordinance.
   (3) Pay a monetary penalty of up to five thousand dollars ($5,000) per violation to the General Fund of the County.
   (4) Pay a fine up to three times the amount or value not properly reported or improperly received or expended to the County General Fund.

(g) When the Commission determines that no violation has occurred, the Clerk of the Commission shall publish notice of that determination by posting a declaration at the County Government Center, Hall of Administration, and on the County's website so stating and will forward a copy of said declaration to the complainant and respondent (Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295(p-r))

(h) Upon motion, the Commission may allow amendment of a Complaint or dismissal of all part of a Complaint, pursuant to Article XIII, § 13.03.

Section 3.09: Media Relations

The Commission Chair shall speak for the Commission to the news media upon resolution of complaints and on all matters before the Commission. Commissioners and Commission staff, which include attorneys engaged by the Commission to review and investigate complaints, shall refrain from commenting to the news media on matters before the Commission.

ARTICLE IV – OFFICERS

Section 4.01: Officers

The Officers of the Commission are a Chairperson and Vice-Chairperson.

Section 4.02: Chair

The Chair of the Commission shall be a retired judge. The Independent Selector shall recommend from the appointees a candidate to serve as Chair of the Commission. If a retired judge is not available to serve as Chair, the Independent Selector shall recommend from the appointees the most qualified appointee with legal experience to serve as Chair. After due consideration of the candidate recommended by the Independent Selector the Board of Supervisors shall select from the appointed commissioners the individual most qualified to serve as Chair. (Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295 (h))

Section 4.03: Chairperson Duties

The Chairperson, and/or the Chairperson's designee, serves as the liaison to the media and other departments, agencies, and committees as necessary, and presides over meetings.

Section 4.04: Vice Chairperson

The Commission shall elect a Vice-Chair. The Vice Chairperson shall perform the duties and responsibilities that may be delegated by the Chairperson, and the assignments traditionally assigned to that office. In the absence or disability of the Chairperson, the Vice Chairperson shall perform the duties as described in Article IV, Section 4.03.

ARTICLE V - COMMISSION STAFF ASSISTANCE

Section 5.01: Legal Staff

The County Counsel shall provide the Commission such legal staff and services necessary to perform its duties and responsibilities. (Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295(i)) In cases where the County Counsel has declared a conflict of interest, outside legal counsel will be retained for the Commission.

Section 5.02: Clerical Staff

The Clerk of the Commission shall provide the Commission such clerical staff and services necessary to perform its duties and responsibilities including:

(a) Receive and process Complaints alleging violations of the Ordinance.
(b) Process requests for subpoenas in relation to filed complaints alleging violation of the Campaign Finance Reform Ordinance.
(c) To record, publish, maintain and archive official proceedings of the Commission.

(Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1295(i))

Section 5.03: County Clerk Duties

The Clerk shall:

(a) Supply the necessary forms and manuals prescribed by the Commission.
(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this ordinance.
(c) Promptly notify all persons and known committees who have failed to file a report or statement in the form and at the time required by this ordinance.
(d) Review candidate and committee filing submissions for compliance with the Ordinance, and contact affected persons to clarify submission discrepancies.
(e) Report apparent violations to the appropriate agencies, including the Commission.
(f) Initiate a Complaint with the Clerk of the Commission in instances where unresolved filing discrepancies indicate a violation of the Ordinance.
(g) Compile and maintain a current list of all reports and statements filed with this office.

(Source: Original Ordinance No. 4280; Repealed and Reenacted Ordinance No. 4361 § 1296)

Section 5.04: County Executive Officer (CEO) Duties

The CEO or his designee shall:

(a) Prepare and distribute meeting agendas and materials. The agenda will be developed in conjunction with the Chair of the Commission, and include input from Commissioners.
(b) Review and recommend revisions to the Commission's Operating Policies as needed.
(c) Engage, on behalf of the Commission, attorneys who are not employees of Ventura County to perform initial reviews of Complaints, investigate the allegations and bring them to a negotiated or adjudicated resolution.
(d) Receive all motions and other submissions from parties to matters before the Commission for inclusion on the agenda for Commission meetings or for consideration by the Commission.
(e) Provide other support and assistance as directed by the Commission.

ARTICLE VI - COMMISSION MEETINGS

Section 6.01: Meetings Open to the Public

In accordance with the Ralph M. Brown Act, Commission meetings shall be conducted in full view of the public and news media except for matters requiring confidentiality, such as personnel and anticipated or pending litigation in which the Commission is a party as discussed in section 6.08.

Section 6.02: Meeting Schedule

Regular meetings shall be held as necessary when there are matters requiring the attention of, or action by the Commission. When deemed appropriate, the Commission may adjourn a meeting, and shall provide notice of such adjournment on a publicly posted agenda.

Section 6.03: Location of Meetings

Regular Commission meetings shall be held at, either the Ventura County Government Center, Hall of Administration, 800 South Victoria Avenue, Ventura, California, or the East County Courthouse, 3855F Alamo Street, Simi Valley, California. The Commission may change the location of a meeting to accommodate members of the Commission or for any other reason deemed appropriate by the Commission.

Section 6.04: Notice of Meetings

Notices and agendas of all regular and special Commission meetings shall be posted at the Ventura County Government Center, Hall of Administration Building in a place freely accessible to the public. The notices and agendas shall also be posted on the Commission's web page. Notice of regular meetings shall be posted at least 72 hours before the meeting. Notice of special meetings shall be posted at least 24 hours before the meeting and given to members and all media outlets that have requested notification.

Section 6.05: Quorum

At all meetings of the full Commission, the presence of a majority (3) of the members shall constitute a quorum for all purposes. The act of the majority of the members of the Commission present at the meeting shall be the act of the full membership.

Section 6.06: Public Comment

All interested persons shall be allowed to express their views at Commission meetings regarding matters within the jurisdiction of the Commission. All Commission meetings shall provide an opportunity for public comment on matters not listed on the agenda but within the jurisdiction of the Commission. Such opportunity for public comment shall appear as an item on the agenda. Each person wishing to speak before the Commission shall be allowed to do so subject to the Commission's right to limit the individual and total time for public comment as specified in writing on the Commission's agenda. Public comment shall be allowed on each matter listed on the agenda before any vote or action is taken by the Commission on an item.

Section 6.07: Meeting Minutes

Minutes shall be taken at every regular and special Commission meeting and shall be approved by majority vote of the Commission.

Section 6.08: Closed Sessions

The Commission is authorized to hold closed (non-public) sessions at regular and special meetings for purposes of confidential discussions, such as the discussion of job performance, or to meet with legal counsel regarding anticipated or pending litigation. Upon consultation with the legal advisor from the County Counsel, and the determination that a closed session is both authorized and appropriate under the circumstances, the Chairperson of the Commission may call for a closed session. Appropriate notice shall be given of all closed sessions.

Section 6.09: Special Meetings

The Chairperson of the Commission may call special meetings to address specific matters pursuant to public notice requirements.

ARTICLE VII – AGENDA REQUIREMENTS

The agenda is prepared with input from Commissioners. Staff will develop the agenda in conjunction with the Chairperson for all meetings. The agenda shall contain a meaningful description of each item to be transacted or discussed at the Commission meeting so as to alert those whose interests may be affected by the item that he or she may have reason to attend the meeting or seek more information about the item.

ARTICLE VIII – VOTING

Section 8.01: Voting and Abstention

Each member present at a commission or committee meeting shall vote on all matters put to a vote, unless the member first requests and is excused from voting by a motion adopted by a majority of the members present, or unless the member has a financial interest or other conflict of interest which legally precludes that member from participating in the matter.

Section 8.02: Voting by Proxy

Voting by proxy is prohibited.

ARTICLE IX - STANDARDS OF CONDUCT

Section 9.01: Standards

A commissioner shall perform his or her duties without bias or prejudice. A commissioner shall not, in the performance of his or duties as a commissioner, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status or political belief or affiliation. They shall support the mission, goals, and objectives of the Ventura County Campaign Finance Ethics Commission; instill in

the public a sense of confidence about the Commissioners' conduct and intentions; uphold all laws and regulations; and refrain from using their official positions to secure special advantage or benefit for themselves or others. In order to set the highest standards of conduct, including the appearance of propriety in the operation of government, and in order to assure public confidence in governing institutions, the Ventura County Campaign Finance Ethics Commission commits itself to:

(a) Encouraging and promoting integrity in government by education and example;
(b) Fairly and objectively enforcing the County's campaign finance reform laws and regulations;
(c) Being accountable for its rules of procedure and decisions, and stimulating accountability of all elected officials;
(d) Treating all staff, members of the public, and colleagues with courtesy, respect, objectivity, and fairness;
(e) Assuring honesty in all matters that come before the Commission, both individually and collectively; and,
(f) Conducting all business in a timely manner and in public meetings, with full disclosure of policies, procedures, and decision-making processes, except in those matters as specified by the Brown Act that may be dealt with in closed session.

Section 9.02: Representation of the Commission

Except for comments made during open session of Commission meetings, a commissioner shall not make any public comment about the substance, merits or parties to a pending or impending proceeding before the Commission. A commissioner shall not make any nonpublic comments about the substance, merits or parties to a pending or impending proceeding before the Commission that might substantially interfere with a fair hearing or proceeding before the Commission. Commissioners and Commission staff shall not make any public comments regarding a pending complaint.

The Commission Chair shall act as the media liaison for the Commission and all other Commissioners shall refer media contacts to the Chair. Whenever a Commissioner communicates with the news media, or appears at a public hearing or before another County department to discuss existing or proposed legislation or policy, the Commissioner shall make every reasonable effort to explain to the Commissioner's audience whether the Commissioner is expressing an opinion, view, or position that is the individual Commissioner's or a view, position, or opinion of the Commission as a whole. Whenever the Commission learns that a view, position, or opinion of the Commission as a whole has been misinterpreted or misrepresented in the media, at a hearing, or in a public forum, the Commission, through the Chairperson or the Chairperson's appointed representative, shall make every reasonable effort to clarify the Commission's true position as soon as practicable.

ARTICLE X – AMENDMENTS

These Operating Policies shall be reviewed as necessary. They may be amended at any regular meeting of the Commission by majority vote of those present, provided such proposed amendments are circulated in writing to all Commissioners at least ten (10) days prior to such meeting, and ten days public notice shall be posted at the County Government Center, Hall of Administration, 800 South Victoria Avenue, Ventura, California.

HEARING PROCEDURES

ARTICLE XI - PURPOSE

The purpose of these procedures is to establish a uniform set of guidelines to be followed by the Ventura County Campaign Finance Ethics Commission [Commission] subsequent to the filing of a Complaint alleging violation of the Ventura County Campaign Finance Reform Ordinance. At the discretion of the Commission or when warranted by good cause, deviations from these procedures are permissible.

ARTICLE XII - DEFINITIONS

For purposes of these procedures:

Section 12.01: Evidentiary Hearing

Evidentiary Hearing means a hearing before the Commission, open to the public, at which the Petitioner and Respondent may introduce evidence, including live testimony and documentary evidence, in support of their claims or defenses.

Section 12.02: Commission

Commission means the Ventura County Campaign Finance Ethics Commission created by Ventura County Campaign Finance Reform Ordinance No. 4280 (repealed and reenacted as Ordinance No. 4361).

Section 12.03: Complainant

Complainant means the person who files a written complaint with the Commission alleging violation of the Ventura County Campaign Finance Reform Ordinance.

Section 12.04: Petitioner

Petitioner means the attorney who is engaged by the Commission to perform initial reviews of Complaints, investigate the allegations and bring them to a negotiated or adjudicated resolution.

Section 12.05: Respondent

Respondent means a person or entity that is alleged in a complaint to have violated the Ventura County Campaign Finance Reform Ordinance, and who is a party to an Evidentiary Hearing.

Section 12.06 Subpoena

Subpoena means a written order of the Commission requiring a witness's appearance at an Evidentiary Hearing to give testimony.

Section 12.07: Subpoena duces tecum

Subpoena duces tecum means a written order of the Commission requiring the production of books, papers, records, or other items material to the alleged violation of the Ventura County Campaign Finance Reform Ordinance at issue.

Section 12.08: Investigation

Investigation means an official inquiry, conducted by an attorney engaged by the Commission, including but not limited to, a review of documents, reports, and other material which will substantiate whether a violation of the Ventura County Finance Reform Ordinance has occurred.

Section 12.09 Other terms

Other terms used in these procedures shall be defined in accordance with their usage in common language.

ARTICLE XIII - PRE-HEARING PROCEDURES

Section 13.01 Upon the filing of a Complaint with the Clerk of the Commission, the Clerk of the Commission shall forward a copy of the Complaint to the Respondent, the District Attorney and to the designated staff to the Commission in the offices of the County Executive Officer and the County Counsel. The CEO or his designee shall then engage an attorney who is not an employee of Ventura County to perform an initial review of the Complaint, investigate the allegations and bring the matter to a negotiated or adjudicated resolution. Within fourteen (14) days of the filing of the Complaint, the Commission shall notify the Complainant and Respondent of the assignment to the attorney and shall provide to the Complainant and Respondent the name and contact information of the assigned attorney.

Section 13.02 Upon assignment of the Complaint, the attorney receiving the assignment shall become the Petitioner and thereby become a party to the matter. The Petitioner shall be solely authorized and responsible for conducting an initial review of the Complaint. The Petitioner is then authorized to investigate the allegations, engage in settlement negotiations, and/or to prepare and present the case against the Respondent at an Evidentiary Hearing. At any point in the process, the Petitioners may move for dismissal of all or part of the Complaint if he or she concludes that the Complaint does not allege actions that would constitute a violation of the Ordinance or that the evidence does not support the allegations.

Section 13.03 Upon motion, the Commission may allow amendment of a Complaint or dismissal of all or part of a Complaint. Except when submitted by stipulation signed by all parties, notice of a motion brought pursuant to this section, along with all moving papers and evidence, shall be filed with the Commission and served on all parties at least 14 calendar days before a regularly scheduled meeting of the Commission at which the motion is to be heard. Any opposition or response to the motion shall be filed with the Commission and served on all parties at least seven (7) calendar days before the meeting at which the motion is to be heard. No written reply to such opposition will be allowed.

Section 13.04 After the Complaint has been assigned to an attorney, the Clerk of the Commission shall arrange for a Pre-Hearing Conference between the parties (who are the Petitioner and the Respondent) and Staff Administrator assigned by the Clerk of the Commission to discuss such matters as scheduling the Evidentiary Hearing, clarification of issues, discovery, including issuance of

subpoenas, the number and identity of witnesses and the possibility of informal resolution. The Pre-Hearing Conference may be held by telephone, videoconferencing, or other electronic means if each participant in the conference has an opportunity to participate in and to hear the entire proceeding while it is taking place. If the parties reach a settlement, the terms of the settlement shall be brought forward at the Commission's next meeting and presented to the Commission by written stipulation. If the Commission declines to approve settlement, the Commission may refer the matter back to the parties for further settlement discussions or may proceed to an Evidentiary Hearing.

Section 13.05 A party to a matter pending before the Commission may request issuance of a Subpoena or Subpoena duces tecum from the Commission in furtherance of its investigation into matters relevant to the hearing. Requests for Subpoenas must be submitted no later than twenty calendar days before the hearing. Requests for Subpoenas duces tecum must be submitted no later than twenty-five calendar days before the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. (Source: Ordinance No. 4361§ 1295(n)) (Costs related to a subpoena requested by the Petitioner shall be borne by the Commission). Failure to obey a subpoena constitutes contempt. (Source: Ordinance No. 4361 § 1295(o))

Section 13.06 Any party to a matter pending before the Commission may request from any other party to the hearing:

(a) the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing; and,
(b) an opportunity to inspect and make a copy of any of the following in the possession or custody or under the control of any other party to the hearing:
    (1) A statement pertaining to the subject matter of the proceeding made by any party. Where the party is a committee, this section shall apply to statements made by an officer of the committee and/or the candidate if the committee is a controlled committee of a candidate;
    (2) Statements of witnesses then proposed to be called to testify at the hearing and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (1) above;
    (3) All writings that any other party then proposes to offer in evidence;
    (4) For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electronic or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Section 13.07 In the event that a material witness is unavailable to testify at the Evidentiary Hearing, any party may petition the Commission for an order that the testimony of that material witness be taken by deposition in the manner prescribed by law for depositions in civil actions under Article 3 (commencing with Section 2016) of Chapter 3 of Title 4 of Part 4 of the Code of Civil Procedure. The petition shall set forth the nature of the pending proceeding; the name and address of the witness whose testimony is desired; a showing of the materiality of the testimony; a showing that the witness will be unable or cannot be compelled to attend the hearing; and shall request an order requiring the witness to appear and testify before an officer named in the petition for that purpose. The petitioner shall serve notice of the deposition and a copy of the petition on the other parties at least 10 days before the deposition.

Section 13.08 Requests for discovery must be made in writing. While no particular form must be used, the request must clearly and plainly state the information or items sought. Requests for discovery must be served on the party from whom the discovery is sought either personally or by certified mail return-receipt requested. Concurrent with the service responsibilities set forth under this

section the party seeking discovery shall ensure that all other parties to the hearing are provided with a copy of the request for discovery. The party responding to the discovery request shall respond within ten calendar days, and shall ensure that all other parties to the hearing are provided with a copy of all documents that are produced. The Commission shall be responsible for photocopying expenses incurred by the Petitioner.

Section 13.09 If a party claims that a responding party has failed to comply with a request for discovery pursuant to this Article, the party may request a hearing before the Commission for the purpose of seeking to compel discovery. Likewise, a party may request a hearing to seek protection from discovery requests. A motion to compel or for protective order shall be filed and served in the manner set forth in section 13.03.

Section 13.10 Nothing in this Article shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

Section 13.11 Nothing in this Article precludes the parties to the Evidentiary Hearing from engaging in discussions with each other, outside the scope of a Pre-Hearing Conference, on any matter listed in section 3.4. Whether or not a particular procedural matter, fact, or substantive matter is made part of a Pre-Hearing Conference, the parties to the Evidentiary Hearing may stipulate as to such fact or matter.

Section 13.12 No later than ten calendar days prior to the Evidentiary Hearing, each party to the Evidentiary Hearing shall mail or deliver to all other parties and the Clerk of the Commission, a list of all witnesses and a copy of all exhibits or documents that the party anticipates offering into evidence at the Evidentiary Hearing.

Section 13.13 Upon the dismissal of a complaint by the Commission, the Clerk of the Commission shall publish notice of that determination in accordance with the procedure described in Article III, Section 3.08(g) of the Commission's Operating Policies.

ARTICLE XIV - DISQUALIFICATION OF COMMISSION MEMBERS

Section 14.01 Any member of the Commission is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified for cause in a court of law.

Section 14.02 A member of the Commission may voluntarily disqualify himself or herself for any of the reasons identified in section 14.01. Once disqualified, that individual shall not participate in any discussion, deliberation, or voting pertaining to any matter that is the subject of the Evidentiary Hearing.

Section 14.03 Notwithstanding section 14.02, the parties may choose to accept any member of the Commission by waiving the disqualification in a written statement, signed by all parties, that recites the grounds for disqualification.

Section 14.04 A waiver is effective only when signed by all parties, accepted by the Commission, and included in the record of the Evidentiary Hearing.

Section 14.05 Any party may seek to compel the disqualification of any member of the Commission by filing an affidavit with the Commission, prior to the taking of evidence at an Evidentiary Hearing,

stating with particularity the grounds upon which it is claimed that the member should be disqualified. A request to compel the disqualification of a member of the Commission shall be determined by a concurring vote of at least three members of the Commission. The Commissioner who is the subject of the request for disqualification shall not participate in the vote or in any deliberations or discussions preceding the vote.

ARTICLE XV – COUNSEL

Section 15.01 Each party has the right to attend the Evidentiary Hearing, and may be represented by legal counsel or any other representative of his or her choosing.

Section 15.02 The Commission has the right to be advised by legal counsel provided by the Ventura County Counsel's Office. In cases where the County Counsel declares a conflict of interest, outside legal counsel will be retained for the Commission.

ARTICLE XVI – PROCEDURES FOR THE EVIDENTIARY HEARING

The procedures contained in this Article provide the basic procedures for the conduct of the Evidentiary Hearing. The Commission, at its discretion, may modify these procedures in the interests of conducting an efficient and expedient hearing, unless such modification prevents due process from being afforded to all parties to the Evidentiary Hearing.

Section 16.01 Evidentiary Hearings shall be open to the public.

Section 16.02 The following documents shall be made a part of the record: the notice of hearing; the Complaint; Petitioner's Evidentiary Hearing brief; any Evidentiary Hearing brief submitted by a Respondent; and any waivers as to the disqualification of a member of the Commission.

Section 16.03 Any party may make an opening statement. If the Petitioner and Respondent both wish to make an opening statement, the Petitioner proceeds first. The Respondent may reply after the Petitioner's opening statement or may reserve an opening statement until after the Petitioner concludes his or her case.

Section 16.04 The Petitioner puts on his or her case first.

Section 16.05 The Respondent puts on his or her case after the Petitioner concludes its case. If there is more than one Respondent, the order of presentation may be decided by mutual agreement of the Respondents or, if necessary, by the discretion of the Commission.

Section 16.06 After the initial presentation of evidence by both sides, the parties, beginning with the Petitioner, may introduce evidence in rebuttal. Such evidence should be limited to matters already raised in the presentation of the Petitioner's or Respondent's case.

Section 16.07 Each party may make a closing argument. The Petitioner proceeds first. The Respondent proceeds after the Petitioner's closing argument. The Petitioner may conclude the closing arguments with a rebuttal.

Section 16.08 These procedures do not authorize the making of a motion for nonsuit at any time during the Evidentiary Hearing.

Section 16.09 The Commission may continue the Evidentiary Hearing for good cause shown by one of the parties to the Evidentiary Hearing or by any member of the Commission.

Section 16.10 The parties must establish each element or claim for which they have the burden of proof by a preponderance of the evidence.

ARTICLE XVII - EVIDENCE

Section 17.01 Oral evidence shall be taken only on oath. The oath may be administered by the Clerk of the Commission. The oath is obtained by an affirmative response to the following statement: "You do solemnly state, under penalty of perjury, that the evidence that you shall give in this matter shall be the truth, the whole truth, and nothing but the truth."

Section 17.02 Each party shall have these rights:

(a) To call and examine witnesses;
(b) To introduce exhibits;
(c) To cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination;
(d) To impeach any witness regardless of which party first called him or her to testify.

Section 17.03 A party may redirect and recross, subject only to the limitations imposed by the Commission.

Section 17.04 The Petitioner may call and examine any Respondent as if under cross-examination even if that Respondent does not first testify in his or her own behalf.

Section 17.05 The Evidentiary Hearing need not be conducted according to the provisions of the California Evidence Code. Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule, which might make improper the admission of the evidence over objection in civil actions.

Section 17.06 Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before submission of the case.

Section 17.07 The rules of privilege shall be effective to the extent that they are applicable in a court of law as governed by Division 8 of the California Evidence Code.

Section 17.08 The Commission has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

ARTICLE XVIII - RULINGS

Section 18.01 Upon completion of the presentation of evidence and closing arguments of the parties, the Commission shall deliberate in open session. Rulings of the Commission shall be made by motion, second and a vote of the Commission.

Section 18.02 A finding of a violation of the Ordinance shall require a vote of the majority of the Commissioners present and participating at the hearing.

Section 18.03 Rulings on motions or stipulations submitted to the Commission shall follow the procedures set forth in section 18.01. Approval of the requested action shall require a vote of the majority of the Commissioners present and participating at the hearing.

Section 18.04 Decisions of the Commission following Evidentiary Hearings or upon motions or stipulations shall be set forth in an Order signed by the Chair of the Commission. The Order shall be prepared by legal counsel to the Commission.

Section 18.05 At the time a stipulation containing a monetary penalty is presented to the Commission and approved, the Respondent must produce and submit to the Clerk of the Commission, a check made payable to the County of Ventura for the amount stipulated.

Section 18.06 When a ruling and Order of the Commission includes monetary penalty that was not stipulated to by the parties (Petitioner and Respondent), the amount of the penalty shall be due and payable by the Respondent immediately upon receipt of the Order.

Section 18.07 Unpaid or outstanding monetary penalties thirty (30 days) after an Order by the Commission will be referred for appropriate collections remedies by the County.

ARTICLE XIX - EX PARTE COMMUNICATIONS

Section 19.01 Once a Complaint has been filed, members of the Commission shall not participate in any communications with any party, representative of a party, or any person who has a direct or indirect interest in the outcome of the proceeding about the subject matter or merits of the case at issue, except at an open meeting of the Commission. This section does not prohibit Commission members from reviewing Complaints and other written submissions that are properly served in accordance with section 19.02.

Section 19.02 Except for the initial Complaint, no pleading, letter, document, or other writing shall be filed by a party unless service of a copy thereof together with any exhibit or attachment is made on all other parties to the proceeding.

Section 19.03 Communications prohibited under section 19.01 do not include communications between parties and staff to the Commission concerning matters of procedure or practice, including requests for continuances that are not in controversy. It also does not prohibit communications between a party and the Commission when the opposing party has had a default entered pursuant to Article XX.

Section 19.04 If, while the proceeding is pending, any member of the Commission receives a communication of a type that would be in violation of this Article, he or she shall promptly disclose the content of the communication on the record and give all parties an opportunity to address it.

ARTICLE XX – DEFAULT

Section 20.01 In the event a Respondent fails to appear at an Evidentiary Hearing, the Commission at its discretion, may conduct the hearing notwithstanding the absence of the Respondent or, in the alternative, dispense with the Evidentiary Hearing and take under submission Respondent's express written admissions, stipulations entered into between the parties, and any other written evidence submitted by a party present at the Evidentiary Hearing.

Section 20.02 In the event of the Respondent's default, and within seven business days after a decision by the Commission that the Respondent has committed a violation of the Ventura County Campaign Finance Reform Ordinance, the Respondent may serve a written motion requesting that the decision be vacated and stating the grounds relied on. The Commission, in its discretion, may vacate the decision and grant a re-hearing on a showing of good cause. As used in this section, good cause includes, but is not limited to, any of the following:

(a) Failure of the person to receive notice of the Evidentiary Hearing; or
(b) Mistake, inadvertence, surprise, or excusable neglect of the party or the party's counsel.

ARTICLE XXI - JUDICIAL REVIEW

Section 21.01 Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure.

Section 21.02 The ninety-day statute of limitations contained in California Code of Civil Procedure section 1094.6 shall apply to judicial review of enforcement decisions made by the Commission.

RESOLUTION
OF THE BOARD OF SUPERVISORS
COUNTY OF VENTURA
REAFFIRMING THE ESTABLISHMENT
OF THE
CASITAS SPRINGS
LOCAL RECREATION ADVISORY COMMISSION

WHEREAS, the County of Ventura provides local recreational facilities in the unincorporated community of Casitas Springs for the use and enjoyment of the public; and

WHEREAS, it has been deemed desirable to provide for greater citizen participation in the operations of the local recreation program and in developing long range objectives and goals of the County Local Recreation Program; and

WHEREAS, Section 31000.1 of the Government Code of the State of California provides that, "The Board of Supervisors may appoint commissions or committees of citizens to study problems of general or special interest to the Board and to make reports and recommendations to the Board"; and

WHEREAS, the Board of Supervisors, by adopted policy, provides local recreation facilities to serve residential areas within the unincorporated territory of Ventura County where an equitable share of development and operation costs can be reimbursed through local assessments and/or donations

NOW THEREFORE BE IT RESOLVED THAT:

1. The Casitas Springs Local Recreation Commission is hereby established.

2. Said Commission shall be composed of seven (7) members. Each member shall be nominated by the Supervisor, District 3, subject to approval by the Board of Supervisors.

3. The Board of Supervisors may remove any member of the Commission from office at any time upon a majority vote of the Board.

4. Commission members shall serve terms coinciding with the term of the Supervisor who nominates them plus 60 days for consideration for reappointment.

5. Commission members shall serve without compensation except as otherwise provided in Section 31000.1 of the Government Code and as approved by the Board

of Supervisors, or as may be provided in Article 43 of the County of Ventura's "Personnel Rules and Regulations."

6. The function and duties of said Commission shall be:

   A. To advise the Board of Supervisors and County staff

      (1) In matters of policy pertaining to Ventura County's Local Recreation Program.

      (2) In planning for the local recreational needs within the community in terms of local parks, recreation programs, and specialized recreation areas and facilities.

      (3) On all financial matters including grants and other sources of revenue and expenses in the administration of the local recreation program.

      (4) And/or assist in other matters as may be requested of the Commission from time to time by the Board of Supervisors.

   B. To administer the operational program of the County owned local recreation facilities in the Casitas Springs community including:

      (1) Reservations

      (2) Accountability

      (3) Maintenance and construction (improvements enforcing)

      (4) Rules and regulations for use of facilities.

7. The Commission shall cooperate and coordinate with cities, local park and recreation districts, local unincorporated communities, and other agencies in planning for the local recreational needs of the residents of the community, recognizing the roles of various recreational agencies in meeting these needs. All recommendations shall be directed to the Board of Supervisors, exclusively.

8. The Commission shall meet regularly, at least once a month, at a time and place established by its members.

9. The Commission shall adopt bylaws, rules and regulations providing for the election of officers, designation of meeting dates, establishment of committees, allocation of duties, and such other rules and regulations as may be necessary for the efficient conduct of business.

10. The officers of the Commission shall consist of Chairman, Vice-Chairman, Secretary, and Treasurer.

11. The Commission Chairman and other officers shall serve for a period of one year from July through June.

12. The Duties of the Officers shall be:

    A. Chairman - shall preside at all meetings of the Commission; call special meetings of the Commission; prepare agenda items; represent the Commission at public hearings of the Board of Supervisors on Commission matters; and other duties as may be established in the bylaws.

    B. Vice-Chairman - shall take over the duties of the Chairman in his absence; shall be responsible for the maintenance and operation of the county owned local recreation facilities (including improvements); and other duties as may be established in the bylaws.

    C. Secretary - shall take minutes of Commission meetings and record all Commission action; assume Chairman's role in the absence of the Chairman and Vice-Chairman at meetings; initiate or introduce correspondence; and other duties as may be established in the bylaws.

    D. Treasurer - shall make all reservations and collect fees for use of local park facilities; shall be accountable for all monies on hand, collected, and turned in to Property Administration Agency for deposit; shall assist County staff in annual budget preparation; and other duties as may be established in the bylaws.

13. The Operations Supervisor of the County Parks Department, or his designated appointee, shall be a non-voting ex-officio member of the Commission. Other staff services and supplies may be authorized by the Director of the Property Administration Agency or by the Board of Supervisors from other County agencies.

14. The Board hereby directs and requests all County Officers and agencies to aid and cooperate in every way with the Commission.

15. Commission members shall conform to all applicable Codes of the State of California, Ordinances of the County of Ventura and directives of the Board of Supervisors in the conduct of their business.

PASSED, APPROVED and ADOPTED this 5th day of September, 1978.

Ed Jones

ED JONES, Chairman
Board of Supervisors
County of Ventura

Item 19B- 9/5/78

PARKS AND RECREATION ADVISORY COMMISSION

BY-LAWS

PURPOSE

1.(a) The Commission shall advise the Board of Supervisors on local recreational matters, of the Casitas Springs community, the planning and the orderly development of the County local park program and operation policy for the residents of the Casitas Springs community while at the same time considering the socio-economic-environmental balances.

1.(b) The Commission shall be responsible for the operation of local parks including labor and donations and fund raising events to offset non-labor operational costs.

MEMBERSHIP

2.The Commission is composed of seven (7) voting members and may include seven (7) alternates. Each member shall be nominated by the Supervisor, District 3, subject to approval by the Board of Supervisors. In addition, there are two non-voting ex-officio members representing the County Parks Department and the Office of the County Supervisor, 1 District. In the event of a vacancy by resignation or dismissal, the Commission, by Commission action, will recommend a member to be duly recommended to the Board of Supervisors by the local County Supervisor for appointment.

QUORUM

3.A quorum shall be at least 50% of the current Commission membership.

REGULAR MEETINGS

4.The Casitas Springs Community Parks and Recreation Advisory Commission shall meet in regular session, monthly, on a predetermined day at a predetermined time and place.

SPECIAL MEETING

5.Special meetings may be called for any Commission business by (a) the Commission Chairman, (b) a quorum of Commissioners, or (c) the Operations Supervisor of the County Parks Department or his designated appointee.

ELECTIONS AND OFFICERS

6. (a) Elective officers of the Commission shall be:

1. Chairman
2. Vice-Chairman
3. Secretary
4. Treasurer

(b) The term of office for all officers shall be for one calendar year.

(c) Election of said officers shall take place at the first regular meeting of the Commission in July of each year. Election shall be by majority vote of the members in attendance at this meeting providing that such membership constitutes a quorum.

NOTE: Commission member appointments are made by the Board of Supervisors at the beginning of each of their own terms of office. The time for election of officers is selected to insure that only properly appointed members participate or be considered for office.

(d) Office vacancies shall be filled by election.

DUTIES OF MEMBERS

7. It shall be the duty of each member of the Commission to take an active part in the affairs of the Commission; specific duties of officers are as follows:

(a) Chairman - shall preside at all meetings of the Commission, appoint special Committees; call special meetings of the Commission as deemed advisable; prepare agenda items; serve as representative of Commission on County Local Parks Advisory Committee.

(b) Vice-Chairman - shall take over the duties in absence of the Chairman.

(c) Secretary - shall take minutes of Commission meetings and record all Commission action; assume Chairman role in the absence of the Chairman and Vice-Chairman at meetings; initiate or introduce correspondence.

(d) Treasurer - shall make all reservations and collect fees for use of local park facilities; shall be accountable for all monies on hand, collected, and turned in to Property Administration Agency for deposit; shall assist County staff in annual budget preparation.

COMMITTEES

8. The Commission shall establish Standing Committees for each of the following issues:

1. Park Planning
2. Recreation Programming
3. Operations (Fee Collections, Reservations)
4. Public Information

Each Standing Committee will be made up of three (3) Commissioners and shall meet as deemed necessary to review and make recommendations to the Commission.

Special committees may be appointed by the Chairman as the need arises.

PARLIAMENTARY PROCEDURE

9. Roberts Rules of Order, revised form, shall govern the conduct of the Casitas Springs Community Local Recreation Advisory Commission.

COMMISSION ACTION

10. (a) A majority vote of the members present shall be required to carry a motion, proposal, or resolution. The vote shall be recorded on all official action by the Commission. In actions proposed by the Chair, unanimous consent thereto shall have the effect of a motion duly carried without the necessity of a formal vote.

(b) Under no circumstances should any member take any action or make any statement committing the Commission as a whole unless given authority to do so by a vote of the Commission.

(c) All Commission action should be consistent with the mission and goals of the Local Parks and Recreation Program established by the Commission and the County Board of Supervisors.

COMMUNICATIONS

11. All written communications from the Commission shall be sent out over the signature of the Chairman, or his designated appointee, or an officer of the Commission as may be directed by the Commission.

AMENDMENTS

12. These By-Laws may be amended by a majority of the voting members present, provided notice of said amendment has been given at the previous regular meeting.

MINUTES OF MEETINGS

13. The Secretary of the Commission is charged with transcribing the minutes of regular and special meetings within a reasonable time following such meetings. Following Commission approval, a copy of the minutes shall be forwarded to (1) Commission members, (2) the Parks Department, Property Administration Agency, and (3) the Supervisor of the 3 District.

ATTENDANCE

14. The Commission minutes shall record members present at each meeting.

A report will be filed with the Board of Supervisors each quarter listing the attendance at the previous Commission meetings.

Assembly Bill No. 1542

CHAPTER 270

An act to amend Sections 8208, 8263, and 8286 of, to add Sections 8208.1, 8216, 8225, 8263.1, 8277.5, 8277.6, 8481, 72620.5, and 84759 to, to add Article 5 (commencing with Section 79200) to Chapter 9 of Part 48 of, to add Chapter 2.3 (commencing with Section 8499) to Part 6 of, to add Chapter 2 (commencing with Section 10200) to Part 7 of, to repeal Chapter 2.5 (commencing with Section 8499) of Part 6 of, and to repeal and add Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of, the Education Code, to add Chapter 1.12 (commencing with Section 15365.50) to Part 6.7 of Division 3 of Title 2 of the Government Code, to add Section 1597.36 to, and to add Chapter 17 (commencing with Section 50897) to Part 2 of Division 31 of, the Health and Safety Code, to add Section 99155.1 to the Public Utilities Code, to add Sections 10214.7, 15003.4, and 15003.5 to, to add Chapter 6 (commencing with Section 11010) to Part 1 of Division 3 of, to add Division 9 (commencing with Section 17000) to, and to repeal and add Section 1611.5 of, the Unemployment Insurance Code, to amend Sections 11004, 11008.13, 11008.14, 11155, 11155.2, 11157, 11200, 11201, 11250.4, 11320.3, 11322.2, 11323.2, 11323.4, 11324, 11324.4, 11324.5, 11324.6, 11324.7, 11324.8, 11325.2, 11325.21, 11325.22, 11325.25, 11325.4, 11325.6, 11326, 11327.4, 11327.5, 11327.6, 11327.8, 11329.2, 11331.5, 11450, 11450.018, 11450.5, 11453, 11477, and 14132.90 of, to amend the heading of Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of, to amend the heading of Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of, to add Sections 10063, 10553.2, 10619, 11155.3, 11157.5, 11160, 11253.5, 11265.2, 11265.8, 11266.5, 11320.1, 11320.15, 11320.31, 11322.61, 11322.62, 11322.65, 11322.7, 11322.9, 11325.1, 11325.5, 11325.7, 11325.8, 11327.9, 11450.12, 11450.13, 11451.5, 11454, 11454.5, 11454.6, 11475.3, 11475.4, 11477.02, 11477.04, 11486.5, 14005.30, 15204.3, 15204.4, 15204.8, 17016, and 17021 to, to add Article 7.5 (commencing with Section 11495), Article 9 (commencing with Section 11520), Article 9.5 (commencing with Section 11525), and Article 9.7 (commencing with Section 11526) to Chapter 2 of Part 3 of, to add Chapter 3 (commencing with Section 10065) to Part 1 of, to add Chapters 1.3 (commencing with Section 10530) and 1.5 (commencing with Section 10540) to Part 2 of, to add Chapter 3.2 (commencing with Section 18220) and Chapter 3.3 (commencing with Section 18230) to Part 6 of, to add and repeal Section 11255.3 of, to repeal Sections 11018, 11201.5, 11255, 11320.2, 11320.4, 11320.6, 11320.8, 11321, 11321.2, 11321.4, 11321.8, 11322, 11322.41, 11323, 11323.1, 11324.2, 11325, 11327.2, 11328, 11328.1, 11328.4, 11328.6, 11329.5, 11329.7, 11450.1, 11450.6, 11451.6, 11451.7, 15204.6, and 15204.7 of, to repeal Chapter 3.8

(commencing with Section 10780) of Part 2 of Division 9 of, to repeal and add Sections 11008.135, 11320, 11322.4, 11322.6, 11322.8, 11323.6, 11323.8, 11325.23, 11453.2, 11486, 15204.2, 16575, 16576, 16576.5, and 16577 of, and to repeal and add Article 8 (commencing with Section 11500) of Chapter 2 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1997. Filed with Secretary of State August 11, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1542, Ducheny. Welfare reform.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, under which each county provides cash assistance and other benefits to qualified low-income families. The AFDC program is funded, in part, by the federal Temporary Assistance for Needy Families (TANF) program, subject to federal requirements. Each county is required to pay a share of the cost of both aid grant and administrative costs for the AFDC program.

This bill would rename that program the California Work Opportunity and Responsibility to Kids (CalWORKs) program and would recast provisions relating to the funding and administration of that program and other social services programs. This bill would impose work participation requirements and time limits upon the receipt of aid.

This bill would provide that a community college shall provide various educational services to CalWORKs recipients. Because the bill would impose additional responsibilities upon community college districts, the bill would impose a state-mandated local program.

This bill would require the establishment of job creation and development programs for CalWORKs recipients and other low-income individuals.

This bill would also permit counties to implement various types of CalWORKs demonstration projects.

Existing law, the Child Care and Development Services Act, provides for the operation of child care and development programs. Existing law also contains provisions for child care for AFDC recipients. This bill would revise funding allocations and eligibility requirements for the provision of child care services and provisions regarding the administration of those services.

By imposing additional duties on counties and school districts, this bill would impose a state-mandated local program.

Existing law establishes eligibility requirements for benefits under the AFDC program, including limitations on the amount of income

and resources that may be available to an eligible applicant or recipient.

This bill would revise eligibility requirements and apply them to the CalWORKs program.

By revising eligibility standards for receipt of benefits for this continuously appropriated funded program, this bill would result in an increase in appropriated funds, thereby making an appropriation. By increasing amounts of income and resources that will not be considered in determining CalWORKs recipient eligibility, the bill would increase the class of persons eligible for the CalWORKs program, and so would impose a state-mandated local program. This bill would also revise cost-of-living adjustments under that program.

Existing law provides for the reduction of aid payments under the AFDC program in the case of prior overpayments.

This bill would revise the method of calculating the reduction of those aid payments, thereby resulting in the increase of funds continuously appropriated for the CalWORKs program, resulting in an appropriation.

Existing law provides for procedures for the collection and distribution of child support owed or paid to custodial parents who are recipients of benefits under the AFDC program.

This bill would make revisions in these procedures.

This bill would also impose a state-mandated local program by requiring each county to provide diversion services, as described, as an alternative to CalWORKs benefits under certain circumstances.

Existing law, the Greater Avenues for Independence (GAIN) program, requires the provision of various employment training services to AFDC recipients.

This bill would recast these provisions to refer to welfare-to-work activities and would revise service and participation requirements. By imposing additional duties on counties in the provision of these services, this bill would result in a state-mandated local program.

Existing law provides for the federal Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households.

This bill would establish the Electronic Benefits Transfer Committee to oversee the development and implementation of a statewide electronic benefits transfer system, which would apply to food stamps and other benefits, and would require counties to contract for the provision of certain benefits through the system.

Existing law provides for employers to pay contributions into the Employment Training Fund at a specified rate, and generally requires money in the fund to be allocated by the Employment Training Panel only for specified job training purposes.

This bill would provide for allocation, by the panel, of $20,000,000 from the Employment Training Fund each year for training programs designed for workers who are current or recent recipients

of benefits under the CalWORKs program and for other related purposes, subject to appropriation by the Legislature.

Existing law requires each county to provide aid and health care to its poor and indigent residents not supported by other means. These programs are commonly referred to as county general assistance programs.

This bill would impose certain restrictions upon eligibility for county general assistance programs.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients, including AFDC recipients, and certain other low-income persons.

This bill would specify that CalWORKS recipients and individuals who are ineligible for aid under the CalWORKs program but who meet the eligibility criteria for aid under the AFDC program in effect on July 16, 1996, shall be eligible for Medi-Cal benefits. Because counties are responsible for the determination of eligibility for benefits under the Medi-Cal program, this bill, by requiring the provision of Medi-Cal benefits to persons otherwise ineligible for those benefits, would result in a state-mandated local program.

This bill would only become operative when the Budget Act of 1997 is chaptered.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the Thompson-Maddy-Ducheny-Ashburn Welfare-to-Work Act of 1997.

SEC. 1.5. Section 8208 of the Education Code is amended to read:

8208. As used in this chapter:

(a) ''Alternative payments'' includes payments that are made by one child care agency to another agency or child care provider for the provision of child care and development services, and payments that are made by an agency to a parent for the parent's purchase of child care and development services.

(b) ''Applicant or contracting agency'' means a school district, community college district, college or university, county superintendent of schools, county, city, public agency, private

nontax-exempt agency, private tax-exempt agency, or other entity that is authorized to establish, maintain, or operate services pursuant to this chapter. Private agencies and parent cooperatives, duly licensed by law, shall receive the same consideration as any other authorized entity with no loss of parental decisionmaking prerogatives as consistent with the provisions of this chapter.

(c) ''Assigned reimbursement rate'' is that rate established by the contract with the agency and is derived by dividing the total dollar amount of the contract by the minimum child day of average daily enrollment level of service required.

(d) ''Attendance'' means the number of children present at a child care and development facility. ''Attendance,'' for the purposes of reimbursement, includes excused absences by children because of illness, quarantine, illness or quarantine of their parent, family emergency, or to spend time with a parent or other relative as required by a court of law or that is clearly in the best interest of the child.

(e) ''Capital outlay'' means the amount paid for the renovation and repair of child care and development facilities to comply with state and local health and safety standards, and the amount paid for the state purchase of relocatable child care and development facilities for lease to qualifying contracting agencies.

(f) ''Caregiver'' means a person who provides direct care, supervision, and guidance to children in a child care and development facility.

(g) ''Child care and development facility'' means any residence or building or part thereof in which child care and development services are provided.

(h) ''Child care and development programs'' means those programs that offer a full range of services for children from infancy to 14 years of age, for any part of a day, by a public or private agency, in centers and family child care homes. These programs include, but are not limited to, all of the following:

(1) Campus child care and development.
(2) General child care and development.
(3) Intergenerational child care and development.
(4) Migrant child care and development.
(5) Schoolage parenting and infant development.
(6) State preschool.
(7) Resource and referral.
(8) Severely handicapped.
(9) Family day care.
(10) Alternative payment.
(11) Child abuse protection and prevention services.
(12) Schoolage community child care.

(i) ''Child care and development services'' means those services designed to meet a wide variety of needs of children and their

families, while their parents or guardians are working, in training, seeking employment, incapacitated, or in need of respite. These services may include direct care and supervision, instructional activities, resource and referral programs, and alternative payment arrangements.

(j) ''Children at risk of abuse, neglect, or exploitation'' means children who are so identified in a written referral from a legal, medical, or social service agency, or emergency shelter.

(k) ''Children with exceptional needs'' means children who have been determined to be eligible for special education and related services by an individualized education program team according to the special education requirements contained in Part 30 (commencing with Section 56000), and meeting eligibility criteria described in Section 56026 and Sections 56333 to 56338, inclusive, and Sections 3030 and 3031 of Title 5 of the California Code of Regulations. These children have an active individualized education program, and are receiving appropriate special education and services, unless they are under three years of age and permissive special education programs are available. These children may be developmentally disabled, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multihandicapped, or children with specific learning disabilities, who require the special attention of adults in a child care setting.

(*l*) ''Children with special needs'' includes infants and toddlers under the age of three years; limited-English-speaking-proficient children; children with exceptional needs; limited-English-proficient handicapped children; and children at risk of neglect, abuse, or exploitation.

(m) ''Closedown costs'' means reimbursements for all approved activities associated with the closing of operations at the end of each growing season for migrant child development programs only.

(n) ''Cost'' includes, but is not limited to, expenditures that are related to the operation of child care and development programs. ''Cost'' may include a reasonable amount for state and local contributions to employee benefits, including approved retirement programs, agency administration, and any other reasonable program operational costs. ''Cost'' may also include amounts for licensable facilities in the community served by the program, including lease payments or depreciation and payments of principal and interest on loans incurred to acquire, rehabilitate, or construct licensable facilities, but these costs shall not exceed fair market rents existing in the community in which the facility is located. ''Reasonable and necessary costs'' are costs that, in nature and amount, do not exceed what an ordinary prudent person would incur in the conduct of a competitive business.

(o) ''Elementary school,'' as contained in Section 425 of Title 20 of the United States Code (the National Defense Education Act of 1958, Public Law 85-864, as amended), includes early childhood education programs and all child development programs, for the purpose of the cancellation provisions of loans to students in institutions of higher learning.

(p) ''Health services'' include, but are not limited to, all of the following:

(1) Referral, whenever possible, to appropriate health care providers able to provide continuity of medical care.

(2) Health screening and health treatment, including a full range of immunization recorded on the appropriate state immunization form to the extent provided by the Medi-Cal Act (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code) and the Child Health and Disability Prevention Program (Article 3.4 (commencing with Section 320) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code), but only to the extent that ongoing care cannot be obtained utilizing community resources.

(3) Health education and training for children, parents, staff, and providers.

(4) Followup treatment through referral to appropriate health care agencies or individual health care professionals.

(q) ''Higher educational institutions'' means the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the governing bodies of any accredited private nonprofit institution of postsecondary education.

(r) ''Intergenerational staff'' means persons of various generations.

(s) ''Limited-English-speaking-proficient and non-English-speaking-proficient children'' means children who are unable to benefit fully from an English-only child care and development program as a result of either of the following:

(1) Having used a language other than English when they first began to speak.

(2) Having a language other than English predominantly or exclusively spoken at home.

(t) ''Parent'' means any person living with a child who has responsibility for the care and welfare of the child.

(u) ''Program director'' means a person who, pursuant to Sections 8244 and 8360.1, is qualified to serve as a program director.

(v) ''Proprietary child care agency'' means an organization or facility providing child care, which is operated for profit.

(w) ''Resource and referral programs'' means programs that provide information to parents, including referrals and coordination of community resources for parents and public or private providers

of care. Services frequently include, but are not limited to: technical assistance for providers, toy-lending libraries, equipment-lending libraries, toy- and equipment-lending libraries, staff development programs, health and nutrition education, and referrals to social services.

(x) ''Severely handicapped children'' are children who require instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbance, or severe developmental disability. These children, ages birth to 21 years, inclusive, may be assessed by public school special education staff, regional center staff, or another appropriately licensed clinical professional.

(y) ''Short-term respite child care'' means child care service to assist families whose children have been identified through written referral from a legal, medical, or social service agency, or emergency shelter as being neglected, abused, exploited, or homeless, or at risk of being neglected, abused, exploited, or homeless. Child care is provided for less than 24 hours per day in child care centers, treatment centers for abusive parents, family child care homes, or in the child's own home.

(z) (1) ''Site supervisor'' means a person who, regardless of his or her title, has operational program responsibility for a child care and development program at a single site. A site supervisor shall hold a permit issued by the Commission on Teacher Credentialing that authorizes supervision of a child care and development program operating in a single site. The Superintendent of Public Instruction may waive the requirements of this subdivision if the superintendent determines that the existence of compelling need is appropriately documented.

(2) In respect to state preschool programs, a site supervisor may qualify under any of the provisions in this subdivision, or may qualify by holding an administrative credential or an administrative services credential. A person who meets the qualifications of a site supervisor under both Section 8244 and subdivision (e) of Section 8360.1 is also qualified under this subdivision.

(aa) ''Standard reimbursement rate'' means that rate established by the Superintendent of Public Instruction pursuant to Section 8265.

(bb) ''Startup costs'' means those expenses an agency incurs in the process of opening a new or additional facility prior to the full enrollment of children.

(cc) ''State preschool services'' means part-day educational programs for low-income or otherwise disadvantaged prekindergarten-age children.

(dd) ''Support services'' means those services which, when combined with child care and development services, help promote the healthy physical, mental, social, and emotional growth of

children. Support services include, but are not limited to: protective services, parent training, provider and staff training, transportation, parent and child counseling, child development resource and referral services, and child placement counseling.

(ee) ''Teacher'' means a person with the appropriate permit issued by the Commission on Teacher Credentialing who provides program supervision and instruction which includes supervision of a number of aides, volunteers, and groups of children.

(ff) ''Workday'' means the time that the parent requires temporary care for a child for any of the following reasons:

(1) To undertake training in preparation for a job.

(2) To undertake or retain a job.

(3) To undertake other activities that are essential to maintaining or improving the social and economic function of the family, are beneficial to the community, or are required because of health problems in the family.

SEC. 2. Section 8208.1 is added to the Education Code, to read:

8208.1. Child care exempt from licensure is a valid parental choice of care for all programs provided for under this part, and no provision of this part shall be construed to exclude or discourage the exercise of that choice.

SEC. 3. Section 8216 is added to the Education Code, to read:

8216. When making referrals, every agency operating both a direct service program and a resource and referral program shall provide at least four referrals, at least one of which shall be a provider over which the agency has no fiscal or operational control, as well as information to a family on the family's ability to choose a license exempt provider.

SEC. 4. Section 8225 is added to the Education Code, to read:

8225. When making referrals, every agency operating both a direct service program and an alternative payment program shall provide at least four referrals, at least one of which shall be a provider over which the agency has no fiscal or operational control, as well as information to a family on the family's ability to choose a license exempt provider.

SEC. 5. Section 8263 of the Education Code is amended to read:

8263. (a) The Superintendent of Public Instruction shall adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement this chapter. In order to be eligible for federal and state subsidized child development services, families shall meet at least one requirement in each of the following areas:

(1) A family is (A) a current aid recipient, (B) income eligible, (C) homeless, or (D) one whose children are recipients of protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited.

(2) A family needs the child care service because the child is identified by a legal, medical, social service agency, or emergency shelter as (A) a recipient of protective services, (B) being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, or (C) having a medical or psychiatric special need which cannot be met without provision of child day care, or the parents are (i) engaged in vocational training leading directly to a recognized trade, paraprofession, or profession, (ii) employed or seeking employment, (iii) seeking permanent housing for family stability, or (iv) incapacitated, including a medical or psychiatric special need which cannot be met without provision of child day care.

(b) Except as provided in Article 15.5 (commencing with Section 8350), priority for state and federally subsidized child development services is as follows:

(1) First priority shall be given to neglected or abused children who are recipients of child protective services, or recipients who are at risk of being neglected or abused, upon written referral from a legal, medical, or social service agency. When an agency is unable to enroll a child in the first priority category, the agency shall refer the family to local resource and referral services to locate services for the child.

(2) Second priority shall be equally given to eligible families, regardless of the number of parents in the home, who are income eligible. Within this priority, families with the lowest gross monthly income in relation to family size, as determined by a schedule adopted by the superintendent, shall be admitted first. When two or more families are in the same priority in relation to income, the family that has been on the waiting list for the longest amount of time shall be admitted first. For purposes of determining order of admission, the grants of public assistance recipients shall be counted as income.

(3) The superintendent shall set criteria for and may grant specific waivers of the priorities established in this subdivision for agencies that wish to serve specific populations, including disabled children or children of prisoners. These new waivers shall not include proposals to avoid appropriate fee schedules or admit ineligible families, but may include proposals to accept members of special populations in other than strict income order, as long as appropriate fees are paid.

(c) Notwithstanding any other provision of law, in order to promote continuity of services, a family enrolled in a state or federally funded child care and development program whose services would otherwise be terminated because the family no longer meets the program income, eligibility, or need criteria may continue to receive child development services in another state or federally funded child care and development program if the contractor is able to transfer the family’s enrollment to another program for which the

family is eligible prior to the date of termination of services or to exchange the family's existing enrollment with the enrollment of a family in another program, provided that both families satisfy the eligibility requirements for the program in which they are being enrolled. The transfer of enrollment may be to another program within the same administrative agency or to another agency that administers state or federally funded child care and development programs within that county.

(d) A physical examination and evaluation, including age-appropriate immunization, shall be required prior to, or within six weeks of, enrollment. No standard, rule, or regulation shall require medical examination or immunization for admission to a child care and development program of a child whose parent or guardian files a letter with the governing board of the child care and development program stating that the medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the program because of a parent or guardian having filed the letter. However, whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the program until the governing board of the child care and development program is satisfied that any contagious or infectious disease does not exist.

(e) Regulations formulated and promulgated pursuant to this section shall include the recommendations of the State Department of Health Services relative to health care screening and the provision of health care services. The superintendent shall seek the advice and assistance of these health authorities in situations where service under this chapter includes or requires care of ill or disabled children.

(f) The superintendent shall establish a fee schedule for families utilizing child care and development services pursuant to this chapter, which shall include, but not be limited to, the following restrictions:

(1) No fees shall be assessed for families whose children are enrolled in the state preschool program.

(2) A contractor or provider may require parents to provide diapers. A contractor or provider offering field trips either may include the cost of the field trips within the service rate charged to the parent or may charge parents an additional fee. No federal or state money shall be used to reimburse parents for the costs of field trips if those costs are charged as an additional fee. A contractor or provider that charges parents an additional fee for field trips shall inform parents, prior to enrolling the child, that a fee may be charged and that no reimbursement will be available. A contractor or provider may charge parents for field trips or require parents to provide diapers only under the following circumstances:

(A) The provider has a written policy that is adopted by the agency's governing board that includes parents in the decisionmaking process regarding both of the following:

(i) Whether or not, and how much, to charge for field trip expenses.

(ii) Whether or not to require parents to provide diapers.

(B) The maximum total of charges per child in a contract year does not exceed twenty-five dollars ($25).

(C) No child is denied participation in a field trip due to the parent's inability or refusal to pay the charge. No adverse action shall be taken against any parent for that inability or refusal.

Each contractor or provider shall establish a payment system that prevents the identification of children based on whether or not their parents have paid a field trip charge.

Expenses incurred and income received for field trips pursuant to this section, shall be reported to the State Department of Education. The income received for field trips shall be reported specifically as restricted income.

(g) The superintendent shall establish guidelines for the collection of employer-sponsored child care benefit payments from any parent whose child receives subsidized child care and development services. These guidelines shall provide for the collection of the full amount of the benefit payment, but not to exceed the actual cost of child care and development services provided, notwithstanding the applicable fee based on the fee schedule.

(h) The superintendent shall establish guidelines according to which the director or a duly authorized representative of the child care and development program will certify children as eligible for state reimbursement pursuant to this section.

(i) No public funds shall be paid directly or indirectly to any agency that does not pay at least the minimum wage to each of its employees.

SEC. 6. Section 8263.1 is added to the Education Code, to read:

8263.1. (a) For purposes of this chapter, ''income eligible'' means that a family's adjusted monthly income is at or below 75 percent of the state median income, adjusted for family size, and adjusted annually.

(b) As of January 1, 1998, children in subsidized child care programs with an exit criteria of 100 percent of the state median income, whose family income adjusted for family size, is above 75 percent of the state median income shall not be displaced and shall continue to receive child care services as long as they continue to meet the criteria that apply to the program on December 31, 1997. The parent fee schedule for these programs in effect on December 31, 1997, shall continue to be applied until the department adopts a new fee schedule that applies to these families.

SEC. 7. Section 8277.5 is added to the Education Code, to read:

8277.5. (a) Subject to appropriation in the annual Budget Act, the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund are hereby established in the State Treasury. The Superintendent of Public Instruction may transfer state funds appropriated for child care facilities enhancement and the proceeds derived from any future sales of tax-exempt child care and development facilities bonds into these funds.

(b) (1) Moneys deposited in the Child Care and Development Facilities Loan Guaranty Fund shall be used for the purpose of guaranteeing private sector loans to sole proprietorships, partnerships, proprietary and nonprofit corporations, and local public agencies for the purchase, development, construction, expansion, or improvement of licensed child care and development facilities, and for the purpose of administering the guarantees of these loans. The loan guarantees shall be made in accordance with the priorities and guidelines promulgated by the Department of Housing and Community Development, as set forth in Section 8277.6. The full faith and credit of the State of California is not pledged to the Child Care and Development Facilities Loan Guaranty Fund and the state is not liable for loan defaults that exceed the amount of funds deposited with the Child Care and Development Facilities Loan Guaranty Fund.

(2) A loan guarantee made pursuant to this section may not exceed 80 percent of the principal amount of a private sector loan guaranteed by the fund and shall be used only to guarantee a private sector loan for the purchase, development, construction, expansion, or improvement of facilities described in Section 8277.6 and for related equipment and fixtures, but shall not be used primarily to refinance an existing loan or for working capital, supplies, or inventory. A loan guarantee for improvements shall be limited to those improvements necessary for any of the following purposes:

(A) To obtain, maintain, renew, expand, or revise a child care license.

(B) To make necessary health and safety improvements.

(C) To make seismic improvements.

(D) To provide access for disabled children.

(3) The aggregate amount of outstanding loan guarantees shall not exceed four times the amount in the Child Care and Development Facilities Loan Guaranty Fund.

(4) A loan guarantee made pursuant to this section shall be for the term of the loan or 20 years, whichever is less. Security for the loan guarantee shall include a deed of trust or mortgage that may be subordinated to other liens, personal guarantees of shareholders and partners in the case of proprietary borrowers, and other reasonably available collateral. Default provisions and other terms shall be

reasonable and designed to obtain prompt and full repayment of the guaranteed loan by the borrower. Reasonable loan guarantee fees and points designed solely to cover the administrative costs of managing the Child Care and Development Facilities Loan Guaranty Fund may be charged to applicants and borrowers.

(5) A loan guarantee made pursuant to this section shall only be granted if the applicant agrees to provide child care in a facility for a period of 20 years or the term of the guaranteed loan, whichever is less.

(6) A loan guarantee made pursuant to this section terminates 90 days after the lender's receipt of notice that the recipient has either ceased making payments or providing child care in the facility for which the loan was made, or both, unless the lender takes action to accelerate the loan. If a family day care provider ceases to operate, but retains its three-year license, the provider shall give notice to the Department of Housing and Community Development and the lending institution of its intention to resume offering child care services for the term of its license, or shall provide notice of its intention to cease providing child care services. The Child Care and Development Facilities Loan Guaranty Fund is not liable for a default occurring after the loan guarantee has ended.

(c) (1) Moneys deposited in the Child Care and Development Facilities Direct Loan Fund shall be used for the purpose of making subordinated direct loans to sole proprietorships, partnerships, proprietary and nonprofit corporations, and local public agencies for the purchase, development, construction, expansion, or improvement of licensed child care and development facilities, and for the purpose of administering these loans. The direct loans shall be made in accordance with the priorities and guidelines promulgated by the Department of Housing and Community Development, as set forth in Section 8277.6. The full faith and credit of the State of California is not pledged to the Child Care and Development Facilities Direct Loan Fund and the state is not liable for loan defaults that exceed the amount of funds deposited in the Child Care and Development Facilities Direct Loan Fund.

(2) A loan made pursuant to this section may not exceed 50 percent of the total amount of investment for the purchase, development, expansion, or improvement of eligible child care and development facilities as described in Section 8277.6 and for related equipment and fixtures, but may not be used to refinance an existing loan, for working capital, for supplies, or for inventory. A loan made pursuant to this section may not exceed 20 percent of the total amount of investment if the same facility is also utilizing a loan guarantee pursuant to subdivision (b). Investment for purposes of this paragraph means the total cost paid or incurred by the applicant in constructing, renovating, or acquiring a facility. A direct loan for

improvements shall be limited to those improvements necessary for any of the following purposes:

(A) To obtain, maintain, renew, expand, or revise a child care license.

(B) To make necessary health and safety improvements.

(C) To make seismic improvements.

(D) To provide access for disabled children.

(3) The term of a loan made pursuant to this section may not exceed 20 years. Security for the loan shall include a deed of trust or mortgage that may be subordinated to other liens, personal guarantees of shareholders and partners in the case of proprietary borrowers, and other reasonably available collateral. The interest rate, payment provisions, late charges, and other terms may vary based on the ability of the borrower to repay the loan, but shall be reasonable and designed to obtain prompt and full repayment of the loan by the borrower. Reasonable loan fees and points designed solely to cover the administrative costs of managing the fund may be charged to applicants and borrowers.

(d) Funds appropriated for the purposes of this section and Section 8277.6 shall be made from funds that are not designated as meeting the state's minimum funding obligation under Section 8 of Article XVI of the California Constitution.

SEC. 8. Section 8277.6 is added to the Education Code, to read:

8277.6. (a) The Department of Housing and Community Development shall administer the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund.

(b) Eligible applicants for the loan guaranty program and the direct loan program shall include sole proprietorships, partnerships, proprietary and nonprofit corporations, and local public agencies that provide licensed child care and development services. Facilities that primarily serve households with incomes not exceeding 75 percent of the local median income, as determined from time to time by the United States Department of Housing and Urban Development, shall be given priority in loan guarantees and direct loans made pursuant to this section and Section 8277.5. Eligible facilities shall include full-day and part-day child care and development facilities and family child care homes serving more than six children.

(c) Loan guarantees and direct loans for family child care homes serving more than six children are limited to loans for repairs and renovation that are required to maintain a license or, if the family child care provider is otherwise qualified for a license for more than six children, to repairs, renovations, and additions required to obtain a license for more than six children. A family child care home provider shall provide evidence from the community care licensing division that the repairs, renovations, or additions are required to

maintain the license or obtain a license for more than six children. Loan guarantees and direct loans for family child care homes shall not be made for the purpose of purchasing a home or any real property.

(d) The State Department of Education shall provide program priorities that shall govern the ranking of applications by the Department of Housing and Community Development. These priorities shall include, but are not limited to, the following:

(1) Geographic priorities based on the extent of need for child care and development supply-building efforts in different parts of the state.

(A) Not less than 30 percent of the loan guarantee and direct loan obligations shall benefit providers located in rural areas, as defined in subparagraph (B). If the amount of qualified applications from rural providers is insufficient to satisfy this requirement, the excess capacity reserved for rural providers may be made available to other qualified applications according to the policies and procedures of the Department of Housing and Community Development. The remaining 70 percent of funds shall be available to rural or urban areas and other priorities in accordance with this subdivision.

(B) For purposes of subdivision (a), rural communities are defined by any county with fewer than 400 residents per square mile.

(2) Age priorities based on the extent of need for child care and development supply-building efforts for children of different age groups.

(3) Income priorities based on the extent of need for child care and development supply-building efforts to benefit families transitioning to work or other lower income families.

(4) Program priorities based on the extent of facilities needs among specific kinds of providers, including those that contract to administer state and federally funded child care and development programs administered by the State Department of Education, providers who have lost classrooms due to class size reduction or other state or local initiatives, or providers that need to expand to meet the needs of a child care initiative for recipients of aid under Chapter 3 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program.

(e) The program priorities shall reflect input from and consultation with a panel of volunteer advisers that includes representatives of diverse sectors of the child care and development field, financial institutions, local planning councils, the Child Development Programs Advisory Committee, and the State Department of Social Services for purposes of identifying communities with high percentages of recipients of aid under Chapter 3 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, who need child care to meet work requirements. The Department of Housing and Community Development shall assess and report

annually, commencing within 12 months of implementation of this section to the Legislature, after consultation with the State Department of Education, on the performance, effectiveness, and fiscal standing of the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund. The report shall include information on the number of defaults, the types of facilities in default, and a review of the adequacy of the set-aside for rural areas specified in paragraph (1) of subdivision (e) of Section 82776.

(f) The Department of Housing and Community Development shall establish regulations, guidance, forms, policies and procedures for implementing and managing the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund and making the loan guarantees and direct loans authorized hereunder, consistent with priorities provided by the State Department of Education. To the extent feasible, the Department of Housing and Community Development shall use applicant fees and points to cover its administrative costs. The Department of Housing and Community Development may utilize an amount of money from the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund, as appropriate, for reasonable administrative costs in any given fiscal year that shall not exceed the lesser of 3 percent of the principal amount of loans guaranteed or direct loans made, as appropriate, during that fiscal year or 3 percent of the balance of funds currently in the Child Care and Development Facilities Loan Guaranty Fund or Child Care and Development Facilities Direct Loan Fund, as appropriate.

(g) The Department of Housing and Community Development shall establish guidelines for serving family day care homes efficiently, including, but not limited to, making loans available from the Child Care and Development Facilities Direct Loan Fund to local microenterprise loan funds and other lenders who may relend the funds in appropriate amounts to eligible family day care home providers or by authorizing a specified amount of guarantees of small loans by local microenterprise loan funds and other lenders serving eligible family day care home providers.

SEC. 9. Section 8286 of the Education Code is amended to read:

8286. The Governor shall appoint an advisory committee composed of one representative from the State Board of Education, one representative of private education, one representative of child welfare, one representative of private health care, two representatives of proprietary child care agencies, one representative of a community action agency qualified under Title II of the Economic Opportunity Act of 1969, two representatives of family day care homes, one representative of a child care provider exempt from licensure, five parents of children participating in child

care programs of whom at least three shall be parents of children participating in publicly subsidized child development programs, and one shall be a parent of a child receiving care from a child care provider exempt from licensure, appointed from names selected by a democratic process to assure representation of the parents of children being served, four persons representing professional or civic groups or public or nonprofit private agencies, organizations or groups concerned with child development, one person who administers a public school child care program established pursuant to Article 22 (commencing with Section 8460), one person who administers a county office of education schoolage child care program established pursuant to Article 22 (commencing with Section 8460), and one teacher currently serving in a public school children's center.

The advisory committee shall also include one representative from the State Department of Education appointed by the Superintendent of Public Instruction, and one representative each from the Employment Development Department, the State Department of Social Services, the State Department of Health Services, and the State Department of Developmental Services, appointed by the respective director of each department.

The advisory committee shall assist the State Department of Education in developing a state plan for child development programs pursuant to this chapter.

The advisory committee shall provide ongoing coordination and communication to local child care planning councils to facilitate activities and provide technical assistance as needed.

The advisory committee shall continually evaluate the effectiveness of those programs and shall report thereon at each regular session of the Legislature.

The advisory committee shall assist in and coordinate the drafting of guidelines for local planning councils pursuant to Chapter 2.5 (commencing with Section 8499) of Part 6. The advisory committee shall request state and local agencies to submit suggested guidelines. The final guidelines shall be drafted and adopted by the committee, in consultation with local child care agencies, local planning councils, the Secretary of Child Development and Education, the State Department of Education, and the State Department of Social Services. The guidelines shall include, but not be limited to, provisions for assessing child care supply, demand, cost, and facility needs, in terms of age, family income level, special needs, and multilingual and multicultural backgrounds. Guidelines developed for programs administered by the State Department of Education shall be concurred in by the department.

SEC. 10. Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code is repealed.

SEC. 11. Article 15.5 (commencing with Section 8350) is added to Chapter 2 of Part 6 of the Education Code, to read:

Article 15.5. Child Care for Recipients of the CalWORKs Program

8350. (a) It is the intent of the Legislature in enacting this article to ensure that recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, and former recipients who have left aid for employment, are connected as soon as possible to local child care resources, make stable child care arrangements, and continue to receive subsidized child care services after they no longer receive aid as long as they require those services and meet the eligibility requirements set forth in Sections 8263 and 8263.1.

(b) This article establishes three stages of child care services through which a recipient of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, will pass. Further, as families' child care needs are met by county welfare departments and later by other local child care and development contractors, it is the intent of the Legislature that families experience no break in their child care services due to a transition between the three stages of child care services.

8351. (a) The county welfare department shall manage the first stage during which a family shall receive a child care subsidy for any legal care chosen by the parent. The first stage begins upon the entry of a person into the program prescribed by Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code. A county shall move recipients out of this first response stage as quickly as possible after the county determines that the need for child care is stable. A recipient may be served in this stage for a maximum of six months. The six-month time limit may be extended if the county determines that the recipient's situation is too unstable to be shifted to the second stage or if no funds are available to provide child care services in the second stage.

(b) A county may contract with public or private child care providers to provide any or all of the services during the first stage. If the county welfare department elects to contract with any child care provider that is also under contract with the State Department of Education, these contracts shall be consistent with state law.

8352. As soon as appropriate, a county welfare department shall refer families needing child care services to the local child care resource and referral program funded pursuant to Article 2 (commencing with Section 8210). Resource and referral program staff shall colocate with a county welfare department's case management offices for aid under Chapter 2 (commencing with

Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, or arrange other means of swift communication with parents and case managers of this aid. The local child care resource and referral program shall assist families to establish stable child care arrangements as soon as possible. These child care arrangements may include licensed and license-exempt care.

8353. The second stage begins when the county determines that the recipient's work or approved work activity is stable or when a recipient is transitioning off of aid and child care is available through a local stage two program. The local stage two agency shall assist in moving families to stage three as quickly as feasible. No family may continue to receive child care in stage two beyond two years after it is no longer eligible for aid. The second stage shall be administered by agencies contracting with the State Department of Education. These contractors may be either agencies that have an alternative payment contract pursuant to Section 8220.1 or county welfare departments that choose to administer this stage in order to continue to provide child care services for recipients or former recipients of aid. If the county chooses to contract with the department to provide alternative payment services, this contract shall not displace, or result in the reduction of an existing contract of, a current alternative payment program.

8354. (a) The third stage begins when a funded space is available for CalWORKs recipients, persons who received a lump-sum diversion payment, and former CalWORKs participants who are regularly employed at a wage that does not exceed 75 percent of the state median income. The third stage shall be administered by programs contracting with the State Department of Education. Parents' eligibility for child care and development services will be governed by Section 8263 and regulations adopted by the State Department of Education.

(b) In order to move welfare recipients and former recipients from their relationship with county welfare departments to relationships with institutions providing services to working families, it is the intent of the Legislature that families that are former recipients of aid, or are transitioning off aid, receive their child care assistance in the same fashion as other low-income working families. Therefore, it is the intent of the Legislature that families no longer rely on county welfare departments to obtain child care subsidies beyond the time they are receiving other services from the welfare department.

(c) A county welfare department shall not administer the third stage of child care for CalWORKs recipients except to the extent to which it delivered those services to families receiving, or within one year of having received, Aid to Families with Dependent Children prior to the enactment of this section.

(d) This article does not preclude county welfare departments from operating an alternative payment program under contract with the State Department of Education to serve families referred by child protective services.

8355. Child care during the third stage may be funded with moneys dedicated to current and former recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, including the federal funds appropriated to alternative payment program contractors in the 1996–97 fiscal year using the Budget Act's Section 28 process as described in subdivision (b). Nothing shall prevent child care services provided under stage three from being funded with moneys from other federal or state sources. Nothing in this article shall preclude current and former recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, from receiving child care services pursuant to other provisions of this chapter.

8356. It is the intent of the Legislature that the State Department of Education work with Head Start and state preschool programs to generate extended-day and evening care for recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, through recruiting and training parents to be licensed and license-exempt care providers and shall facilitate connections between Head Start and state preschool contractors and child care certificate administrators, including counties and other alternative payment programs, so that funds available for Sections 8351, 8353, and 8354 cover the cost of this care.

8356.1. It is the intent of the Legislature that each county receive funding for child care services provided in stage two that is at least equivalent to the amount of funding received in the 1996–97 fiscal year for income disregard pursuant to Section 11451.6 of the Welfare and Institutions Code and supplemental child care pursuant to Section 11451.7 of the Welfare and Institutions Code.

8357. (a) The cost of child care services provided under this article shall be governed by regional market rates. Recipients of child care services provided pursuant to this article shall be allowed to choose the child care services of licensed child care providers or child care providers who are, by law, not required to be licensed, and the cost of that child care shall be reimbursed by counties or agencies that contract with the State Department of Education if the cost is within the regional market rate. For purposes of this section, ''regional market rate'' means care costing no more than 1.5 market standard deviations above the mean cost of care for that region.

(b) Reimbursement to child care providers shall not exceed the fee charged to private clients for the same service.

(c) Reimbursement shall not be made for child care services when care is provided by parents, legal guardians, or members of the assistance unit.

(d) A child care provider located on an Indian reservation or rancheria and exempted from state licensing requirements shall meet applicable tribal standards.

(e) For purposes of this section, ‘‘reimbursement’’ means a direct payment to the provider of child care services. However, to allow time for the development of the administrative systems necessary to issue direct payments to providers, for a period not to exceed six months from the effective date of this article, a county may reimburse the cost of child care services through a direct payment to a recipient of aid rather than to the child care provider.

(f) Counties and alternative payment programs shall not be bound by the rate limits described in subdivision (a) when there are, in the region, no more than two child care providers of the type needed by the recipient of child care services provided under this article.

8358. (a) By January 31, 1998, the State Department of Education and the State Department of Social Services shall design a form for license-exempt child care providers to use for certifying health and safety requirements to the extent required by federal law. Until the form is adopted, the information required pursuant to Section 11324 of the Welfare and Institutions Code shall continue to be maintained by the county welfare department or contractor, as appropriate.

(b) By January 31, 1998, the State Department of Education and the State Department of Social Services shall do all of the following:

(1) Design a standard process for complaints by parents about the provision of child care that is exempt from licensure.

(2) Design, in consultation with local planning councils, a single application for all child care programs and all families.

(3) Present recommendations to the Legislature on ways to consolidate state and federal child care programs.

(c) County welfare departments and alternative payment programs shall encourage all providers who are licensed or who are exempt from licensure and who are providing care under Section 8151, 8153, or 8155, to secure training and education in basic child development.

(d) The State Department of Education shall increase consumer education and consumer awareness activities so that parents will have the information needed to seek child care of high quality. High quality child care shall include both licensed and license-exempt care.

8359. (a) County welfare departments and alternative payment programs shall provide to the State Department of Education or the State Department of Social Services, whichever is appropriate, and

the local planning council, on a quarterly basis, data about child care usage and demand in each of the three stages. The State Department of Education and the State Department of Social Services shall forward this data quarterly to the Department of Finance and the Joint Legislative Budget Committee for fiscal planning.

(b) By January 10 of each year, the Department of Finance shall present to the respective legislative budget committees an estimate of the cost of funding the expected demand for child care as described in subdivision (a) of Section 8351 and Sections 8353 and 8354.

8359.1. (a) It is the intent of the Legislature in enacting this article to provide sufficient funding through an appropriation in the annual Budget Act to fund the estimated cost of providing child care for all individuals who are anticipated to need child care to participate in the welfare-to-work programs and to transition to work.

(b) It is the intent of the Legislature that child care and development contracts in existence on the effective date of this section be allowed to continue until the end of the 1997–98 fiscal year.

(c) Funding for purposes of implementing this article shall be appropriated in the annual Budget Act.

SEC. 12. Section 8481 is added to the Education Code, to read:

8481. (a) Subject to appropriation in the annual Budget Act, for the purpose of the program in this article, the Superintendent of Public Instruction may allocate funds for the establishment of school-based schoolage before and after school programs that include homework and tutoring assistance, improve literacy skills, and provide recreational activities, as well as facilitate the transition from welfare to work by providing child care for schoolage children and potential employment for welfare recipients who are parents of children enrolled in schoolage child care programs.

(b) A before and after school program, whether public, private, or school district operated, in collaboration with other local governmental agencies, may apply to the State Department of Education for funding under this article. A before and after school program that receives funding pursuant to this article may participate in any other grant programs that fund literacy and technology activities.

(c) In order to achieve the goals of assisting children in learning, providing parents with employment and parenting skills, providing a safe environment for children, and helping prevent crime in neighborhoods, a program funded under this article shall be a collaborative effort with a school district, and may also include collaboration with any combination of the following: other school districts, community college districts, counties, cities, community-based organizations, not-for-profit organizations, the local agency that provides the Even Start Family and Head Start

literacy programs or their equivalent programs, and the private sector.

(d) In selecting programs for funding under this article, the department shall use the standards set forth in Section 8463 and all of the following criteria:

(1) Programs shall have demonstrated experience in implementing quality before or after-school child development programs.

(2) Programs shall demonstrate the inclusion of a strong literacy component.

(3) Programs shall demonstrate a working collaboration with entities listed in subdivision (d), including Even Start Family and Head Start literacy program providers, to the extent that these programs exist in the service area.

(e) Notwithstanding Section 8468, in allocating funds pursuant to this article, preference shall be given to programs that currently employ recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, who are parents of children enrolled in the applicant programs or that have a demonstrated commitment to providing employment opportunities for those recipients of aid, or both.

(f) Funding received by a before and after school program pursuant to this article may be renewed and is contingent upon the following:

(1) Compliance with the requirement of subdivision (d), the criteria set forth in subdivision (e), and the priorities set forth in subdivision (f).

(2) A favorable evaluation completed by the State Department of Education pursuant to Section 8498.8 or an evaluation that meets the standards of the department.

(3) Programs shall demonstrate that they are receiving locally generated resources from other than federal and state sources, which may include in-kind contributions.

(g) (1) A program established under this section may employ parents of schoolage children who are participating in the program established pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, and may employ those parents in the schools attended by their own children. Parents employed pursuant to this subdivision may also participate in training programs at least six hours per week, in order to help them understand child development, learn parenting skills, and obtain skills for employment in either an educational or child care setting. Employment in the program may fulfill a participant’s employment requirements under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(2) A program shall also be encouraged to hire older siblings of children in the program whose families receive aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, to work in either the program's literacy or recreation components. It is the intent of this subdivision that hiring teenagers from families that receive aid under this Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, will provide an additional source of income for these families.

(3) All program participants shall be assessed before they work with children to determine their skills and literacy development and a criminal background check on each participant shall be completed before that participant begins to work with children. Participants shall be supervised by qualified staff.

(4) (A) Notwithstanding any other provision of law, but subject to subparagraph (B), programs operating under this article that use recipients of aid under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, may count those recipients as staff members for purposes of determining compliance with staffing ratio requirements.

(B) Teenage siblings used by programs operating under this article may not be included in computing compliance with staffing ratio requirements.

(5) Notwithstanding any other provisions of law, programs operating under this section may extend their hours of operation beyond 20 hours per week.

(h) A program established pursuant to this section shall assist the children of recipients of aid under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, and other children to complete homework, improve literacy skills, that shall include, but not be limited to, reading, writing, mathematical, and computer skills, and participate in recreational activities.

(i) Programs funded under this section shall provide training on how to work with children on reading, writing, listening, and speaking. This training shall be provided in collaboration with an Even Start Family or Head Start literacy program, or their equivalent programs.

(j) (1) Notwithstanding Sections 8468 and 8473, priority for funding shall be given to schoolsites where a minimum of 70 percent of the children are eligible for, or are recipients of, either aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code or free or reduced-cost meals through the school lunch program.

(2) Priority for enrollment in programs funded under this section shall be given in accordance with Section 8468.5.

(k) Programs funded under this section shall be encouraged to take advantage of free snack programs administered by the United States Department of Agriculture.

(*l*) It is the intent of this article, by providing a safe, supervised after-school environment for children, including those teens employed by a program, to reduce criminal activity among juveniles, and to strengthen parent-child relationships and communities by involving parents in their children's schoolwork and schools.

(m) Notwithstanding Section 8360.1 or any other provision of law, college courses in recreation, art, mathematics, and physical and social development that would enhance the education of schoolage children may be considered to meet course requirements in child development.

SEC. 13. Chapter 2.3 (commencing with Section 8499) is added to Part 6 of the Education Code, to read:

CHAPTER 2.3. LOCAL PLANNING COUNCILS

Article 1. Definitions

8499. For purposes of this chapter, the following definitions shall apply:

(a) ''Block grant'' means the block grant contained in Title VI of the Child Care and Development Fund, as established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

(b) ''Child care'' means all licensed child care and development services and license-exempt child care, including, but not limited to, private for-profit programs, nonprofit programs, and publicly funded programs, for all children up to and including 13 years of age, including children with special needs and children from all linguistic and cultural backgrounds.

(c) ''Child care provider'' means a person who provides child care services or represents persons who provide child care services.

(d) ''Community representative'' means a person who represents an agency or business that provides private funding for child care services, or who advocates for child care services through participation in civic or community-based organizations but is not a child care provider and does not represent an agency that contracts with the State Department of Education to provide child care and development services.

(e) ''Consumer'' means a parent or person who receives, or who has received within the past 36 months, child care services.

(f) ''Department'' means the State Department of Education.

(g) ‘‘Local planning council’’ means a local child care and development planning council as described in Section 8499.3.

(h) ‘‘Public agency representative’’ means a person who represents a city, county, city and county, or local education agency.

Article 2. Membership and Funding of Local Child Care and Development Planning Councils

8499.3. (a) It is the intent of the Legislature that local child care and development planning councils shall provide a forum for the identification of local priorities for child care and the development of policies to meet the needs identified within those priorities.

(b) The county board of supervisors and the county superintendent of schools shall do both of the following:

(1) Select the members of the local planning council. Before making selections pursuant to this subdivision, the board of supervisors and the county superintendent of schools shall publicize their intention to select the members and shall invite local organizations to submit nominations. In counties in which the superintendent is appointed by the county board of education, the county board of education may make the appointment or may delegate that responsibility to the superintendent.

(2) Establish the term of appointment for the members of the local planning council.

(c) (1) The local planning council shall be comprised as follows:

(A) Twenty percent of the membership shall be consumers.

(B) Twenty percent of the membership shall be child care providers, reflective of the range of child care providers in the county.

(C) Twenty percent of the membership shall be public agency representatives.

(D) Twenty percent of the membership shall be community representatives, who shall not be child care providers or agencies that contract with the department to provide child care and development services.

(E) The remaining 20 percent shall be appointed at the discretion of the appointing agencies.

(2) The board of supervisors and the superintendent of schools shall each appoint one-half of the members. In the case of uneven membership, both appointing entities shall agree on the odd-numbered appointee.

(d) Every effort shall be made to ensure that the ethnic, racial, and geographic composition of the local planning council is reflective of the ethnic, racial, and geographic distribution of the population of the county.

(e) The board of supervisors and county superintendent of schools may designate an existing child care planning council or coordinated

child and family services council as the local planning council, as long as it has or can achieve the representation set forth in this section.

8499.5. (a) The department shall allocate funds for purposes of this chapter, on a county-by-county basis, within all counties, based on the amount of state and federal funding that is available. The department shall annually notify the local child care and development planning council in each county of the amount to be allocated within its county, and the timeline for these allocations.

(b) Upon approval by the county board of supervisors and the county superintendent of schools, each local planning council shall submit to the department the local priorities it has identified. The priorities shall be identified in a manner that ensures that all child care needs in the county are met to the greatest extent possible. To accomplish this, each local planning council shall do all of the following:

(1) Elect a chair and select a staff.

(2) Conduct an assessment of child care needs in the county no less than once every five years. The needs assessment shall take into consideration all of the following:

(A) The needs of families eligible for subsidized child care.

(B) The needs of families not eligible for subsidized child care.

(C) The waiting lists for programs funded by the department and the State Department of Social Services.

(D) The need for child care for children who have been abused or neglected or are at risk of abuse or neglect.

(E) The number of children receiving public assistance.

(F) Family income among families with preschool or schoolage children.

(G) The number of children of migrant workers.

(H) The number of children with special needs.

(I) The number of children from all identifiable linguistic and cultural backgrounds.

(J) Special needs based on geographic considerations, including rural areas.

(K) The age of children needing services.

(L) Any other factors deemed appropriate by the local planning council.

(3) Document information gathered during the needs assessment which shall include, but need not be limited to, data on supply, demand, cost, and market rates for each category of child care in the county.

(4) Encourage public input in the development of the priorities. Opportunities for public input shall include at least one public hearing during which members of the public can comment on the proposed priorities.

(5) Prepare a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs.

(6) Conduct a periodic review of child care programs funded by the department and the Department of Social Services to determine if identified priorities are being met.

(7) Collaborate with subsidized and nonsubsidized child care providers, county welfare departments and human service agencies, job training programs, employers, integrated child and family service councils, parent organizations, and other interested parties to foster partnerships designed to meet local child care needs.

(8) Design a system to consolidate local child care waiting lists.

(9) Coordinate part-day programs, including state preschool and Head Start, with other child care to provide full-day child care.

(10) Submit the results of the needs assessment and the local priorities identified by the local planning council to the board of supervisors and the county superintendent for approval before submitting them to the department.

(11) Review and comment on proposals submitted to the department that concern child care to be provided within the geographic area covered by the local planning council. These comments shall in no way be binding on the department in the determination of programs to be funded.

(12) Identify at least one, but no more than two persons from the local planning council, one selected by the board of supervisors and one selected by the county superintendent if two persons are identified, or one person selected by both appointing agencies, to serve as part of the department team that reviews and scores proposals for the provision of services funded through contracts with the department. Local planning council representatives shall not review and score proposals from the geographic area covered by their own local planning council.

(13) Develop and implement a training plan to provide increased efficiency, productivity, and facilitation of local planning council meetings. This may include developing a training manual, hiring facilitators, and identifying strategies to meet the objectives of the council.

(14) Provide consultation to the State Department of Education and the State Department of Social Services regarding the development of a single application and intake form for all federal and state subsidized child care and development services.

(c) No member of a local planning council shall participate in a vote if he or she has a proprietary interest in the outcome of the matter being voted upon.

(d) The department shall, in conjunction with the Department of Social Services and all appropriate statewide agencies and associations, develop guidelines for use by local planning councils to

assist them in conducting needs assessments that are reliable and accurate. The guidelines shall include acceptable sources of demographic and child care data, and methodologies for assessing child care supply and demand, including the supply and demand for license-exempt child care.

(e) The department shall allocate funding within each county in accordance with the priorities identified by the local planning council of that county and submitted to the department pursuant to this section, unless the priorities do not meet the requirements of state or federal law.

8499.7. It is the intent of the Legislature that any additional conditions imposed upon local planning councils shall be funded from available federal funds to the greatest extent legally possible.

SEC. 14. Chapter 2.5 (commencing with Section 8499) of Part 6 of the Education Code is repealed.

SEC. 15. Chapter 2 (commencing with Section 10200) is added to Part 7 of the Education Code, to read:

CHAPTER 2. CALWORKS RECIPIENTS: INSTRUCTIONAL AND JOB TRAINING PLAN

10200. (a) As used in this chapter, ''CalWORKs recipient'' means a parent or caretaker relative receiving aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program.

(b) The county superintendent of schools, the local community college districts, the local school districts that provide adult education, and the directors of other job training programs in the county shall develop a plan by March 31, 1998, that provides for instructional and job training services to CalWORKs recipients within that county. The plan shall be approved by the county welfare director. The plan shall include all of the following:

(1) An estimate of the number of CalWORKs recipients in that county that are expected to require education and job training services and a description of the types of services necessary to meet their needs, pursuant to the county plan required by Section 10530 of the Welfare and Institutions Code.

(2) An estimate of the number of spaces available in short-term classes that are offered as part of the regular course schedule at educational institutions that may be used by CalWORKs recipients in that county.

(3) An estimate of the number of full-time equivalent students and average daily attendance rates that will be generated by CalWORKs recipients at each institution in excess of the number of recipients attending these institutions in the 1996–97 fiscal year.

(4) Proposals for expansion of services and course offerings that are particularly suited for the needs of CalWORKs recipients.

(5) An analysis of job demand and employment opportunities within that county using currently available, up-to-date information, and an analysis of how the courses and job training programs will assist CalWORKs recipients in securing employment.

(6) A description of outreach efforts that will be undertaken to identify job opportunities for CalWORKs recipients who participate in instruction and job training courses.

SEC. 16. Section 72620.5 is added to the Education Code, to read:

72620.5. Commencing with the 1997–98 fiscal year, community college districts, to the extent that funding is provided in the annual Budget Act, may provide counseling and matriculation services for students enrolled in credit courses and students enrolled in noncredit courses, according to a welfare-to-work plan as provided in Section 11325.21 of the Welfare and Institutions Code.

SEC. 17. Article 5 (commencing with Section 79200) is added to Chapter 9 of Part 48 of the Education Code, to read:

Article 5. Curriculum Development for CalWORKs Recipients

79200. As used in this article, ''CalWORKs recipient'' means a recipient of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code or any successor program.

79201. It is the intent of the Legislature in enacting this article to assist CalWORKs recipients prepare for employment.

79202. To the extent that funding is provided in the annual Budget Act, a community college shall receive funding for educational services provided to CalWORKs recipients based on the number of CalWORKs recipients that are enrolled at the community college and the scope and number of programs that the college plans to offer to assist CalWORKs recipients obtain employment. Prior to receiving funding, a community college shall submit to the chancellor a Request for Application which contains a plan for curriculum development or redesign. The plan shall include all of the following:

(a) Evidence that the curriculum will prepare students for an occupation that is in demand in the local labor market or that is in an emerging field that has documented employment potential.

(b) Participation by the county welfare department to establish that the programs being developed or redesigned will provide CalWORKs recipients with the training and experience necessary to secure employment.

(c) Evidence of collaboration with local partners, such as employers, private industry councils, regional occupational programs, adult education providers, and affected counties in the development and design of the curriculum.

(d) Procedures to monitor CalWORKs recipients who complete the new curricula and transition into employment.

(e) A description of new courses for CalWORKs recipients that are designed to aid recipients with job-related advancement.

79203. To the extent that funding is provided in the annual Budget Act, funds received by a community college for curriculum development or redesign for CalWORKs recipients may be expended for all of the following purposes:

(a) To develop or redesign vocational curricula for CalWORKs recipients so that courses may be offered as part of a short-term intensive program, including Open Entry and Open Exit programs.

(b) To link CalWORKs courses to job placement through work experience and internships.

(c) To redesign basic education and ESL classes so that they may be integrated with vocational training programs.

(d) To expand the use of telecommunications in providing the new curricula to CalWORKs recipients.

SEC. 18. Section 84759 is added to the Education Code, to read:

84759. (a) As used in this section, the following terms mean:

(1) ''CalWORKs recipient'' means a recipient of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program.

(2) ''Direct excess costs'' means the fixed, variable, and one-time costs associated with providing noncredit instructional services to CalWORKs recipients, as determined by the chancellor's office.

(b) Notwithstanding any other provision of law, a community college district, to the extent funding is made available in the annual Budget Act, shall receive funding for noncredit instruction developed for and targeted to CalWORKs recipients, including funding to offset the direct excess cost of providing noncredit instruction to CalWORKs recipients when the cost of providing a specific course offering exceeds the average cost of noncredit instruction.

SEC. 19. Chapter 1.12 (commencing with Section 15365.50) is added to Part 6.7 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 1.12. JOB CREATION INVESTMENT FUND

15365.50. (a) There is hereby created in the State Treasury the Job Creation Investment Fund, to be administered by the Trade and Commerce Agency for the purpose of allocating funds to be used for job creation activities that will provide employment for recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code who are moving into the work force.

(b) It is the intent of the Legislature in enacting this chapter to begin to link economic development activities to welfare reform for the purpose of job creation. The initial year of the program provided for in this chapter shall be focused on providing local communities with seed money to maximize and target effective job creation models throughout the state, as quickly as possible, in order to assist in securing new private, unsubsidized employment for up to 500,000 persons receiving CalWORKs benefits.

(c) The Trade and Commerce Agency shall serve as the state agency responsible for coordinating economic development activities as they relate to welfare reform.

(d) Funds shall be deposited in the Job Creation Investment Fund by appropriation in the annual Budget Act.

15365.51. As used in this chapter, unless the context otherwise indicates:

(a) ''Agency'' means the Trade and Commerce Agency.

(b) ''Fund'' means the Job Creation Investment Fund.

(c) ''Applicant'' means a county or county joint powers authority consisting solely of counties.

(d) ''Recipient'' means a county or county joint powers authority consisting solely of counties.

15365.52. The agency shall provide lead agency responsibility for coordinating state policies and regulations to enhance and facilitate job creation for recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code based on local job creation plans.

15365.53. (a) The fund is intended to provide flexible funding for local job creation initiatives whenever possible, using, rather than duplicating, existing resources. Notwithstanding Section 13340 of the Government Code, the fund is hereby continuously appropriated without regard to fiscal years for the purposes of this chapter. The Treasurer shall invest moneys not needed to meet current obligations incurred pursuant to this chapter.

(b) Moneys in the fund shall be used by a recipient to either develop a strategic plan, in an amount not to exceed 50 percent of the recipient's allocation or two hundred fifty thousand dollars ($250,000), whichever is less, or to implement initiatives consistent with the plan, including, but not limited to, all of the following:

(1) Planning and coordination activities that lead to better local linkages between strategic economic planning and development of education and training curricula relevant to jobs that will exist locally.

(2) Packaging economic development and community development projects in a manner that can utilize capital financing mechanisms, such as the California Infrastructure and Economic Bank provided for pursuant to Chapter 2 (commencing with Section 63020) of Division 1 of Title 6.7.

(3) Development of localized labor market information that enables placement of recipients of and under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code in currently available, as well as future, jobs.

(4) Assistance in developing economic development strategies for business expansion and location opportunities, including work force preparation and other local training services for employees.

(5) Targeting economic development and job creation activities to emerging or growth industry clusters in the local area.

(6) Expansion of technical assistance to small business and manufacturers for activities, such as those designed to make business operations more economical or competitive, while providing jobs for welfare recipients.

(7) Permit streamlining services.

(8) One-stop centers for small business financing to coordinate funding resources for business expansion.

(9) Establishment of small business incubators to support the use of intermediary employers or microenterprise activities.

(10) Establishment and support of neighborhood development corporations pursuant to Section 15365.54.

(11) Matching of seed capital funds with private capital for community development projects.

(c) Interest earnings may be used by the agency to offset administrative costs.

15365.54. (a) As used in this chapter ‘‘neighborhood development corporation (NDC)’’ means a private, nonprofit organization that meets all of the following criteria:

(1) Is organized under the California Nonprofit Public Benefit Corporation Law.

(2) Has obtained a tax-exempt ruling from the Internal Revenue Service under Section 501(c)(3) of the federal Internal Revenue Code, and the Franchise Tax Board under Section 23701d of the Revenue and Taxation Code.

(3) Has its principal office in a distressed area.

(4) Has residents of the neighborhood serving as at least one-half of the members of the corporation’s board of directors who have demonstrated constructive contributions to the improvement of conditions in the neighborhood.

(5) Has established a commitment to offer services to the neighborhood to further its economic growth and independence.

(b) Any neighborhood development corporation funded under this chapter shall act to improve economic conditions in the neighborhood and assist in furthering access of neighborhood residents to jobs by providing directly or by providing a more accessible location for any of the following array of services as appropriate within the resources available to further the purposes of

this chapter. To the extent possible these services shall be provided through existing agencies, programs, and service delivery arrangements. These services shall include, but not be limited to:

(1) Employment and career counseling, job placement, adult education and vocational training services, utilizing to the maximum extent feasible CalWORKs, private industry councils, Job Training and Partnership Act, adult education, community college, and regional occupation programs. In addition, they may utilize the California Mentoring Initiative resources, private business training and employment programs, Vista and Americorps resources, Community Services Block Grants, and public employment and vocational rehabilitation agencies.

(2) Economic development and job creation activities designed to attract private capital into the community to provide technical or financial assistance to existing neighborhood businesses, to mobilize the resources of government, private business sector, private foundations, civic institutions, institutions of the faith community, and universities in order to target and concentrate economic development strategies to improve the economic conditions of the neighborhood. The corporation may provide for the development of business loan and marketing programs in concert with state and local public and private financing programs to further the purposes of this chapter.

15365.55. For the purposes of moneys appropriated to the fund, in its first year of operation, the agency shall operate the program in the following manner:

(a) The agency shall issue guidelines for local job creation plans for CalWORKs participants to counties within 30 days after the operative date of this chapter or November 1, 1997, whichever is later. These guidelines shall include only minimum plan requirements, and shall encourage local creativity and flexibility in developing local employment opportunities for welfare recipients or those at risk of becoming welfare recipients.

(b) County boards of supervisors or county joint powers authorities shall be the applicants for and the recipients of moneys allocated pursuant to this chapter. Each county board of supervisors that elects to apply for job creation funds shall appoint or designate a planning group to prepare a grant application and county resolution. The application shall include the scope of work, a timeline, a budget, and performance standards. The resolution shall be approved by the board of supervisors and submitted to the agency within 120 days after the guidelines are issued.

(c) If a county board of supervisors does not submit its resolution within 120 days, and grant application within 180 days, that county's allocation shall become available to all counties on a competitive basis. These grants shall be awarded based on criteria developed by the agency.

(d) Upon receipt of a grant application and county resolution the agency shall, within 60 days, approve the application and allocate job creation funds to the board of supervisors or notify the county of additional specific information needed to gain plan approval. Once any additional information is provided, the agency shall respond back to the county within 30 days.

(e) Subject to subdivision (f), moneys shall be distributed so as to ensure that each county receives not less than fifty thousand dollars ($50,000). The remainder shall be distributed to counties based on a formula that gives two-thirds weight, when compared to 1996 average monthly statewide totals, to the relative number of adult recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code in that county, and one-third weight, when compared to 1996 average monthly statewide totals, to the relative number of unemployed persons in the county.

(f) Each county shall receive a minimum of fifty thousand dollars ($50,000). Each county shall be required to identify a comprehensive group of local stakeholders to either develop a strategic plan or initiate job creation activities that can utilize, to the maximum extent possible, existing resources to target job creation opportunities for recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code in the county. The stakeholders shall include, but not be limited to, local governments, including the county welfare department, private business associations and employer groups, community-based organizations, community development corporations, economic development organizations, the nonprofit sector, advocates for recipients and low-income families, and the local work force preparation community. Whenever possible, existing local partnerships in which a significant number of the stakeholders are represented may be expanded to serve as the local welfare-to-work job creation task force.

(g) The agency shall disburse to each county 25 percent of the county's allocation under this section upon execution of a completed grant agreement. The resolution or grant application shall do at least the following:

(1) Designate a lead local economic development agency to act as the coordinator of the Welfare-to-Work Job Creation Task Force. Whenever possible, this lead agency shall be an existing public or nonprofit agency with a proven record of expertise and accomplishments in economic or community development.

(2) Provide an outline and timetable for the development of a strategic plan for the implementation of initiatives for recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code.

(3) Identify the stakeholders who will participate in the public process of strategic planning.

(h) The agency shall disburse 50 percent of the county's allocation under this section on a cost reimbursement basis for work performed pursuant to the grant agreement. The remainder of the county's allocation shall be disbursed when the agency has verified that job creation programs have been implemented that can reasonably lead to the creation of a substantial number of jobs needed for employment of CalWORKs recipients and when the terms of the grant agreement have been met.

15365.56. By April 1, 1998, or April of the first year in which this program is in operation, whichever is later, the agency shall compile the local strategic plans and report to the Governor and the chairs of the Assembly Committee on Budget and the Senate Committee on Budget and Fiscal Review and the chairs of the Senate Health and Human Services Committee and the Assembly Human Services Committee on the extent to which local plans have included each of the following:

(a) Analyses of the local economy and labor market to determine the number of net new jobs likely to be needed for the CalWORKs program, over the following five years.

(b) Inventories of local economic development activities and programs to determine what practices and procedures have proven successful in assisting employers to hire low-income workers.

(c) Models consistent with the county's general plan for welfare-to-work for local projects to create jobs for welfare clients.

(d) Regional strategic planning to more effectively target resources, such as joint powers agreements among rural counties or subcounty regional planning in very large counties.

(e) Recommendations for additional state actions to facilitate the success of these local plans for job creation.

15365.57. All moneys in the fund that have not been disbursed to recipients by June 30, 2002, shall revert to the General Fund.

15365.58. The agency shall adopt regulations to implement this chapter. The agency may adopt these regulations as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for purposes of that chapter, including Section 11349.6, the adoption of the regulations shall be considered by the Office of Administrative Law to be necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding subdivision (e) of Section 11346.1, the regulations adopted pursuant to this section shall be repealed within 180 days after their effective date, unless the agency complies with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, as provided for in subdivision (e) of Section 11346.1.

15365.59. This chapter shall become inoperative on July 1, 2002, and, as of January 1, 2003, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 20. Section 1597.36 is added to the Health and Safety Code, to read:

1597.36. The department shall provide written documentation to providers of the need for repairs, renovations, or additions when requested for an application for a loan guarantee pursuant to subdivision (d) of Section 8277.6 of the Education Code whenever the repairs, renovations, or additions are required by the department in order for the licensee to maintain or obtain a license for more than six children.

SEC. 21. Chapter 17 (commencing with Section 50897) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

CHAPTER 17. CALIFORNIA SAVINGS AND ASSET PROJECT

50897. If this chapter becomes operative pursuant to Section 50897.1, there shall be established a program that is consistent with the requirements of federal law, to be known as the California Savings and Asset Project. The Governor shall designate the agency or department that shall administer the project.

50897.1. This chapter shall become operative only if the state receives funds appropriated from a federal source other than the block grant of funds to this state under the federal Temporary Assistance for Needy Families program contained in Part A (commencing with Section 601) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code, for the specific stated purpose of the establishment of an individual development account project.

50897.3. Any eligible person may establish an individual development account under this chapter through earned or unearned income of the individual or through funds made available for that purpose by public entities or private organizations for any of the following purposes:

(a) Direct payment for tuition or fees related to education.

(b) Qualified acquisition costs for a qualified principal residence.

(c) Transfer to a business capitalization account, established in a federally insured financial institution. Funds in a business capitalization account shall be exclusively for qualified business capitalization expenses consistent with a qualified plan.

(d) Direct payment to a qualified job training program for qualified job training expenses.

SEC. 22. Section 99155.1 is added to the Public Utilities Code, to read:

99155.1. (a) There shall be close coordination between local transit providers and county welfare departments in order to ensure

that transportation moneys available for purposes of assisting recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code are expended efficiently for the benefit of that population.

(b) In areas where public transit service is available, local transit providers shall consider giving priority in the use of transit funds to the enhancement of public transportation services for welfare-to-work purposes.

(c) In areas where public transit services are unavailable, local transit providers shall consider giving priority to transportation alternatives, such as, but not limited to, subsidies or vouchers, van pools, and contract paratransit operations, in order to promote welfare-to-work purposes.

SEC. 23. Section 1611.5 of the Unemployment Insurance Code is repealed.

SEC. 24. Section 1611.5 is added to the Unemployment Insurance Code, to read:

1611.5. (a) Notwithstanding Section 1611, the Legislature may appropriate from the Employment Training Fund twenty million dollars ($20,000,000) in the Budget Act of 1997 and twenty million dollars ($20,000,000) each year thereafter for training programs designed for workers who are current or recent recipients of benefits under the CalWORKs program pursuant to Section 10214.7.

(b) Funds available pursuant to the Budget Act of 1997 pursuant to this section that are not encumbered in the 1997–98 fiscal year may, upon appropriation by the Legislature, be carried over into the 1998–99 fiscal year for expenditures consistent with Section 10214.7.

SEC. 25. Section 10214.7 is added to the Unemployment Insurance Code, to read:

10214.7. The panel shall allocate funds available in the annual Budget Act for training programs designed for individuals who are currently working and receiving benefits under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code or who are currently working and have received CalWORKs benefits within one year of the commencement of the training program.

(a) It is the intent of the Legislature in providing authority for these training programs that the panel allocate these funds in a manner consistent with the objectives of this chapter as provided in Section 10200.

(b) Notwithstanding any other provisions of this chapter, the eligibility criteria for individuals trained under this section shall be employment with an eligible employer as defined in subdivision (a) of Section 10201 and:

(1) Receipt of CalWORKs benefits at the time training begins, or

(2) Receipt of CalWORKs benefits within one year of the time training commenced.

(c) For purposes of this section, the panel may waive, if necessary, any of the following:

(1) The employer eligibility criteria outlined in paragraph (1) of subdivision (a) of Section 10200.

(2) The minimum training wage requirements pursuant to subdivision (g) of Section 10201.

(3) The employment retention provisions specified in subdivision (f) of Section 10209 and instead require that the trainee has been retained in employment for a minimum of 90 days out of 120 consecutive days after the end of training with no more than three employers.

(d) Notwithstanding any other provisions of this chapter, the panel shall consider proposals that use innovative strategies and training options to enable current and prior CalWORKs recipients and eligibles to retain employment, including, but not limited to, projects that provide basic skills training.

(e) The panel shall adopt administrative procedures for approving and administering contracts under this section to expedite contracts, minimize barriers to completion of training, and facilitate the training of single trainees and small groups of trainees from one worksite.

SEC. 26. Chapter 6 (commencing with Section 11010) is added to Part 1 of Division 3 of the Unemployment Insurance Code, to read:

CHAPTER 6. REGIONAL WORK FORCE PREPARATION AND ECONOMIC DEVELOPMENT ACT

11010. (a) The Legislature finds and declares the following:

(1) California must have a world class system of education and training linked to economic development in order to meet the demands of global economic competition.

(2) The California Economic Strategy Panel determined that California's economy is undergoing a dramatic transformation whereby California is in an established leadership position with respect to a number of emerging industries representing a new economy of the 21st century, and that education and work force preparation are critical to the growth and competitiveness of California's economy.

(3) California's work force preparation programs, including job training, job placement, and education, spend over six billion dollars ($6,000,000,000) annually serving 6,700,000 students, displaced and unemployed workers, welfare recipients, and incumbent workers.

(4) At least 22 state programs and many federal and local programs provide these work force preparation services.

(5) With the increasing demand to educate and train the youth and adults in this state with the skills necessary to obtain and retain employment especially in the industries essential for its economic

growth, California needs to maximize the effective use of resources for its work force preparation programs to create a more coherent, comprehensive, accountable, and customer-focused system.

(6) An effective work force preparation system is necessary for California to meet the time limit and work force preparation requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).

(7) In order to accomplish this, the public and private sector entities responsible for economic development, education, and work force preparation must collaborate at the state and local levels.

(8) This collaboration must be compatible with the existing missions and governance structures of all entities involved.

(9) The major objective of this act is the integration of existing local and regional partnerships that support initiatives in education reform, work force preparation, and economic development.

(10) In order to promote this collaboration, the Secretary of the Health and Welfare Agency, the Secretary of the Trade and Commerce Agency, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction shall, in consultation with local stakeholders and customers, collaborate in the development of a state work force development system and shall encourage and support local partners to develop regional work force collaboratives.

(b) The Legislature hereby enacts the Regional Workforce Preparation and Economic Development Act to demonstrate how, through the collaboration of state and local resources, education, work force preparation and economic development services can be delivered to clients in a more responsive, integrated, and effective manner.

11011. (a) On or before April 1, 1998, the Secretary of the Health and Welfare Agency, the Secretary of the Trade and Commerce Agency, the Chancellor of the California Community Colleges with the consent of the Board of Governors, and the Superintendent of Public Instruction, with the consent of the State Board of Education, shall enter into a memorandum of understanding to develop and maintain a plan including a schedule to do the following:

(1) Develop an integrated state work force development plan for service delivery, resource investment, and performance measures. The plan shall be developed through a collaborative process that shall include substantial local input.

(2) Initiate a competitive process to select a minimum of five regional education, work force preparation, and economic development collaboratives, known as regional collaboratives, that will receive financial and program incentives to develop local partnerships to maximize the delivery of employment, training, and education services. These partnerships shall collaborate in the

development of shared systems to improve their efficiency and effectiveness in delivering work force development services.

(3) Identify new and redirected resources, federal and state waivers, and legislative changes necessary to enhance the effectiveness of regional collaboratives.

(b) Regional collaboratives shall have representation from the following public and private entities:

(1) The Employment Development Department.

(2) The local Job Training Partnership Act administrative entity.

(3) Community college districts.

(4) Local school districts, including those that provide adult education and regional occupational centers or programs.

(5) Regional occupational centers serving adults.

(6) Entities administering local public assistance welfare-to-work programs.

(7) Local economic development organizations.

(8) The private sector, including both business and labor.

In addition, the competitive selection process shall emphasize the expectation that these regional collaboratives will have broad representation of all public, private, and nonprofit agencies that have an interest in education, economic development, welfare to work, and work force development.

(c) Regional collaboratives shall be selected and shall receive financial and program incentives effective July 1, 1998.

(d) From existing state and federal funds available for expenditure for the purposes of this section, the state partners shall identify five million dollars ($5,000,000) per year for each of three years for distribution to a minimum of five regional collaboratives, in order to create systemic change that results in increased collaboration and service delivery within each region.

11012. Regional collaboratives shall do the following:

(a) Define regions consistent with labor market and economic areas giving consideration to education, employment, and training service areas.

(b) Promote effective service delivery through integration of existing partnerships in economic development, employment and training services, welfare reform, and school reform into one collaborative partnership and process consistent with the goals of California's One-Stop Career Center System.

(c) Set measurable local program goals that meet the needs of various client groups as determined by both historical service levels and present needs, and that demonstrate the extent to which outcomes will improve through collaboration.

(d) Provide for an evaluation of the pilot program.

11013. (a) State partners shall jointly manage the regional collaborative project with designated staff and shall use existing resources available for this purpose.

(b) State partners shall identify in the memorandum of understanding existing funds that are available to support the funding of regional work force collaboratives. The Secretary of the Health and Welfare Agency shall identify existing funds from sources including, but not limited to, the federal Job Training Partnership Act, the One-Stop Career Center grant, the School to Career grant, and the federal Wagner-Peyser Act. The Chancellor of the California Community Colleges, with the consent of the Board of Governors, shall identify funds from sources including, but not limited to, the federal Carl D. Perkins Vocational Education Act and state economic development funds. The Superintendent of Public Instruction, with the consent of the State Board of Education, shall identify funds from sources including, but not limited to, the federal Carl D. Perkins Vocational Education Act and the federal Improving America's Schools Act of 1994.

(c) The state partners shall pursue waivers from the appropriate federal agencies to promote local flexibility and remove obstacles to integrated service delivery for selected regional collaboratives.

11014. The state partners shall prepare an annual progress report on March 15 of each year and a final report by July 1, 2001, to be submitted to the Legislature, which shall consist of an analysis of the project, recommendations for expansion of regional collaboratives, and recommendations for legislative changes to promote the development of regional collaboratives.

SEC. 27. Section 15003.4 is added to the Unemployment Insurance Code, to read:

15003.4. It is the intent of the Legislature that, beginning January 1, 1998, welfare recipients shall be served with federal Job Training Partnership Act funds under Title II and Title III of that act to the maximum extent permitted under federal law within each service delivery area.

SEC. 28. Section 15003.5 is added to the Unemployment Insurance Code, to read:

15003.5. It is the intent of the Legislature that the Governor request a waiver from the United States Department of Labor on restrictions under regulations adopted pursuant to the federal Job Training Partnership Act that prevent the provision of training and post termination services for the year after placement on a job and prevent the use of stand-alone job search, job club, job search assistance, and work experience activities, as appropriate, to prepare individuals for employment.

SEC. 29. Division 9 (commencing with Section 17000) is added to the Unemployment Insurance Code, to read:

DIVISION 9. CALWORKS PROGRAM: JOB CREATION

17000. As used in this division ‘‘department’’ means the Employment Development Department.

17001. Consistent with the ongoing relationships that the department maintains with private sector employers, the department shall encourage and organize the involvement of private sector employers and other community leaders in creating the necessary jobs for recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code to move from welfare into unsubsidized employment.

17002. In carrying out the provisions of this division, the department shall conduct activities including, but not limited to, the following:

(a) Establish a council of corporate executives consisting of 13 members drawn from retired or former chief executive officers of major California corporations. Seven members shall be appointed by the Governor, three shall be appointed by the Senate Committee on Rules, and three shall be appointed by the Speaker of the Assembly. Appointments shall be made no later than January 31, 1998. This council shall provide ongoing advice and assistance to the department in recruiting private employers to hire recipients of aid.

(b) In consultation with the council described in subdivision (a), establish a clearinghouse for information on the Internet or other forms of toll-free communication for private sector employers to obtain information about assistance and resources for hiring CalWORKs recipients and to register their pledges to assist the state in finding the jobs necessary to meet the local welfare-to-work goals throughout the state.

(c) In consultation with the council described in subdivision (a), provide a forum for leaders in the faith-based communities, as well as other civic leaders, to assist the state in promoting welfare-to-work goals as part of the civic duty of their constituents.

(d) Report to the Legislature during the annual budget process regarding the implementation of this division and the results achieved.

SEC. 30. Section 10063 is added to the Welfare and Institutions Code, to read:

10063. (a) Notwithstanding any other provision of law, the name of the program provided for pursuant to Chapter 2 (commencing with Section 11200) is hereby changed to the California Work Opportunity and Responsibility to Kids program, referred to as CalWORKs.

(b) Any reference to the Aid to Families with Dependent Children program Family Group and Unemployment program and

the Greater Avenues for Independence program shall be deemed to refer to the CalWORKs program.

SEC. 31. Chapter 3 (commencing with Section 10065) is added to Part 1 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 3. ELECTRONIC BENEFITS TRANSFER ACT

Article 1. General

10065. The Legislature finds and declares both of the following:

(a) The development of incompatible systems for electronic benefits transfer will create significant hardships on recipients of public social services and businesses that accept electronic transactions as payment for goods and services.

(b) The goals of electronic benefits transfer are to reduce the cost of delivering benefits to recipients, to ensure that all systems within California are compatible, and to afford public social services recipients the opportunity to better and more securely manage their financial affairs.

10066. For purposes of this chapter, the following definitions shall apply:

(a) ''Committee'' means the committee created pursuant to this chapter.

(b) ''Benefits'' means financial and food assistance provided to, or on behalf of, those Californians who, because of their economic circumstances or social condition, are in need thereof, and may benefit thereby.

(c) ''System'' means the electronic benefits transfer system developed pursuant to this chapter.

Article 2. Electronic Benefits Transfer Committee

10067. The Electronic Benefits Transfer Committee is hereby created. The committee shall remain in existence until January 1, 2003.

10068. The committee shall consist of the Director of the Health and Welfare Agency Data Center, who shall be the chair of the committee, the Director of Social Services, the Director of Health Services, the Director of Information Technology, the Controller, the Treasurer, a representative of the California State Association of Counties, one member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules. The committee shall provide for the participation of a technical advisory group comprised of representatives from the California Association of County Treasurers and Tax Collectors, the County Welfare Directors Association, the California Grocer's Association, the California Retailer's Association, the California Bankers Association,

and agencies, organizations, and representatives of individuals who will use or be affected by an electronic benefits transfer system. A company or individual that participates in the committee or the advisory group shall not be eligible to bid for the provision of the electronic benefits transfer system.

10069. The committee shall advise the department on the development and implementation of a statewide electronic benefits transfer system, and shall provide advice concerning the request for proposal. The system shall have the capability to deliver food stamps and, upon the election of the county, benefits under Chapter 2 (commencing with Section 11200) of Part 3. The system may also be used, with the approval of the department, for the distribution of other benefits. Each electronic benefits transfer processor shall be capable of implementing systems within nine months after the county or counties contract with the electronic benefits processor.

10070. Not later than July 1, 1998, the state shall certify one or more electronic benefits transfer processors as eligible to contract with counties to develop and implement an electronic benefits transfer system.

10071. Any benefits provided to recipients under the department's authority may be distributed through the electronic benefits transfer system as long as the recipient has reasonable access to his or her benefits.

Article 3. Systems Design

10072. The electronic benefits transfer system required by this chapter shall be designed to do, but not be limited to, all of the following:

(a) To the extent permitted by federal law and the rules of the program providing the benefits, recipients who are required to receive their benefits using an electronic benefits transfer system shall be permitted to gain access to the benefits in any part of the state where electronic benefits transfers are accepted. All electronic benefits transfer systems in this state shall be designed to allow recipients to gain access to their benefits by using every other electronic benefits transfer system.

(b) To the maximum extent feasible, electronic benefits transfer systems shall be designed to be compatible with the electronic benefits transfer systems in other states.

(c) All reasonable measures shall be taken in order to ensure that recipients have access to electronically issued benefits through systems such as automated teller machines, point-of-sale devices, or other devices that accept electronic benefits transfer transactions.

(d) The system shall provide for reasonable access to benefits to recipients who demonstrate an inability to use, an electronic benefits transfer card or other aspect of the system because of disability,

language, lack of access, or other barrier. These alternative methods shall conform to the requirements of the Americans with Disabilities Act (42 U.S.C. Sec. 12101, et seq.), including reasonable accommodations for recipients who, because of physical or mental disabilities, are unable to operate or otherwise make effective use of the electronic benefits transfer system.

(e) The system shall permit a recipient the option to choose a personal identification number, also known as a ‘‘pin’’ number, to assist the recipient to remember his or her number in order to allow access to benefits. Whenever an institution, authorized representative, or other third party not part of the recipient household or assistance unit has been issued an electronic benefits transfer card, either in lieu of, or in addition to, the recipient, the third party shall have a separate card and personal identification number. At the option of the recipient, he or she may designate whether restrictions apply to the third party’s access to the recipient’s benefits. At the option of the recipient head of household or assistance unit, the county shall provide multiple electronic benefits transfer cards to adult members enabling them to access benefits.

(f) The system shall have a 24-hour per day toll-free telephone hotline for the reporting of lost or stolen cards and that will provide recipients with information on how to have the card and personal identification number replaced.

(g) A recipient shall not incur any loss of benefits after he or she has reported that his or her electronic benefits transfer card or benefits have been lost or stolen. The system shall provide for the prompt replacement of lost or stolen electronic benefits transfer cards and personal identification number.

(h) Electronic benefits transfer system consumers shall be informed on how to use electronic benefits transfer cards and how to protect them from misuse.

(i) Procedures shall be developed for error resolution.

(j) No fee shall be charged by the state, a county, or an electronic benefits processor certified by the state to retailers participating in the electronic benefits transfer system.

(k) Except for food stamp transactions, a recipient may be charged a fee, not to exceed the amount allowed by applicable state and federal law and customarily charged to other customers, for cash withdrawal transactions that exceed four per month.

Article 4. Administration

10073. Notwithstanding Section 15204.2, the state shall pay 100 percent of the nonfederal share of costs of the electronic benefits transfer system planning, procurement, development, implementation, and conversion. The county shall pay its normal

nonfederal costs pursuant to Section 15204.2 for system maintenance and operation.

10074. Any county or group of counties shall contract with at least one of the contracting electronic benefits transfer processors certified under this chapter, and shall have the principal responsibility to manage the operation of the electronic benefits transfer system implemented by the county.

10075. Any county or group of counties may enter into a contract with a participating electronic benefits transfer processor independently, or may do so jointly with one or more counties.

10076. The director shall promptly seek any federal approvals necessary for implementation of this chapter. Any provision of this chapter whose implementation requires any federal waiver or approval shall become operative 120 days after receipt of the necessary federal waiver or approval, and shall remain operative only for the duration of the federal approval for its implementation.

10077. The State Department of Social Services may adopt regulations to implement this act in accordance with the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The initial adoption of any emergency regulations by the department to implement this chapter and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. The initial emergency regulations and the first readoption of those regulations by the department shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations.

SEC. 32. Chapter 1.3 (commencing with Section 10530) is added to Part 2 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 1.3. COUNTY PLANS FOR CALWORKS

10530. It is the intent of the Legislature that, in developing the plan required by this chapter, counties shall make an effort not to duplicate planning processes that have already occurred within the county, but rather to build upon, and incorporate where appropriate, existing local plans that provide for a collaborative approach to employment services, economic development, and family and children’s services. These shall include, but are not limited to, county GAIN plans developed prior to CalWORKs implementation, county plans developed pursuant to Section 18987.3, economic development plans, employment development plans, and plans intended to guide any other local efforts relevant to CalWORKs implementation.

10531. Each county shall develop a plan consistent with state law that describes how the county intends to deliver the full range of activities and services necessary to move CalWORKs recipients from welfare to work. The plan shall be updated as needed. The plan shall describe:

(a) How the county will collaborate with other public and private agencies to provide for all necessary training, and support services.

(b) The county's partnerships with the private sector, including employers and employer associations, and how those partnerships will identify jobs for CalWORKs program recipients.

(c) Other means the county will use to identify local labor market needs.

(d) The range of welfare-to-work activities the county will offer recipients and the identification of any allowable activities that will not be offered.

(e) The process the county will use to provide for the availability of substance abuse and mental health treatment services.

(f) The extent to which, and the manner in which, mental health services will be available to recipients after the period specified in subdivision (a) of Section 11454.

(g) The process the county will use to provide for child care and transportation services.

(h) The county's community service plan.

(i) How the county will provide training of county workers responsible for working with CalWORKs recipients who are victims of domestic violence.

(j) The performance outcomes identified during the local planning process that the county or other local agencies will track in order to measure the extent to which the county's program meets locally established objectives.

(k) The means the county used to provide broad public input to the development of the county's plan.

(*l*) A budget that specifies the source and expenditures of funds for the program.

(m) How the county will assist families that are transitioning off aid.

(n) All necessary components of the job creation plan required by Section 15365.55 of the Government Code in counties that choose to implement the program described in Chapter 1.12 (commencing with Section 15365.50) of part 6.7 of Division 3 of Title 2 of the Government Code.

(o) Other elements identified by the director, in consultation with the steering committee under Section 10544.5, including elements related to the performance outcomes listed in Sections 10540 and 10541.

(p) How the county will comply with federal requirements of the Temporary Assistance for Needy Families program (Part A

(commencing with Section 601) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code).

10532. The department and the counties shall implement the provisions of the CalWORKs program in the following manner:

(a) The department shall issue a planning allocation letter and county plan instructions to the counties within 30 days of the enactment of the CalWORKs program.

(b) (1) Each county shall submit a plan for implementation of the CalWORKs program within four months of the issuance of the planning allocation letter by the department. A county may begin implementation of its plan upon submission of the plan to the department or the effective date of the CalWORKs program, whichever is later.

(2) Within 30 days of receipt of a county plan, the department shall either certify that the plan includes the description of the elements required by Section 10531 and that the descriptions are consistent with the requirements of state law and, to the extent applicable, federal law or notify the county that the plan is not complete or consistent stating the reasons therefor.

(3) If a county is notified that its plan is not complete or consistent, the county shall, within 30 days, resubmit a revised plan to the department for certification.

(c) (1) A county shall begin enrolling all new applicants for aid under this chapter in the county's welfare-to-work program no later than six months from the date of issuance of the planning allocation letter references in subdivision (a) or two months after the certification of the county plan, whichever is later.

(2) A county shall enroll all recipients of aid under this chapter who were receiving aid in the month prior to the implementation date for new applicants specified in paragraph (1) no later than January 1, 1999. For recipients under this paragraph, the time limit in subdivision (a) of Section 11454 shall commence on the date the recipient signs, or refuses to sign, a welfare-to-work plan.

(d) Funds remaining at the end of the 1997–98 fiscal year or the 1998–99 fiscal year from the funds provided to a county in those years pursuant to Section 15204.2 shall be available to a county until July 1, 2000, and may be expended only for the purposes set forth in Section 15204.2.

SEC. 33. Chapter 1.5 (commencing with Section 10540) is added to Part 2 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 1.5. PERFORMANCE OUTCOME INCENTIVES MONITORING

10540. (a) It is the intent of the Legislature to implement Public Law 104-193 in such a manner as to do all of the following:

(1) Reduce child poverty in the state.

(2) Achieve the goals of Public Law 104-193, which include reducing dependence of needy parents on government benefits by promoting job preparation, work, and marriage; reducing out-of-wedlock births; and encouraging the formation and maintenance of two-parent families.

(3) Meet the requirements of federal law.

(b) It is further the intent of the Legislature to ensure that the implementation of Public Law 104-193 does not result in unanticipated outcomes that negatively affect child well-being, the demand for county general assistance, or the number of families affected by domestic violence.

10540.5. The department shall ensure that performance outcomes are monitored at the state and county levels in order to do all of the following:

(a) Identify the extent to which the state and counties achieve the goals of Public Law 104-193.

(b) Identify the extent to which unanticipated negative outcomes do or do not occur.

(c) Meet the requirements of federal law.

(d) Assist counties in tracking the effect of CalWORKs program implementation on aided families and on local communities.

(e) Assist counties, the Legislature, and state agencies in determining what adjustments are required in the program.

10541. The department shall consult with experts in monitoring and research, and representatives of counties, the Legislature, and appropriate state agencies in the development and implementation of the system of performance outcomes, which shall include, but are not limited to, the following:

(a) Success of welfare-to-work, including the rate of movement to employment, earnings for CalWORKs recipients and those who have left the CalWORKs program, and job retention rates. This shall include the extent to which recipients have obtained unsubsidized employment in each of their years on aid.

(b) Rates of child support payment and collection.

(c) Child well-being, including entries into foster care, at-risk births, school achievement, child poverty, and child abuse reports.

(d) Changes in the demand for general assistance.

(e) Supply, demand, and utilization of support services by CalWORKs recipients, including child care, transportation, mental health services, and substance abuse treatment.

(f) The number of identified families affected by domestic violence.

10541.5. The department, in consultation with experts in research and program evaluation and representatives of counties, the Legislature, and appropriate state agencies, shall do both of the following, by March 1, 1998:

(a) Identify methods by which to collect data on the outcomes set forth in Section 10541, using, to the extent possible, data that is available and does not require the establishment of new data collection processes at the county level.

(b) Develop consistent data collection standards.

10541.7. Each county shall participate in monitoring performance outcomes by collecting and reporting data in the manner established by Section 10541.

10542. (a) Each county shall, as part of its CalWORKs plan, identify outcomes to be tracked on the local level that are in addition to any required to be tracked statewide. These outcomes shall be identified through a collaborative process that includes all local agencies and stakeholders concerned with the implementation of the CalWORKs program and its effects on local communities. The outcomes identified may reflect goals for CalWORKs implementation established by the local community, possible negative outcomes the local community wishes to monitor, or both.

(b) The process of local identification of outcomes shall be designed to contribute to greater collaboration among county public and private agencies that serve current and former CalWORKs recipients. The outcomes identified shall be those that can be tracked in a cost-effective manner. To the extent counties identify the same outcomes, the department shall provide technical assistance to ensure consistency among the counties.

(c) The outcomes that each county plans to monitor shall be included in its county CalWORKs plan. The plan shall identify the outcomes, the data the county intends to collect to monitor the outcomes, and the method of data collection the county intends to use.

10543. (a) Within six months of CalWORKs implementation, each county, in conjunction with the department, shall determine a baseline for the data to be collected to meet both state and local need. The baseline shall be used in subsequent years to determine whether or not the county's outcomes are improving.

(b) If a county fails to meet outcomes required by federal law, the county, in consultation with the department, shall develop and implement a corrective action plan.

(c) If outcomes have not improved over the baseline, the county and the department shall evaluate the reasons. To the extent the county and the department determine that county and state actions could positively influence the outcomes, they shall mutually develop and implement a corrective action plan.

(d) In both cases, the corrective action plan shall identify actions that shall be taken by the county and by appropriate state agencies.

10544. (a) If the department finds that a county is experiencing significantly worsened outcomes, it shall report this finding to the Chairs of the Senate Committee on Budget and Fiscal Review, the

Assembly Committee on Budget, the Senate Committee on Health and Human Services, and the Assembly Committee on Human Services.

(b) If the state does not achieve the outcomes required by federal law and, as a result, is subject to a fiscal penalty, the penalty shall be shared equally by the state and the counties after exhaustion of all available federal administrative remedies. The total amount of the counties' share of the penalty shall be imposed on those counties that failed to meet the federal requirements in an amount equal to the total share of the county's caseload multiplied by the percentage of the county's share of caseload to the total caseload of the counties that failed to meet the federal requirements.

(c) A county may be provided relief, in whole or in part, from a penalty imposed pursuant to subdivision (b) if the department determines that there were circumstances beyond the control of the county. If a county is granted relief, that portion of the total penalty shall not be imposed on the other counties that failed to meet the federal requirements.

(d) It is the intent of the Legislature that the penalty provisions in subdivision (b) shall be revised by subsequent enactment of legislation based upon the recommendation to the Legislature of the steering committee established pursuant to Section 10544.317.

10544.1. It is the intent of the Legislature to provide counties with 100 percent of the grant savings as defined in subdivisions (a) to (e), inclusive.

(a) In order to provide counties with additional incentive to move CalWORKs recipients to employment, each county shall receive 75 percent of the state share of savings, including federal funds under the Temporary Assistance for Needy Families block grant, resulting from the following outcomes:

(1) Recipients exiting the program due to employment that has lasted a minimum of six months.

(2) Increased earnings by recipients due to employment.

(3) Diversion of applicants from the program pursuant to Section 11266.5 for six months in addition to the number of months equivalent to the diversion payment.

(b) For purposes of subdivision (a), the department, in consultation with the steering committee under Section 10544.317, shall determine the method for valuing the outcomes to determine county share of savings.

(c) The department shall allocate the remaining 25 percent of the state share of savings resulting from the outcomes specified in subdivision (a) to counties that have not realized savings due to those outcomes but have performed in a manner worthy of recognition based on standards developed by the department in consultation with the counties.

(d) The funds allocated to counties pursuant to subdivisions (a) and (b) that are federal Temporary Assistance for Needy Families block grant funds, shall be used only for purposes for which these federal funds may be used. The funds that are state general fund dollars shall be expended for purposes directly connected to the CalWORKs program and countable towards the state maintenance of effort level required by federal law, unless the Director of Finance determines that all or part of the funds are not needed in that fiscal year to meet the required maintenance of effort.

(e) It is the intent of the Legislature that the provisions of this section regarding the allocation of incentives shall be revised by subsequent enactment of legislation based upon the recommendations of the steering committee established pursuant to Section 10544.317.

10544.317. (a) There is hereby created a welfare reform steering committee comprised of a representative of the Health and Welfare Agency, who shall chair the committee, the Department of Finance, the State Department of Social Services, the California State Association of Counties, the County Welfare Directors Association of California, representatives of the Legislature appointed by the Speaker of the Assembly, the President pro Tempore of the Senate, the minority leader of the Assembly, and the minority leader of the Senate, and two public members appointed by the Secretary of the Health and Welfare Agency.

(b) The steering committee shall:

(1) Provide advice and consultation on implementation issues related to welfare reform.

(2) Review alternative ways to budget for, and allocate funds for, the administration of the program and report its findings to the appropriate committees of the Legislature in a timely manner that will enable the Legislature to incorporate the recommended changes in the Budget Act of 1998 and related statutes.

(3) Perform other duties as described elsewhere in this division.

SEC. 34. Section 10553.2 is added to the Welfare and Institutions Code, to read:

10553.2. (a) The department shall make an annual allocation of funds appropriated for the purpose of this subdivision to all eligible federally recognized American Indian tribes with reservation lands or rancherias located in this state that administer a program pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).

(b) The department shall collect and maintain specific available data for each tribe in this state for federal fiscal year 1994 for the purpose of the implementation and administration of the federal program.

(c) The department shall submit requests on behalf of tribes, for all applicable federal waivers and exemptions for all eligible federally

recognized American Indian tribes located on reservations and rancherias, or for consortia of tribes, for the administration of the CalWORKs program, whether or not tribes administer an approved Temporary Assistance for Needy Families (TANF) plan, independent of any county participation, demographics, or circumstances.

(d) Each county, in the administration of the CalWORKs program, shall consult with all eligible federally recognized tribes within any portion of the county, for the purpose of providing American Indian recipients with equitable access to assistance under the state program or an approved tribal TANF program if implemented in the county, to determine county expenditures for tribal recipients, and for the consideration of transfers of funding and administration responsibilities to those entities.

SEC. 35. Section 10619 is added to the Welfare and Institutions Code, to read:

10619. A public agency shall, in implementing programs affected by the act adding this section to the Welfare and Institutions Code, perform program functions exclusively through the use of merit civil service employees of the public agency, except to the extent permitted by provisions of state and federal law governing the affected program that were in effect on August 21, 1996.

SEC. 36. Chapter 3.8 (commencing with Section 10780) of Part 2 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 37. Section 11004 of the Welfare and Institutions Code is amended to read:

11004. The provisions of this code relative to public social services for which state grants-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for such public social services shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds.

(a) Any applicant for, or recipient or payee of, such public social services shall be informed as to the provisions of eligibility and his or her responsibility for reporting facts material to a correct determination of eligibility and grant.

(b) Any applicant for, or recipient or payee of, such public social services shall be responsible for reporting accurately and completely within his or her competence those facts required of him or her pursuant to subdivision (a) and to report promptly any changes in those facts.

(c) Current and future grants payable to an assistance unit may be reduced because of prior overpayments. In cases where the overpayment was caused by agency error, grant payments shall be reduced by 5 percent of the maximum aid payment of the assistance unit. Grant payments to be adjusted because of prior overpayments because of any other reason shall be reduced by 10 percent of the

maximum aid payments for the assistance unit. A recipient may have an overpayment adjustment in excess of the amounts allowable under this section if the recipient requests it.

(d) No determination of ineligibility shall be made retrospectively so as to result in an assessment of an overpayment in circumstances where there is a failure on the part of an applicant or recipient to perform an act constituting a condition of eligibility, if the failure is caused by an error made by a state agency or a county welfare department, and if the amount of the grant received by the applicant or recipient would not have been different had the act been performed.

(e) Prior to effectuating any reduction of current grants to recover past overpayments, the recipient shall be advised of the proposed reduction and of his or her entitlement to a hearing on the propriety of the reduction.

(f) If the department determines after a hearing that an overpayment has occurred, the county providing the public social services shall seek to recover in accordance with subdivision (c) the full amount of the overpayment to the assistance unit, including any amount paid while the hearing process was pending. Such adjustment shall be permitted concurrently with any suit for restitution, and recovery of overpayment by adjustment shall reduce by the amount of such recovery the extent of liability for restitution.

(g) If the individual is no longer receiving aid under Chapter 2 (commencing with Section 11200) recovery of overpayments received under that chapter shall not be attempted where the outstanding overpayments are less than thirty-five dollars ($35). Where the overpayment amounts owed are thirty-five dollars ($35) or more, reasonable cost-effective efforts at collection shall be implemented. Reasonable efforts shall include notification of the amount of the overpayment and that repayment is required. The department shall define reasonable cost-effective collection methods. In cases involving fraud, every effort shall be made to collect the overpayments regardless of the amount.

(h) If the individual responsible for the overpayment to the assistance unit is no longer eligible for public social services or if he or she becomes a member of another assistance unit, recoupment of overpayments shall be made against the individual or his or her present assistance unit, or both, to the extent consistent with the provisions of federal law.

(i) Where an overpayment has been made to an assistance unit which is no longer receiving public social services, recovery shall be made by appropriate action under state law against the income or resources of the individual responsible for the overpayment or against the family.

(j) No civil or criminal action may be commenced against any person based on alleged unlawful application for or receipt of public

social services, where the case record of such person has been destroyed after the expiration of the four-year retention period pursuant to Section 10851.

(k) When an underpayment or denial of public social service occurs and as a result the applicant or recipient does not receive the amount to which he or she is entitled, the county shall provide public social services equal to the full amount of the underpayment unless prohibited by federal law.

Any corrective payments made pursuant to this subdivision shall be disregarded in determining the income of the family and shall be disregarded in determining the resources of the family in the month the corrective payment is made and in the following month.

(*l*) This subdivision shall be applicable only to applicants, recipients and payees under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9. Any suits to recover overpayments described in subdivision (f) shall be brought on behalf of the county by the county counsel unless the board of supervisors delegates such duty to the district attorney by ordinance or resolution.

SEC. 38. Section 11008.13 of the Welfare and Institutions Code is amended to read:

11008.13. To the extent consistent with other provisions of this chapter:

(a) The income and resources of a sponsor and his or her spouse shall be deemed as the income and resources of an alien who is an applicant for or recipient of aid under Chapter 2 (commencing with Section 11200).

(b) Any alien applicant or recipient, whose sponsor is a public or private agency, shall be ineligible for aid under Chapter 2 (commencing with Section 11200) during the period of three years after his or her entry into the United States. However, this ineligibility shall cease when it is determined that the sponsoring agency no longer exists or is unable to meet the alien's needs.

(c) As a condition of eligibility, any individual who is an alien, during the period of three years after entry into the United States, shall be required to provide any information and documentation with respect to his or her sponsor as may be necessary in order to make any determination required under this section.

(d) If it is determined that as a result of a sponsor's failure to provide correct information an overpayment has been made to an alien, the alien and his or her sponsor shall be jointly and severally liable for repayments. Any such overpayment which is not repaid by the alien or sponsor shall be subject to recoupment pursuant to the provision of Section 11004.

(e) The provisions of this section shall not apply to any alien who is:

(1) Admitted to the United States as a result of the application, prior to April 1, 1980, of the provisions of Section 203(a)(7) of the Immigration and Nationality Act.

(2) Admitted to the United States as a result of the application, after March 31, 1980, of the provisions of Section 207(c)(1) of that act.

(3) Paroled into the United States under Section 212(d)(5) of that act.

(4) Granted political asylum by the Attorney General under Section 208 of that act.

(5) A Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980.

This section shall be applied to all applicants for, and recipients of, aid under Chapter 2, (commencing with Section 11200), regardless of whether federal financial participation is available for the family.

SEC. 39. Section 11008.135 of the Welfare and Institutions Code is repealed.

SEC. 40. Section 11008.135 is added to the Welfare and Institutions Code, to read:

11008.135. (a) Notwithstanding any other provision of law, in determining the eligibility and amount of aid for an alien under this division, the income and resources of the alien shall be deemed to include the income and resources of any person who has executed an affidavit of support on behalf of the alien and the spouse of that person as provided in Subtitle C (commencing with Section 421) of Title IV of Public Law 104-193 and any subsequent amendments thereto.

(b) As a condition of eligibility, the sponsored applicant or recipient shall provide information regarding the income and resources of any person, and the spouse of that person, who has executed an affidavit of support on behalf of the alien.

SEC. 41. Section 11008.14 of the Welfare and Institutions Code is amended to read:

11008.14. The income of the natural or adoptive parent, and the spouse of the natural or adoptive parent, and the sibling of an eligible child, living in the same home with an eligible child shall be considered available, in addition to the income of an applicant for or recipient of aid under Chapter 2 (commencing with Section 11200), for purposes of eligibility determination and grant computation. Except as otherwise provided in this section, in the case of a parent or legal guardian of a minor who is also the parent of an eligible child, the income of the parent or guardian shall be considered available to the minor parent and eligible child to the same extent that income to a stepparent is considered available to an assistance unit.

This section shall be applied to all applicants for, and recipients of, Aid to Families with Dependent Children provided under Chapter 2 (commencing with Section 11200), except that income of a guardian of an applicant for, or recipient of, foster care benefits

provided under Article 5 (commencing with Section 11400) of Chapter 2 shall not be considered available to the ward or to a child of the ward for the purpose of eligibility determination and grant computation under Article 5 (commencing with Section 11400) of Chapter 2. This section shall be applied regardless of whether federal financial participation is available for the family.

SEC. 42. Section 11018 of the Welfare and Institutions Code is repealed.

SEC. 43. Section 11155 of the Welfare and Institutions Code is amended to read:

11155. Notwithstanding the provisions of Section 11257, in addition to the personal property or resources permitted by other provisions of this part, and to the extent permitted by federal law, an applicant or recipient for aid under this chapter, including an applicant or recipient under Chapter 2 (commencing with Section 11200) may retain countable resources in an amount equal to the amount permitted under federal law for qualification for food stamps. The county shall determine the value of personal property and automobiles in conformance with methods established under the Food Stamp Program.

SEC. 44. Section 11155.2 of the Welfare and Institutions Code is amended to read:

11155.2. (a) In addition to the personal property permitted by this part, recipients of aid under CalWORKs shall be permitted to retain savings and interest thereon for specified purposes up to a maximum of five thousand dollars ($5,000) per family. Interest earned from these savings and deposited into a restricted account shall be considered exempt as income for purposes of determining eligibility for aid and grant amounts if the interest is retained in the account. If the interest is not deposited by the financial institution into the account, the interest shall be treated as a nonqualifying withdrawal of funds from the account as specified in subdivision (b). This section shall not apply to applicants. Funds may be used by the family for education or job training expenses for the accountholder or his or her dependents, for starting a business, or for the purchase of a home. Recipients who wish to retain savings for these purposes shall enter into a written agreement with the county to establish a separate account with a financial institution, with the account to be used solely for the purpose of accumulating funds for later withdrawal for a qualifying expenditure. A qualifying expenditure shall be defined by department regulations and shall be verified by the recipient. The recipient shall agree to provide periodic verification of account activity, as required by department regulations. The agreement shall notify the recipient of the penalty for nonqualifying withdrawal of funds.

(b) Any nonqualifying withdrawal of funds from the account shall result in a calculation of a period of ineligibility for all persons in the

assistance unit, to be determined by dividing the balance in the account immediately prior to the withdrawal by the minimum basic standard of adequate care for the members of the assistance unit, as set forth in Section 11452. The resulting whole number shall be the number of months of ineligibility. The period of ineligibility may be reduced when the minimum basic standard of adequate care of the assistance unit, including special needs, increases.

(c) If the California Savings and Asset Project is established pursuant to Chapter 17 (commencing with Section 50897) of Part 2 of Division 31 of the Health and Safety Code, then to the extent permitted by federal law, a recipient shall be eligible to receive matching funds derived from federal contributions for the purpose of establishing an individual account in an amount not to exceed three thousand dollars ($3,000) in addition to the amounts specified in subdivision (a) and a fiduciary organization may provide amounts in excess of the first three thousand dollars ($3,000) limitation if contributed solely through private sources.

SEC. 45. Section 11155.3 is added to the Welfare and Institutions Code, to read:

11155.3. (a) It is the intent of the Legislature in enacting this section to provide counties and recipients of aid under Chapter 2 (commencing with Section 11200) with increased flexibility to determine allowable business expenses and income reporting periods in order to facilitate local microenterprise development, maximize opportunities for a family to become self-sufficient, and reduce unnecessary paperwork processing by county staff.

(b) Self-employment net income shall be used in computing the aid grant under Chapter 2 (commencing with Section 11200).

(c) For purposes of determining the self-employment net income for applicants and recipients of aid under Chapter 2 (commencing with Section 11200), applicants and recipients may choose to deduct a standard deduction of 40 percent of gross income or verified actual self-employment expenses to the same extent allowed in the Food Stamp Program pursuant to Chapter 10 (commencing with Section 18900) of Part 6. Applicants and recipients may change the method of deduction only when a redetermination of eligibility is conducted by the county or every six months, whichever occurs first.

SEC. 46. Section 11157 of the Welfare and Institutions Code is amended to read:

11157. (a) Notwithstanding Section 11008, all lump-sum income received by an applicant or recipient shall be regarded as income in the month received except nonrecurring lump-sum social insurance payments, which shall include social security income, railroad retirement benefits, veteran’s benefits, worker’s compensation, and disability insurance.

(b) Except as otherwise provided in this part, for purposes of this chapter and Chapter 2 (commencing with Section 11200), ‘‘income’’

shall be deemed to be the same as applied under the Aid to Families with Dependent Children program on August 21, 1996, except that income that is received too infrequently to be reasonably anticipated, as exempted in federal food stamp regulations, shall be exempt from consideration.

SEC. 47. Section 11157.5 is added to the Welfare and Institutions Code, to read:

11157.5. The receipt of aid under Chapter 2 (commencing with Section 11200) shall not impose any limitation or restriction upon a recipient's right to sell, exchange, or change, the form of property holdings. However, a gift or any other transfer of assets, including income and resources, by a recipient for less than fair market value shall result in a period of ineligibility for aid under Chapter 2 (commencing with Section 11200) for the number of months, rounded down to the nearest whole number, that equals the quotient of the difference between the fair market value of the asset and the amount received for the asset divided by the standard of need applicable to the family under Section 11452.

SEC. 48. Section 11160 is added to the Welfare and Institutions Code, to read:

11160. To the extent federal financial participation is available, any state agency responsible for the administration of any program under this division may establish procedures for common eligibility determination for public social service programs that aid needy families to the extent consistent with the eligibility of each program, so as to improve the efficiency of the operation of the welfare program, improve the cost-effective use of state dollars, and simplify the process for permitting qualified recipients to establish their eligibility.

SEC. 49. The heading of Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code is amended to read:

CHAPTER 2. CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS ACT

SEC. 50. Section 11200 of the Welfare and Institutions Code is amended to read:

11200. This chapter shall be known and may be cited as the California Work Opportunity and Responsibility to Kids Act, and may also be cited as the CalWORKs program.

SEC. 51. Section 11201 of the Welfare and Institutions Code is amended to read:

11201. For the purposes of this chapter, the following shall apply:

(a) ''Unemployed parent'' means a natural or adoptive parent with whom the child is living.

(b) A child for whom a parent is applying for assistance under this chapter shall be considered to be deprived of parental support or care due to the unemployment of his or her parent or parents when the parent has worked not more than 100 hours in the preceding four weeks and meets the requirements concerning an unemployed parent in effect on August 21, 1996, as set forth in Section 233.100 of Title 45 of the Code of Federal Regulations except for the provisions of subparagraph (i) to (v), inclusive, of paragraph (3) of subsection (a) of that section.

(c) A child receiving aid under this chapter who is considered to be deprived of parental support or care due to unemployment may continue to receive assistance regardless of the number of hours his or her parent works provided the family does not exceed the applicable gross or net income limits.

SEC. 52. Section 11201.5 of the Welfare and Institutions Code is repealed.

SEC. 53. Section 11250.4 of the Welfare and Institutions Code is amended to read:

11250.4. Aid under this chapter shall not be payable to a family budget unit if a caretaker relative is, on the last day of the month, participating in a strike, unless the strike is necessitated by an imminent health and safety hazard or abnormally dangerous working conditions at the place of employment as determined by the Division of Occupational Safety and Health, or a lockout as defined in Section 1132.8 of the Labor Code. For the purposes of this section, a strike necessitated by an imminent health and safety hazard or abnormally dangerous working condition shall last only so long as necessitated by the imminent hazard or abnormally dangerous working condition. If an individual other than a caretaker relative is participating in a strike, as defined in this section, on the last day of the month, subject to the exceptions and their limitations set forth in this section, that individual's needs shall not be included in determining the amount of aid payable to the assistance unit for the month during which the individual is participating in the strike on the last day of that month.

SEC. 54. Section 11253.5 is added to the Welfare and Institutions Code, to read:

11253.5. (a) All children in an assistance unit for whom school attendance is compulsory, except individuals who are eligible for the Cal-Learn program under Article 3.5 (commencing with Section 11331) and children subject to a county school attendance project under Article 2 (commencing with Section 18236) of Chapter 3.3 of Part 6, shall be required to attend school.

(b) Applicants for and recipients of aid under this chapter shall be informed of the attendance requirement and it shall be included in the recipient's welfare-to-work plan under Section 11325.21.

(c) A recipient shall cooperate in providing the county with documentation routinely available from the school or school district of regular attendance of all applicable children in the assistance unit when the county determines it is appropriate.

(d) If it is determined by the county that any eligible child under the age of 16 years is not regularly attending school as required, the needs of all adults in the assistance unit shall not be considered in computing the grant of the family under Section 11450 unless it has been determined by the county that good cause exists.

(e) If it is determined by the county that any child in the assistance unit who is age 16 years or older is not regularly attending school as required, or participating pursuant to a welfare-to-work plan, the needs of the child shall not be considered in computing the grant of the family under Section 11450 unless it has been determined by the county that good cause exists.

SEC. 55. Section 11255 of the Welfare and Institutions Code is repealed.

SEC. 56. Section 11265.2 is added to the Welfare and Institutions Code, to read:

11265.2. (a) The director shall implement a demonstration program in up to six counties to test an alternative method of recipient reporting, as described in this section. The counties initially selected for participation under this section shall include small, medium, and large counties, but shall not include a county with a population in excess of 6,000,000.

(b) The demonstration program may operate for up to three years. After the first year of operation, the director shall evaluate the demonstration program and may continue, expand, or terminate the project. In addition, if, at any time after the first year of demonstration program operation, the director determines that the method is cost-effective and administratively efficient, the director may, notwithstanding Sections 11265 and 11265.1, implement the alternative method of recipient reporting pursuant to this section on a permanent, statewide basis.

(c) The alternative method of reporting to be used pursuant to this section shall provide for the following:

(1) The county shall redetermine the financial eligibility of each recipient every six months, and may, at the option of the county, conduct a full eligibility redetermination on an annual basis.

(2) A recipient shall report to the county any change in his or her household's monthly income or resources in excess of seventy-five dollars ($75), and any change in the composition of his or her household within 10 days after that change. Upon the report of any change in excess of seventy-five dollars ($75) or any change in the household composition, the county shall recalculate an assistance unit's grant level.

(3) Notwithstanding any other provision of law, in recalculating the amount of a recipients's grant pursuant to this section, changes in the grant amount shall be made on a prospective basis.

(4) The warrant provided to a recipient of aid under this chapter shall provide for an endorsement under penalty of perjury by a recipient indicating that all required changes in income, resources, and household composition have been reported. The warrant shall be accompanied by notification of recipient reporting responsibilities.

SEC. 57. Section 11265.8 is added to the Welfare and Institutions Code, to read:

11265.8. (a) All applicants for aid under this chapter, within 30 days of the determination of eligibility for Medi-Cal benefits under Chapter 7 (commencing with Section 14000), and 45 days for applicants already eligible for benefits under Chapter 7 (commencing with Section 14000), and all recipients of aid under this chapter within 45 days of a full or financial redetermination of eligibility for aid under this chapter, shall provide documentation that all children in the assistance unit not required to be enrolled in school have received all age appropriate immunizations, unless it has been medically determined that an immunization for a child is not appropriate or the applicant or recipient has filed with the county welfare department an affidavit that the immunizations are contrary to the applicant's or recipient's beliefs. If the county determines that good cause exists for not providing the required documentation due to lack of reasonable access to immunization services, the period shall be extended by an additional 30 days. If the documentation is not provided within the required time period, the needs of all parents or caretaker relatives in the assistance unit shall not be considered in determining the grant to the assistance unit under Section 11450 until the required documentation is provided. The department shall track and maintain information concerning the number of sanctions imposed under this section.

(b) At the time of application and at the next redetermination of eligibility for aid under this chapter, all applicants and recipients shall be given notice advising them of their obligation to secure the immunizations required in subdivision (a). The notice shall also contain all of the following:

(1) The Recommended Childhood Immunization Schedule, United States, and the Recommended Immunization Schedule for Children Not Immunized on Schedule in the First Year of Life, as appropriate, approved by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(2) A description of how to obtain the immunizations through a fee-for-service provider that accepts Medi-Cal, a Medi-Cal managed care plan, a county public health clinic, or any other source that may be available in the county as appropriate.

(3) A statement that the applicant or recipient may file an affidavit claiming that the immunizations are contrary to the applicant's or recipient's beliefs.

SEC. 58. Section 11266.5 is added to the Welfare and Institutions Code, to read:

11266.5. (a) Every applicant for aid under this chapter shall be informed of the availability of lump-sum diversion services to resolve the circumstances that require the family to apply for assistance prior to the family's approval for aid.

(b) When an applicant is determined to be eligible for assistance under this chapter, the county shall assess whether the applicant would benefit from the lump-sum diversion program. The county shall make this determination in its sole discretion. In making this determination, the county shall consider whether the applicant is likely to be able to avoid the need for extended assistance beyond the diversion period if the family was provided one-time assistance. In making this determination, the county may consider any of the following:

(1) The applicant's employment history.

(2) The likelihood of the applicant obtaining immediate full-time employment.

(3) The applicant's general prospect for obtaining full-time employment.

(4) The applicant's need for cash assistance to pay for housing or substantial and unforseen expenses or work-related expenses.

(5) Housing stability.

(6) The adequacy of the applicant's child care arrangements, if applicable.

(c) If the county determines, pursuant to subdivision (b), that an applicant could benefit from a lump-sum diversion payment, the county shall inform the applicant of its determination.

(d) An applicant for aid under this chapter may either participate in the lump-sum diversion program or decline participation in diversion and, instead, receive aid as otherwise provided for in this chapter.

(e) Lump-sum diversion services provided under this section may include any cash or noncash payment and shall be negotiated by the county and the applicant in order to assist the applicant in avoiding the need for aid under this chapter.

(f) If, after accepting a diversion payment pursuant to this section, the individual reapplies for aid under this chapter within the amount of time that corresponds with the number of months of aid that would have been received under this chapter that was received as a diversion payment, excluding a partial month, and he or she is determined to be eligible for aid, the county shall, at the option of the recipient, either recoup from the recipient's grant, over a period of time to be determined by the county, the amount of the diversion

payment that the recipient received, or count the period of time that corresponds to the number of months of aid that would have been received, excluding a partial month of aid, towards the 60-month time limit on aid specified in subdivision (b) of Section 11454.

(g) To the extent permitted by federal law, lump-sum diversion payments shall not be considered income for the purpose of determining eligibility for food stamps.

(h) Any child support collected by the applicant or recovered by the county shall not be used to offset the diversion payment.

(i) During the period of the diversion, the applicant family shall be eligible for Medi-Cal and child care assistance pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code, if otherwise eligible.

SEC. 59. The heading of Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code is amended to read:

Article 3.2. Welfare-to-Work Activities

SEC. 60. Section 11320 of the Welfare and Institutions Code is repealed.

SEC. 61. Section 11320 is added to the Welfare and Institutions Code, to read:

11320. Any reference to the Greater Avenues for Independence program or (GAIN) shall mean the welfare-to-work activities under the CalWORKs program provided for in this article.

SEC. 62. Section 11320.1 is added to the Welfare and Institutions Code, to read:

11320.1. Subsequent to the commencement of the receipt of aid under this chapter, the sequence of employment related activities required of participants under this article, unless exempted under Section 11320.3, shall be as follows:

(a) Job search. Recipients shall, and applicants may, at the option of a county and with the consent of the applicant, receive orientation to the welfare-to-work program provided under this article, receive appraisal pursuant to Section 11325.2, and participate in job search and job club activities provided pursuant to Section 11325.22.

(b) Assessment. If employment is not found during the period provided for pursuant to subdivision (a), or at any time the county determines that participation in job search is not likely to lead to employment, the participant shall be referred to assessment, as provided for in Section 11325.4. Following assessment, the county and the participant shall develop a welfare-to-work plan, as specified in Section 11325.21. The plan shall specify the activities provided for in Section 11322.6 to which the participant shall be assigned, and the

supportive services, as provided for pursuant to Section 11323.2, with which the recipient will be provided.

(c) Work activities. A participant who has signed a welfare-to-work plan pursuant to Section 11325.21 shall participate in work activities until he or she has received aid for the period specified in subdivision (a) of Section 11454. If, after the period specified in paragraph (1) of subdivision (a) of Section 11454, the participant has not obtained unsubsidized employment, the county may extend the welfare-to-work plan by up to six months if the county determines that the extension is likely to lead to unsubsidized employment or if local unemployment or other conditions in the local economy are such that employment is not available. If a recipient has received aid for the period specified in subdivision (a) of Section 11454 and returns to aid after a break in aid of at least one month, the county shall determine whether to require the recipient to participate in welfare-to-work activities or in community service.

(d) Community service.

(1) If a participant has received aid for the period specified in subdivision (a) of Section 11454, and the participant has not found unsubsidized employment sufficient to meet the hours of participation required by Section 11322.8 and the county has certified that no job is available for that participant, the participant shall remain eligible for aid under this chapter only if he or she participates in community service activities pursuant to Section 11322.9.

(2) The county shall provide community service activities assignments as described in Section 11322.9.

(3) An individual may participate in community service activities until he or she has received aid for a total of 60 months.

SEC. 63. Section 11320.15 is added to the Welfare and Institutions Code, to read:

11320.15. After a participant has received aid for a total of 60 months, pursuant to Section 11454, he or she shall be removed from the assistance unit for the purposes of calculation of aid under Section 11450 and he or she shall no longer be required to participate in welfare-to-work activities. Additional welfare-to-work services may be provided to the recipient, at the option of the county. If the county provides services to the recipient after the 60-month limit has been reached, the recipient shall participate in community service.

SEC. 64. Section 11320.2 of the Welfare and Institutions Code is repealed.

SEC. 65. Section 11320.3 of the Welfare and Institutions Code is amended to read:

11320.3. (a) Except as provided in subdivision (b) or if otherwise exempt, every individual, as a condition of eligibility for aid under this chapter, shall participate in welfare-to-work activities under this article.

(b) The following individuals shall not be required to participate for so long as the condition continues to exist:

(1) An individual under 16 years of age, except as provided in subdivision (c) of Section 11331.5, during the time that provision is operative.

(2) Except as provided in subdivision (c) of Section 11331.5, during the time that provision is operative, a child attending an elementary, secondary, vocational, or technical school on a full-time basis. A person who is 16 or 17 years of age, or a person described in subdivision (d) who loses this exemption, shall not requalify for the exemption by attending school as a required activity under this article.

(3) An individual who meets either of the following conditions:

(A) The individual is disabled as determined by a doctor's verification that the disability is expected to last at least 30 days and that it significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities, provided that the individual is actively seeking appropriate medical treatment.

(B) The individual is of advanced age.

(4) A nonparent caretaker relative who has primary responsibility for providing care for a child and is either caring for a child who is a dependent or ward of the court or caring for a child in a case in which a county determines the child is at risk of placement in foster care, and the county determines that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities such that they impair the caretaker relative's ability to be regularly employed or to participate in welfare-to-work activities.

(5) Except as provided in subdivision (c) of Section 11331.5, during the time that provision is operative, an individual whose presence in the home is required because of illness or incapacity of another member of the household and whose caretaking responsibilities impair the recipient's ability to be regularly employed or to participate in welfare-to-work activities.

(6) Except as provided in subdivision (b) of Section 11331.5, during the time that provision is operative, a parent or other relative who meets the criteria in subparagraph (A) or (B).

(A) (i) The parent or other relative has primary responsibility for personally providing care to a child six months of age or under, except that, on a case-by-case basis, and based on criteria developed by the county, this period may be reduced to the first 12 weeks after the birth or adoption of the child, or increased to the first 12 months after the birth or adoption of the child. An individual may be exempt only once under this clause.

(ii) An individual who received an exemption pursuant to clause (i) shall be exempt for a period of 12 weeks, upon the birth or adoption of any subsequent children, except that this period may be

extended on a case-by-case basis to six months, based on criteria developed by the county.

(iii) In making the determination to extend the period of exception under clause (i) or (ii), the following may be considered:

(1) The availability of child care.

(2) Local labor market conditions.

(3) Other factors determined by the county.

(B) In a family eligible for aid under this chapter due to the unemployment of the principal wage earner, the exemption criteria contained in subparagraph (A) shall be applied to only one parent.

(7) Except as provided in subdivision (c) of Section 11331.5, during the time that provision is operative, a woman who is pregnant and for whom it has been medically verified that the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities or the county has determined that, at that time, participation will not readily lead to employment or that a training activity is not appropriate.

(c) Any individual not required to participate may choose to participate voluntarily under this article, and end that participation at any time without loss of eligibility for aid under this chapter, if his or her status has not changed in a way that would require participation.

(d) (1) Notwithstanding subdivision (a), a custodial parent who is under 20 years of age and who has not earned a high school diploma or its equivalent, and who is not exempt or whose only basis for exemption is subparagraph (A) of paragraph (6) of subdivision (b), shall be required to participate solely for the purpose of earning a high school diploma or its equivalent. During the time that Article 3.5 (commencing with Section 11331) is operative, this subdivision shall only apply to a custodial parent who is 19 years of age.

(2) Section 11325.25 shall apply to a custodial parent who is 18 or 19 years of age and who is required to participate under this article. Any referral pursuant to an evaluation that results in an assignment to any training or work activity shall be subject to subparagraph (B) of paragraph (6) of subdivision (b).

(e) Notwithstanding paragraph (1) of subdivision (d), the county may determine that participation in education activities for the purpose of earning a high school diploma or equivalent is inappropriate for an 18 or 19 year old custodial parent only if that parent is reassigned pursuant to an evaluation under Section 11325.25, or, at appraisal is already in an educational or vocational training program that is approvable as a self-initiated program as specified in Section 11325.23. If that determination is made, the parent shall be allowed to continue participation in the self-initiated program subject to Section 11325.23. During the time that Article 3.5 (commencing with Section 11331) is operative, this subdivision shall only apply to a custodial parent who is 19 years of age.

(f) A recipient shall be excused from participation for good cause when the county has determined there is a condition or other circumstance that temporarily prevents or significantly impairs the recipient's ability to be regularly employed or to participate in welfare-to-work activities. The county welfare department shall review the good cause determination for its continuing appropriateness in accordance with the projected length of the condition, or circumstance, but not less than every three months. The recipient shall cooperate with the county welfare department and provide information, including written documentation, as required to complete the review. Conditions that may be considered good cause include, but are not limited to, the following:

(1) Lack of necessary supportive services.

(2) In accordance with Article 7.5 (commencing with Section 11495), the applicant or recipient is a victim of domestic violence, but only if participation under this article is detrimental to or unfairly penalizes that individual or his or her family.

(3) Licensed or license-exempt child care for a child 10 years of age or younger is not reasonably available during the individual's hours of training or employment including commuting time, or arrangements for child care have broken down or have been interrupted, or child care is needed for a child who meets the criteria of subparagraph (B) of paragraph (1) of subdivision (a) of Section 11323.2, but who is not included in the assistance unit. For purposes of this paragraph, ''reasonable availability'' means child care that is commonly available in the recipient's community to a person who is not receiving aid and that is in conformity with the requirements of Public Law 104-193. The choices of child care shall meet either licensing requirements or the requirements of Section 11324. This good cause criterion shall include the unavailability of suitable special needs child care for children with identified special needs, including, but not limited to, disabilities or chronic illnesses.

SEC. 66. Section 11320.31 is added to the Welfare and Institutions Code, to read:

11320.31. No sanctions shall be applied for a failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment including, but not limited to, the following reasons:

(a) The employment, offer of employment, activity, or other training for employment discriminates in terms of age, sex, race, religion, national origin, or physical or mental disability.

(b) The employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation.

(c) The employment, offer of employment, activity, or other training for employment requires travel to and from the place of employment, activity, or other training and one's home that exceeds a total of two hours in round-trip time, exclusive of the time necessary

to transport family members to a school or place providing care, or, when walking is the only available means of transportation, the round-trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care. An individual who fails or refuses to comply with the program requirements based on this paragraph shall be required to participate in community service activities pursuant to Section 11322.9.

(d) The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

(e) The employment, offer of employment, or work activity does not provide for worker's compensation insurance.

(f) Accepting the employment or work activity would cause an interruption in an approved education or job training program in progress that would otherwise lead to employment and sufficient income to be self-supporting, excluding work experience or community service employment as described in subdivision (e) of Section 11322.6 or other community work experience assignments, except that a recipient may be required to engage in welfare-to-work activities to the extent necessary to meet the hours of participation required by Section 11322.8.

(g) Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.

SEC. 67. Section 11320.4 of the Welfare and Institutions Code is repealed.

SEC. 68. Section 11320.6 of the Welfare and Institutions Code is repealed.

SEC. 69. Section 11320.8 of the Welfare and Institutions Code is repealed.

SEC. 70. Section 11321 of the Welfare and Institutions Code is repealed.

SEC. 71. Section 11321.2 of the Welfare and Institutions Code is repealed.

SEC. 72. Section 11321.4 of the Welfare and Institutions Code is repealed.

SEC. 73. Section 11321.8 of the Welfare and Institutions Code is repealed.

SEC. 74. Section 11322 of the Welfare and Institutions Code is repealed.

SEC. 75. Section 11322.2 of the Welfare and Institutions Code is amended to read:

11322.2. Counties shall continually monitor their program expenditures throughout the fiscal year. If a county determines that its anticipated expenditures will exceed the amount of that year's allocations as a result of an unexpected event, including caseload increases, court cases, or significant justifiable increases in

component costs, the county shall immediately notify the department.

SEC. 76. Section 11322.4 of the Welfare and Institutions Code is repealed.

SEC. 77. Section 11322.4 is added to the Welfare and Institutions Code, to read:

11322.4. It is the intent of the Legislature to fund welfare-to-work activities under this article so that all recipients of aid under this chapter for whom participation under this article is required can be served and, in addition, so that recipients voluntarily participating under this article can be served.

SEC. 78. Section 11322.41 of the Welfare and Institutions Code is repealed.

SEC. 79. Section 11322.6 of the Welfare and Institutions Code is repealed.

SEC. 80. Section 11322.6 is added to the Welfare and Institutions Code, to read:

11322.6. The welfare-to-work plan developed by the county welfare department and the participant pursuant to this article shall provide for welfare-to-work activities. Welfare-to-work activities may include, but are not limited to, any of the following:

(a) Unsubsidized employment.

(b) Subsidized private sector employment.

(c) Subsidized public sector employment.

(d) Work experience, which means public or private sector work that shall help provide basic job skills, enhance existing job skills in a position related to the participant's experience, or provide a needed community service that will lead to employment. Unpaid work experience shall be limited to 12 months, unless the county welfare department and the recipient agree to extend this period by an amendment to the welfare-to-work plan. The county welfare department shall review the work experience assignment as appropriate and make revisions as necessary to ensure that it continues to be consistent with the participant's plan and effective in preparing the participant to attain employment.

(e) On-the-job training.

(f) Grant-based on-the-job training, which means public or private sector employment or on-the-job training in which the recipient's cash grant, or a portion thereof, or the aid grant savings resulting from employment, is diverted to the employer as a wage subsidy to partially or wholly offset the payment of wages to the participant. Grant-based on-the-job training shall include community service positions pursuant to Section 11322.9.

(g) Supported work or transitional employment, which means forms of grant-based on-the-job training in which the recipient's cash grant, or a portion thereof, or the aid grant savings from employment,

is diverted to an intermediary service provider, to partially or wholly offset the payment of wages to the participant.

(h) Work-study.

(i) Self-employment.

(j) Community service.

(k) Adult basic education, which shall include reading, writing, arithmetic, high school proficiency, or general educational development certificate of instruction, and English-as-a-second-language. Participants under this subdivision shall be referred to appropriate service providers that include, but are not limited to, educational programs operated by school districts or county offices of education that have contracted with the Superintendent of Public Instruction to provide services to participants pursuant to Section 33117.5 of the Education Code.

(*l*) Job skills training directly related to employment.

(m) Vocational education and training, including, but not limited to, college and community college education, adult education, regional occupational centers, and regional occupational programs.

(n) Job search and job readiness assistance, which means providing the recipient with training to learn job seeking and interviewing skills, to understand employer expectations, and learn skills designed to enhance an individual's capacity to move toward self-sufficiency.

(o) Education directly related to employment.

(p) Satisfactory progress in secondary school or in a course of study leading to a certificate of general educational development, in the case of a recipient who has not completed secondary school or received such a certificate.

(q) Mental health, substance abuse, and domestic violence services, described in Sections 11325.7 and 11325.8 and Article 7.5 (commencing with Section 11495), that are necessary to obtain and retain employment.

(r) Other activities necessary to assist an individual in obtaining unsubsidized employment.

Assignment to an educational activity identified in subdivisions (k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.

SEC. 81. Section 11322.61 is added to the Welfare and Institutions Code, to read:

11322.61. (a) Except as provided in subdivisions (c) and (d) of Section 11327.5, if there is any interruption in receipt of income for an employee in a grant-based on-the-job training program, as provided for pursuant to subdivision (j) of Section 11322.6, that is caused by an employer's conduct, the county shall ensure that a recipient receives 100 percent of the maximum aid payment, not counting the unpaid wages, that the assistance unit is eligible to receive. The payment shall be made as a supplemental grant

payment. The county shall act to recover from the employer any amount of the grant diverted to the employer that was not paid as wages to the recipient. The agreement between the county and the employer pertaining to grant-based on-the-job training shall state that the county will take action to collect from the employer the amount of the grant diverted to the employer that was not paid as wages to the recipient.

(b) Pursuant to subdivision (f) of Section 11322.6, counties using grant-based on-the-job training shall monitor the retention of participants as employees by employers participating in grant-based on-the-job training, and shall cancel the participation of employers who demonstrate, over time, an unwillingness to hire recipients who have participated in grant-based on-the-job training with that employer.

SEC. 82. Section 11322.62 is added to the Welfare and Institutions Code, to read:

11322.62. Employers, sponsors of training activities, and contractors shall not discriminate against participants on the basis of race, sex, national origin, age, or disability.

SEC. 83. Section 11322.65 is added to the Welfare and Institutions Code, to read:

11322.65. (a) Unless otherwise specified in this chapter, assignment to any activity otherwise authorized under this article shall be limited in any county to the number or percentage of participants specified under Section 407(c) of the federal Social Security Act (42 U.S.C. Sec. 607(c)) and subsequent amendments thereto, unless the recipient is concurrently participating in any activities that will count for the required number of hours of participation under federal law.

(b) Subdivision (a) shall not apply if the statewide percentage, as determined by the department, is less than the limits described in federal law.

SEC. 84. Section 11322.7 is added to the Welfare and Institutions Code, to read:

11322.7. (a) Every county shall provide an adequate range of those activities described in Section 11322.6 to ensure each participant’s access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant’s ability to obtain unsubsidized employment.

(b) No plan shall require job search and work experience of participants to the exclusion of a range of activities to be offered to recipients.

SEC. 85. Section 11322.8 of the Welfare and Institutions Code is repealed.

SEC. 86. Section 11322.8 is added to the Welfare and Institutions Code, to read:

11322.8. (a) Unless otherwise exempt, an adult recipient in a one-parent assistance unit shall participate in welfare-to-work activities for 20 hours each week beginning January 1, 1998, 26 hours each week beginning July 1, 1998, and 32 hours each week beginning July 1, 1999, and thereafter. In no event shall the adult recipient participate in welfare-to-work activities less than the required hours of participation under Section 607(c) of Title 42 of the United States Code and any subsequent amendments thereto, for the entire time period on aid. A county retains the option to require all recipients or individual recipients to participate in welfare-to-work activities in excess of the minimum number of hours specified in this subdivision, up to 32 hours each week.

(b) Unless otherwise exempt, an adult recipient who is an unemployed parent, as defined in Section 11201, shall participate in at least 35 hours of welfare-to-work activities each week that will meet the required hours of participation under Section 607(c) of Title 42 of the United States Code and any subsequent amendments thereto. However, both parents in a two-parent assistance unit may contribute to the 35 hours, if provided in federal law as meeting the federal work participation requirements and if at least one parent meets the federal one-parent work requirement applicable on January 1, 1998. To be eligible for federally funded child care under Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code, both parents shall participate in work activities that will meet the required hours of participation under Section 607(c) of Title 42 of the United States Code and any subsequent amendments thereto.

SEC. 87. Section 11322.9 is added to the Welfare and Institutions Code, to read:

11322.9. (a) In accordance with the requirements of this section:

(1) Counties may provide for community service activities for individuals who have not completed the period specified in subdivision (a) of Section 11454 and are not employed in unsubsidized employment, sufficient to meet the hours of participation required by Section 11322.8.

(2) Counties shall provide for community service activities for individuals who have completed the period as specified in subdivision (a) of Section 11454, who cannot find unsubsidized employment sufficient to meet the hours of participation required by Section 11322.8, and the county certifies that no job is currently available to fulfill the hours required by Section 11322.8, and who continue to meet the financial eligibility criteria for aid under this chapter.

(b) Community service activities shall meet all of the following criteria:

(1) Be performed in the public and private nonprofit sector.

(2) Provide participants with job skills that can lead to unsubsidized employment.

(3) Comply with the antidisplacement provisions contained in Section 11324.6.

(c) Participants in community service activities shall do all of the following:

(1) Participate in a community service activity for the number of hours required by Section 11322.8, unless fewer hours of community service participation are required by federal law.

(2) Participate in other work activities for the number of hours equal to the difference between the hours of participation in community service and the number of hours of participation required under Section 11322.8.

(d) The county plan pursuant to Section 10531 shall include a component, developed by the county in collaboration with local private sector employers, local education agencies, county welfare departments, organized labor, recipients of aid under this chapter, and government and community-based organizations providing job training and economic development, in order to identify all of the following:

(1) Unmet community needs that could be met through community service activities.

(2) The target population to be served.

(3) Entities responsible for project development, fiscal administration, and case management services.

(4) The terms of community service activities, that, to the extent feasible, shall be temporary and transitional, and not permanent.

(5) Supportive efforts, including job search, education, and training, which shall be provided to participants in community service activities.

(e) Aid under this chapter for any participant who fails to comply with the requirements of this section without good cause shall be reduced in accordance with Section 11327.5.

(f) Child care as a supportive service shall be provided to participants in community service activities pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code, and Section 11323.2. Other supportive services may be provided by the county at the county's option. However, if the county does not provide mental health services pursuant to Section 11325.7, the county shall indicate in its county plan under Chapter 1.3 (commencing with Section 10530) how mental health services needed by participants will be made available during participation in a community service job.

SEC. 88. Section 11323 of the Welfare and Institutions Code is repealed.

SEC. 89. Section 11323.1 of the Welfare and Institutions Code is repealed.

SEC. 90. Section 11323.2 of the Welfare and Institutions Code is amended to read:

11323.2. (a) Necessary supportive services shall be available to every participant in order to participate in the program activity to which he or she is assigned or to accept employment or the participant shall have good cause for not participating under subdivision (f) of Section 11320.3. As provided in the welfare-to-work plan entered into between the county and participant pursuant to this article, supportive services shall include all of the following:

(1) Child care.

(A) Paid child care shall be available to every participant with a dependent child in the assistance unit who needs paid child care if the child is 10 years of age or under, or requires child care or supervision due to a physical, mental, or developmental disability or other similar condition as verified by the county welfare department, or who is under court supervision.

(B) To the extent funds are available paid child care shall be available to a participant with a dependent child in the assistance unit who needs paid child care if the child is 11 or 12 years of age.

(C) A child in foster care receiving benefits under Title IV-E of the federal Social Security Act (42 U.S.C.A. Sec. 670 et seq.) or a child who would become a dependent child except for the receipt of federal Supplemental Security Income benefits pursuant to Title XVI of the federal Social Security Act (42 U.S.C.A. Sec. 1381 et seq.) shall be deemed to be a dependent child for the purposes of this paragraph.

(D) The provision of care and payment rates under this paragraph shall be governed by Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code. Parent fees shall be governed by subdivision (f) of Section 8263 of the Education Code.

(2) Transportation costs, which shall be governed by regional market rates as determined in accordance with regulations established by the department.

(3) Ancillary expenses, which shall include the cost of books, tools, clothing specifically required for the job, fees, and other necessary costs.

(4) Personal counseling. A participant who has personal or family problems that would affect the outcome of the welfare-to-work plan entered into pursuant to this article shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job or training assignment.

(b) If provided in a county plan, the county may continue to provide case management and supportive services under this section to former participants who become subject to paragraph (8) of subdivision (b) of Section 11320.3. The county may provide these

services for up to the first 12 months of employment to the extent they are not available from other sources and are needed for the individual to retain the employment.

SEC. 91. Section 11323.4 of the Welfare and Institutions Code is amended to read:

11323.4. (a) Payments for supportive services, as described in Section 11323.2, shall be advanced to the participant, wherever necessary, and when desired by the participant, so that the participant need not use his or her funds to pay for these services. Payments for child care services shall be made in accordance with Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code.

(b) The county welfare department shall take all reasonable steps necessary to promptly correct any overpayment or underpayment of supportive services payments to a recipient or a service provider, including, but not limited to, all cases involving fraud and abuse, consistent with procedures developed by the department. The department's procedures shall not jeopardize federal financial participation.

(c) Notwithstanding any other provision of this article, any participant in on-the-job training who becomes ineligible for aid under this chapter due to earned income, hours worked, or loss of income disregards, shall remain a participant in the program under this article for the duration of the on-the-job training assignment and shall be eligible for supportive services for the duration of the on-the-job training, provided this duration does not exceed the time limits otherwise applicable to the recipient.

(d) Notwithstanding any other provision of this article, any participant in on-the-job training, grant-based on-the-job training, supported work, or transitional employment who remains eligible for aid pursuant to this chapter, shall be eligible for transportation and ancillary expenses pursuant to paragraphs (2) and (3) of subdivision (a) of Section 11323.2.

(e) (1) Participants shall be encouraged to apply for financial aid, including educational grants, scholarships, and awards.

(2) To the extent permitted by federal law, the county shall coordinate with financial aid offices to establish procedures whereby the educational expenses of participants are met through available financial aid and the supportive services described in Section 11323.2. These procedures shall not result in duplication of payments, and shall require determinations to be made on an individual basis to ensure that using financial aid will not prevent the person's participation in his or her welfare-to-work plan.

SEC. 92. Section 11323.6 of the Welfare and Institutions Code is repealed.

SEC. 93. Section 11323.6 is added to the Welfare and Institutions Code, to read:

11323.6. The department shall be responsible for supervising the provision of child care by counties during stage one as described in Sections 8350, 8351, and 8352 of the Education Code. Counties may contract with public and private child care entities or providers for this purpose.

SEC. 94. Section 11323.8 of the Welfare and Institutions Code is repealed.

SEC. 95. Section 11323.8 is added to the Welfare and Institutions Code, to read:

11323.8. Counties shall manage the participant's transition from stage one to stage two child care pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code. If the county is operating stage two child care, the county shall manage the participant's transition from stage two to stage three pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code.

SEC. 96. Section 11324 of the Welfare and Institutions Code is amended to read:

11324. (a) If the county welfare department or a contractor pays for child care services which are exempt from licensure, all of the following information about the caregiver shall be on file with the county welfare department or the contractor and shall be made available to the participant:

(1) The name and address of the care provider.

(2) The address where care is to be provided.

(3) The hours care is to be provided and the charge for this care.

(4) The names, addresses, and telephone numbers of two character references.

(5) A copy of a valid California driver's license or other identification to establish that the caregiver is at least 18 years old.

(6) A statement from the caregiver as to his or her health education, experience or other qualification, criminal record, and names and ages of other persons in the home or providing care.

(b) The county welfare department or the contractor shall use existing child care licensing or CalWORKs program procedures in meeting the requirements of subdivision (a).

(c) To the extent permitted by federal law, the county welfare department shall deny payment, or cause the contractor to deny payment, for child care services which are exempt from licensure if either of the following apply:

(1) The provider has been convicted of a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code.

(2) The provider has been convicted of child abuse.

(d) If the child care provider selected by the participant is denied payment, the participant may have good cause for not participating as specified in paragraph (3) of subdivision (f) of Section 11320.3.

SEC. 97. Section 11324.2 of the Welfare and Institutions Code is repealed.

SEC. 98. Section 11324.4 of the Welfare and Institutions Code is amended to read:

11324.4. (a) The employer or sponsor of an employment or training program position described in Section 11322.6 or 11322.9 or any positions created under any county pilot project shall assist and encourage qualified participants to compete for job openings occurring within the sponsor's organization for which they qualify.

(b) Workers assigned to public agencies shall be allowed to participate in classified service examinations equivalent to the positions they occupy, as well as all open and promotional examinations for which experience in the position or other relevant experience is qualifying under merit system rules. To the extent permitted under federal or state law, local ordinance, or applicable collective bargaining agreements, time worked in the positions shall apply toward seniority in the merit public agency positions.

SEC. 99. Section 11324.5 of the Welfare and Institutions Code is amended to read:

11324.5. The county shall ensure that the labor union is notified of the use of participants assigned to an employment or training program position described in Section 11322.6 or 11322.9 or any positions created under any county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union. For nonunionized employees, procedures shall provide for notification to employees of the use of participants under this article and the availability of the grievance process. Display of a poster shall satisfy this requirement.

SEC. 100. Section 11324.6 of the Welfare and Institutions Code is amended to read:

11324.6. Any employment or training program position described in subdivisions (a) to (*l*), inclusive, of Section 11322.6 or Section 11322.9 or under any county pilot project, shall not be created as a result of, or shall not result in, any of the following:

(a) Displacement or partial displacement of current employees, including, but not limited to, a reduction in hours of nonovertime and overtime work, wages, or employment benefits.

(b) The filling of positions which would otherwise be promotional opportunities for current employees, except when positions are to be filled through an open process in which recipients are provided equal opportunity to compete.

(c) The filling of a position, prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.

(d) The filling of established unfilled public agency positions, unless the positions are unfunded in a public agency budget.

(e) The filling of a position created by termination, layoff, or reduction in work force, caused by the employer's intent to fill the position with a subsidized position pursuant to this article.

(f) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.

(g) The filling of a work assignment customarily performed by a worker in a job classification within a recognized collective bargaining unit in that specific worksite, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff.

(h) The termination of a contract for services, prior to its expiration date, that results in the displacement or partial displacement of workers performing contracted services, caused by the employer's intent to fill the position with a subsidized position pursuant to this article.

(i) The denial to a participant or employee of protections afforded other workers on the worksite by state and federal laws governing workplace health, safety, and representation.

(j) Subdivisions (b), (d), and (g) shall not apply to unsubsidized employment placements.

SEC. 101. Section 11324.7 of the Welfare and Institutions Code is amended to read:

11324.7. (a) The department shall provide a grievance process for regular employees and their representatives who wish to file a complaint that an assignment to community service, work experience, on-the-job training, or any activity funded by grant-based on-the-job training violates any of the displacement provisions contained in Section 11324.6, as applicable, respecting any employment or training position created pursuant to this article.

(b) (1) The grievance process established pursuant to subdivision (a) shall consist of an informal procedure followed by a hearing if the informal procedure fails to resolve the complaint to the satisfaction of the complainant.

(2) The grievance process shall be conducted in accordance with rules and notification requirements adopted and promulgated in federal law that also provides for an appeal process to the United States Department of Labor.

(3) The department shall issue instructions and requirements for the grievance process.

(c) The department shall administer the employee grievance process either directly or through the county welfare departments, or may enter into agreements with another state agency to administer all or any part of the grievance process.

(d) Notwithstanding subdivisions (b) and (c), the department shall require the use of any existing grievance procedure that is part of a collective bargaining agreement between the employer and the

labor union representing the regular employee, in lieu of the process established by this section.

(e) Remedies for complaining regular employees in the process established by this section shall include, where appropriate, reinstatement, retroactive pay, and retroactive benefits.

SEC. 102. Section 11324.8 of the Welfare and Institutions Code is amended to read:

11324.8. (a) At the time an individual applies for aid under this chapter, or at the time a recipient's eligibility for aid is determined, the county shall do all of the following:

(1) Provide the individual, in writing and orally as necessary, with at least the following program information:

(A) A general description of the education, employment, and training opportunities and the supportive services available, including transitional benefits.

(B) A description of the exemptions from required participation provided under this article and the consequences of a refusal to participate in program components, if not exempt.

(C) A description of the responsibility of the participant to cooperate in establishing paternity and enforcing child support obligations, and to assist individuals in establishing paternity and obtaining child support as a condition of eligibility.

(2) Determine whether the individual is required to participate in the program provided under this article.

(b) At the time an individual is required to participate pursuant to this article, he or she shall receive a written preliminary determination that he or she is a member of a targeted group, for purposes of any applicable and operative federal Targeted Jobs Tax Credit and California Jobs Tax Credit.

(c) Persons not required to participate may volunteer to participate.

(d) An applicant for, or a recipient of, aid who is dissatisfied with the provisions of the welfare-to-work plan may seek redress through conciliation, as described in Section 11327.4.

SEC. 103. Section 11325 of the Welfare and Institutions Code is repealed.

SEC. 104. Section 11325.1 is added to the Welfare and Institutions Code, to read:

11325.1. When child care services are provided by a program funded under Article 25 (commencing with Section 8498.1) of Chapter 2 of Part 6 of the Education Code to a recipient under this article or any other job training program for recipients under this chapter, and the job training program utilizes vouchers for child care services issued by the county or a contracting agency, reimbursement for those child care services shall be made at a market rate established by the State Department of Education

pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code.

SEC. 105. Section 11325.2 of the Welfare and Institutions Code is amended to read:

11325.2. (a) At the time a recipient enters the welfare-to-work program, the county shall conduct an appraisal, pursuant to regulations adopted by the department, during which the recipient is informed of the requirement to participate in training opportunities available to a participant, and available supportive services. The appraisal shall provide information about the recipient in the following areas:

(1) Employment history and skills.

(2) Need for supportive services as described in Section 11323.2.

(b) This section shall not apply to individuals subject to Article 3.5 (commencing with Section 11331) during the time that article is operative.

SEC. 106. Section 11325.21 of the Welfare and Institutions Code is amended to read:

11325.21. (a) Any individual who is required to participate in welfare-to-work activities pursuant to this article shall enter into a written welfare-to-work plan with the county welfare department after assessment as required by subdivision (b) of Section 11320.1, except as provided for in Section 11320.3. The plan shall include the activities and services that will move the individual into employment.

(b) The county shall allow the participant three working days after completion of the plan or subsequent amendments to the plan in which to evaluate and request changes to the terms of the plan.

(c) The plan shall be written in clear and understandable language, and have a simple and easy-to-read format.

(d) The plan shall contain at least all of the following general information:

(1) A general description of the program provided for in this article, including available program components and supportive services.

(2) A general description of the rights, duties, and responsibilities of program participants, including a list of the exemptions from the required participation under this article, the consequences of a refusal to participate in program components, and criteria for successful completion of the program.

(3) A description of the grace period required in paragraph (5) of subdivision (b) of Section 11325.22.

(e) The plan shall specify, and shall be amended to reflect changes in, the participant’s welfare-to-work activity, a description of services to be provided in accordance with Sections 11322.6, 11322.8, and 11323.1 as needed, and specific requirements for successful

completion of assigned activities including required hours of participation.

The plan shall also include a general description of supportive services pursuant to Section 11323.2 that are to be provided as necessary for the participant to complete assigned program activities.

(f) Any assignment to a program component shall be reflected in the plan or an amendment to the plan. The participant shall maintain satisfactory progress toward employment through the methods set forth in the plan, and the county shall provide the services pursuant to Section 11323.2.

(g) This section shall not apply to individuals subject to Article 3.5 (commencing with Section 11331) during the time that article is operative.

SEC. 107. Section 11325.22 of the Welfare and Institutions Code is amended to read:

11325.22. (a) (1) Following the appraisal required by Section 11325.2, all participants except those described in paragraph (4) of this subdivision, shall be assigned to participate for a period of up to four consecutive weeks in job search activities. These activities may include the use of job clubs to identify the participant's qualifications. The county shall consider the skills and interests of the participants in developing a job search strategy. The period of job search activities may be shortened if the participant and the county agree that further activities would not be beneficial. Job search activities may be shortened for a recipient if the county determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation under this article.

(2) Nothing in this section shall require participation in job search activities, the schedule for which interferes with unsubsidized employment or participation pursuant to Section 11325.23.

(3) Job search activities may be required in excess of the limits specified in paragraph (1) on the basis of a review by the county of the recipient's performance during job search to determine whether extending the job search period would result in unsubsidized employment.

(4) A person subject to Article 3.5 (commencing with Section 11331) or subdivision (d) of Section 11320.3 shall be required to participate in job search activities as provided in paragraph (1) upon earning a high school diploma or its equivalent, if she or he has not already taken the option to complete these activities as the first program assignment following appraisal shall not be required, but may be permitted, to participate in job search activities as his or her first program assignment following appraisal.

(b) (1) Upon the completion of job search activities, or a determination that those activities are not required in accordance

with paragraph (3) of subdivision (a), the participant shall be assigned to one or more of the activities described in Section 11322.6 as needed to attain employment.

(2) (A) The assignment to one or more of the program activities as required in paragraph (1) of this subdivision shall be based on the welfare-to-work plan developed pursuant to an assessment as described in Section 11325.4. The plan shall be based, at a minimum, on consideration of the individual's existing education level, employment experience and relevant employment skills, available program resources, and local labor market opportunities.

(B) An assessment shall be performed upon completion of job search activities or at such time as it is determined that job search will not be beneficial as required in Section 11325.4.

(C) Notwithstanding subparagraphs (A) and (B), an assessment shall not be required to develop a welfare-to-work plan for a person who is participating in an approved self-initiated program pursuant to Section 11325.23 unless the county determines that an assessment is necessary to meet the hours specified in Section 11325.23.

(3) A participant who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as described in subdivision (c) of Section 11322.8, as appropriate and necessary for removal of the individual's barriers to employment.

(4) Participation in activities assigned pursuant to this section may be sequential or concurrent. The county may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's welfare-to-work plan, and the activities can be concurrently scheduled.

(5) The participant has 30 days from the beginning of the initial training or education assignment in which to request a change or reassignment to another component. The county shall grant the participant's request for reassignment if another assignment is available that is consistent with the participant's welfare-to-work plan and the county determines the other assignment will readily lead to employment. This grace period shall be available only once to each participant.

(c) Any assignment or change in assignment to a program activity pursuant to this section shall be included in the welfare-to-work plan, or an amendment to the plan, as required in Section 11325.21.

(d) A participant who has not obtained unsubsidized employment upon completion of the activities in a welfare-to-work plan developed pursuant to the job search activities and an assessment required by subdivision (a) shall be referred to assessment as described in Section 11326, unless he or she is required to be assigned to community service pursuant to Section 11322.9.

(e) The criteria for successful completion of an assigned education or training activity shall include regular attendance, satisfactory progress, and completion of the assignment. A person who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to this section shall be subject to Sections 11327.4 and 11327.5.

(f) This section shall not apply to individuals subject to Article 3.5 (commencing with Section 11331) during the time that article is operative.

SEC. 108. Section 11325.23 of the Welfare and Institutions Code is repealed.

SEC. 109. Section 11325.23 is added to the Welfare and Institutions Code, to read:

11325.23. (a) (1) Except as provided in paragraph (2), any student who, at the time he or she is required to participate under this article pursuant to Section 11320.3, is enrolled in any undergraduate degree or certificate program that leads to employment may continue in that program within the time period specified in subdivisions (a) and (d) of Section 11454 if he or she is making satisfactory progress in that program, the county determines that continuing in the program is likely to lead to self-supporting employment for that recipient, and the welfare-to-work plan reflects that determination.

(2) Any individual who possesses a baccalaureate degree shall not be eligible to participate under this section unless the individual is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program.

(3) (A) Subject to the limitation provided in subdivision (f), a program shall be determined to lead to employment if it is on a list of programs that the county welfare department and local education agencies or providers agree lead to employment. The list shall be agreed to annually, with the first list completed no later than January 31, 1998. By January 1, 2000, all educational providers shall report data regarding programs on the list for the purposes of the report card established under Section 15037.1 of the Unemployment Insurance Code for the programs to remain on the list.

(B) For students not in a program on the list prepared under subparagraph (A), the county shall determine if the program leads to employment. The recipient shall be allowed to continue in the program within the time period specified in subdivisions (a) and (d) of Section 11454 if the recipient demonstrates to the county that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan.

(C) If participation in educational or vocational training, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the county

shall require concurrent participation in work activities pursuant to subdivisions (a) to (j), inclusive, of Section 11322.6 and Section 11325.22.

(b) Participation in the self-initiated education or vocational training program shall be reflected in the welfare-to-work plan required by Section 11325.21. The welfare-to-work plan shall provide that whenever an individual ceases to participate in, refuses to attend regularly, or does not maintain satisfactory progress in the self-initiated program, the individual shall participate under this article in accordance with Section 11325.22.

(c) Any person whose previously approved self-initiated education or training program is interrupted for reasons that meet the good cause criteria specified in Section 11328 may resume participation in the same program if the participant maintained good standing in the program while participating and the self-initiated program continues to meet the approval criteria. The county shall adjust the completion date of the program, accounting for the time of absence to allow the participant a cumulative timeframe outlined in subdivision (a).

(d) Supportive services reimbursement shall be provided for any participant in a self-initiated training or education program approved under this subdivision. This reimbursement shall be provided if no other source of funding for those costs is available. Any offset to supportive services payments shall be made in accordance with subdivisions (d) and (e) of Section 11323.4.

(e) Any student who at the time he or she is required to participate under this article pursuant to Section 11320.3 who has been enrolled and is making satisfactory progress in a degree or certificate program prior to the operative date of this section, but does not meet the criteria set forth in subdivision (a), shall have until the beginning of the next educational semester or quarter break to continue his or her educational program if he or she continues to make satisfactory progress. At the time the educational break occurs, the individual is required to participate pursuant to Section 11320.3. The time spent in the educational program shall count towards the time limits and community service requirements established for recipients in Sections 11320.1 and 11454. A recipient not expected to complete the program by the next break may continue his or her education under the timelines in subdivision (a), provided he or she transfers at the end of the current quarter or semester to a program that qualifies under that subdivision, the county determines that participation is likely to lead to self-supporting employment of the recipient, and the welfare-to-work plan reflects that determination.

(f) Any degree, certificate, or vocational program offered by a private postsecondary training provider shall not be approved under this section unless the program is either approved or exempted by

the appropriate state regulatory agency and the program is in compliance with all other provisions of law.

SEC. 110. Section 11325.25 of the Welfare and Institutions Code is amended to read:

11325.25. (a) A participant with a suspected learning or medical problem, as indicated by information received during appraisal or assessment or by lack of satisfactory progress in an assigned program component, shall be referred to an evaluation to determine whether the individual is unable to successfully complete or benefit from a current or proposed program assignment. As part of the evaluation, the county may require the individual to undergo the appropriate examinations to obtain information regarding the individual's learning and physical abilities.

(b) Based upon the results of the evaluation required by subdivision (a), the county may refer the individual to any of the following components as appropriate:

(1) Referral to any of the activities in Section 11322.6, including referral to the person's previous activity.

(2) Existing special programs that meet specific needs of the individual.

(3) Job search services, if the county determines the individual has the skills needed to find a job in the local labor market.

(4) Assessment as described in Section 11325.4, or reappraisal as described in Section 11326.

(5) Rehabilitation assessment and subsequent training.

(c) The participant shall be involved in the decisions made during the progress evaluation and shall have appeal rights consistent with those accorded to all program participants.

SEC. 111. Section 11325.4 of the Welfare and Institutions Code is amended to read:

11325.4. (a) Upon referral to assessment, a participant shall work with the county welfare department to develop and agree on a welfare-to-work plan on the basis of an assessment of the individual's skills and needs. The assessment shall include at least all of the following:

(1) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.

(2) The participant's educational history and present educational competency level.

(3) The participant's need for supportive services in order to obtain the greatest benefit from the employment and training services offered under this article.

(4) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.

(5) Local labor market information.

(6) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.

(b) The county may contract with outside parties, including local educational agencies and service delivery areas, to provide the assessment.

(c) (1) Notwithstanding the procedures set forth in Chapter 7 (commencing with Section 10950) of Part 2, if the participant and assessor are unable to reach agreement on the welfare-to-work plan, the matter shall be referred by the county for an independent assessment by an impartial third party. The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate plan for the participant.

(2) No third party assessment under this subdivision shall be made by a party having any financial or other interest in the result of the assessment. The party making the assessment shall be selected by the county according to an unbiased procedure.

(d) This section shall not apply to individuals subject to Article 3.5 (commencing with Section 11331) during the time that article is operative.

SEC. 112. Section 11325.5 is added to the Welfare and Institutions Code, to read:

11325.5. (a) If, pursuant to the assessment conducted pursuant to Section 11325.4, there is a concern that a mental disability exists that will impair the ability of a recipient to obtain employment, he or she shall be referred to the county mental health department.

(b) Subject to appropriations in the Budget Act, the county mental health department shall evaluate the recipient and determine any treatment needs. The evaluation shall include the extent to which the individual is capable of employment at the present time and under what working and treatment conditions the individual is capable of employment. The evaluation shall include prior diagnoses, assessments, or evaluations that the recipient provides.

(c) Each county welfare department shall develop individual welfare-to-work plans for recipients with mental or emotional disorders based on the evaluation conducted by the mental health department. The plan for the recipient shall include appropriate employment accommodations or restrictions, supportive services, and treatment requirements. Any prior diagnosis, evaluation, or assessment provided by the recipient shall be considered in the development of his or her individual welfare-to-work plan.

SEC. 113. Section 11325.6 of the Welfare and Institutions Code is amended to read:

11325.6. Subject to the limitations of subdivision (f) of Section 11322.6 and subdivision (a) of Section 11325.22, if activities to be provided under the plan between the county welfare department

and the participant are not immediately available to the participant, he or she shall receive job search activities until the education or training services designated in the plan are available.

SEC. 114. Section 11325.7 is added to the Welfare and Institutions Code, to read:

11325.7. (a) It is the intent of the Legislature in enacting this section to create a funding stream and program that assists certain recipients of aid under this chapter to receive necessary mental health services, including case management and treatment, thereby enabling them to make the transition from welfare to work. This funding stream shall be used specifically to serve recipients in need of mental health services, and shall be accounted for and expended by each county in a manner that ensures that recipients in need of mental health services are receiving appropriate services.

(b) The county plan required by Section 10531 shall include a plan for the development of mental health employment assistance services, developed jointly by the county welfare department and the county department of mental health. The plan shall have as its goal the treatment of mental or emotional disabilities that may limit or impair the ability of a recipient to make the transition from welfare-to-work, or that may limit or impair the ability to retain employment over a long-term period. The plan shall be developed in a manner consistent with both the county's welfare-to-work program and the county's consolidated mental health Medi-Cal services plan. The county may use community based providers, as necessary, that have experience in addressing the needs of the CalWORKs population. The county, whenever possible, shall ensure that the services provided qualify for federal reimbursement of the nonstate share of Medi-Cal costs.

(c) Subject to specific expenditure authority, mental health services available under this section shall include all of the following elements:

(1) Assessment for the purpose of identifying the level of the participant's mental health needs and the appropriate level of treatment and rehabilitation for the participant.

(2) Case management, as appropriate, as determined by the county.

(3) Treatment and rehabilitation services, that shall include counseling, as necessary to overcome mental health barriers to employment and mental health barriers to retaining employment, in coordination with an individual's welfare-to-work plan.

(4) In cases where a secondary diagnosis of substance abuse is made in a person referred for mental or emotional disorders, the welfare-to-work plan shall also address the substance abuse treatment needs of the participant.

(5) A process by which the county can identify those with severe mental disabilities that may qualify them for aid under Chapter 3 (commencing with Section 12000).

(d) Any funds appropriated by the Legislature to cover the nonfederal costs of the mental health employment assistance services required by this section shall be allocated consistent with the formula used to distribute each county's CalWORKs program allocation. Each county shall report annually to the state the number of CalWORKs program recipients who received mental health services and the extent to which the allocation is sufficient to meet the need for these services as determined by the county. The State Department of Mental Health shall develop a uniform methodology for ensuring that this allocation supplements and does not supplant current expenditure levels for mental health services for this population.

SEC. 115. Section 11325.8 is added to the Welfare and Institutions Code, to read:

11325.8. (a) The county plan required by Section 10531 shall include a plan for the provision of substance abuse treatment services. The plan shall describe how the county welfare department and the county alcohol and drug program will collaborate to ensure an effective system is available to provide alcohol and drug services to recipients whose substance abuse creates a barrier to employment. The plan shall be developed in a manner that is consistent with the county's welfare-to-work program. Substance abuse treatment services shall include evaluation, substance abuse treatment, employment counseling, provision of community service jobs, or other appropriate services.

(b) It is the intent of the Legislature that substance abuse treatment services for participants shall be provided by the county alcohol and drug program, or by a nonprofit agency under contract with the county alcohol and drug program. If the county welfare department determines that the county alcohol and drug program is unable to provide the needed services, the county department may contract directly with a state-licensed or certified nonprofit substance abuse program to obtain substance abuse services for a participant.

(c) (1) A participant who is in a job search component of the county's welfare-to-work program may be directed at any time to an assessment by the job search manager if the county believes that the participant's substance abuse may limit or preclude his or her satisfactory completion of the job search component.

(2) During the assessment, if the case manager believes that substance abuse will impair the ability of the participant to obtain and retain employment, the case manager shall refer the participant to the county alcohol and drug program for an evaluation and determination of any treatment necessary for the participant's transition from welfare to work. If the county alcohol and drug

program is unable to provide the necessary services, the county may refer the participant to a state-licensed or certified nonprofit agency under contract with the county to perform these services.

(3) If a participant is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the participant's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.

(4) A recipient of aid under this chapter shall be offered two opportunities to receive substance abuse treatment under subdivision (p) of Section 11322.6, except that the county may offer the recipient additional treatment opportunities.

(5) When a participant's welfare-to-work plan includes assignment to a treatment program, a case manager may determine that the participant is out of compliance with that plan if, at any time, in consultation with the substance abuse treatment provider, the county determines that the participant has failed or refused to participate in a treatment program without good cause. The assigned treatment program shall be reasonably accessible within the county of residence or a nearby county.

(6) When a case manager determines that a participant in a treatment program as specified in his or her welfare-to-work plan is out of compliance with a program requirement other than participation in a required treatment program, the determination of whether the participant has good cause to be out of compliance shall include consideration of whether the participant's substance abuse problem caused or substantially contributed to the failure to comply with the program requirements. In this determination, the county shall consult the substance abuse treatment provider as appropriate.

(d) No recipient may participate in a substance abuse treatment program for longer than six months without concurrently participating in a work activity, to be determined by the county and the recipient, in consultation with the treatment provider. However, if the recipient is in a residential treatment program or an intensive day treatment program that requires him or her to stay at the program site or otherwise not to participate in nonprogram activities, the requirements of the treatment program shall fulfill the recipient's work activity requirement.

(e) Any funds appropriated by the Legislature for allocation to each county to eliminate barriers to employment due to participants' substance abuse problems shall be allocated consistent with the formula used to distribute each county's CalWORKs program allocation and shall be used to supplement, and not supplant, substance abuse treatment funds otherwise available to recipients. It is the intent of the Legislature that these funds be used to develop,

expand, or develop and expand programs appropriate for CalWORKs program recipients. It is further the intent of the Legislature that, to the extent possible, these funds be used to maximize federal financial participation through Title XIX of the federal Social Security Act (Title 42 U.S.C. Sec. 1396 et seq.).

(f) Each county shall report annually to the state the number of CalWORKs program recipients who receive substance abuse treatment and the extent to which the allocation is sufficient to meet the need for substance abuse services as determined by the county.

SEC. 116. Section 11326 of the Welfare and Institutions Code is amended to read:

11326. (a) The county shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities included in the welfare-to-work plan developed pursuant to Section 11325.4. The reappraisal shall evaluate whether there are extenuating circumstances as defined by the county that prevent the participant from obtaining employment within the local labor market area.

(b) Upon a determination that extenuating circumstances exist, the participant shall be assigned to additional activities in accordance with subdivision (b) of Section 11325.22 as the county determines to be appropriate and necessary.

(c) Upon a determination that no extenuating circumstances exist, and until this determination is reversed or community service activity pursuant to Section 11322.9 is required, the participant shall be limited to the activities in subdivisions (a), (d), (*l*), and (q) of Section 11322.6. Participation in those activities shall be subject to the requirements of Section 11322.8.

SEC. 117. Section 11327.2 of the Welfare and Institutions Code is repealed.

SEC. 118. Section 11327.4 of the Welfare and Institutions Code is amended to read:

11327.4. (a) (1) Whenever an individual has failed or refused to comply with program requirements without good cause in a program component to which he or she is assigned and refuses to agree to or fails, without good cause, to comply with a compliance plan agreed to between the county and the participant, the individual shall be subject to sanctions specified in Section 11327.5.

(2) For the purposes of this article, the phrase ''failed or refused to comply with program requirements'' shall be limited to: failing or refusing to sign a welfare-to-work plan, participate or provide required proof of satisfactory progress in any assigned program activity, pursuant to this article, including self-initiated programs described in Section 11325.23 or accept employment; terminating employment; or reducing earnings.

(b) (1) Upon determination that an individual has failed or refused to comply with program requirements, the county shall issue

a notice of action effective no earlier than 30 calendar days from the date of issuance informing the individual that a sanction will be imposed if the individual fails to either attend an appointment scheduled by the county to be held within 20 calendar days of the notice, or contact the county by phone, within 20 calendar days of the notice, and fails to do either of the following:

(A) Provide information to the county that he or she had good cause for the refusal or failure that has led the county to make a finding of good cause for nonparticipation.

(B) Agree to a compliance plan to correct the failure or refusal to comply.

(2) The county shall schedule a time during which each individual who has failed or refused to comply with program requirements has an opportunity to demonstrate that he or she had good cause for that refusal or failure. The county shall schedule an appointment within 20 calendar days of the notice of action. The individual shall be allowed to reschedule the cause determination appointment once within the 20-calendar-day period.

(3) The written notice of action sent by the county shall do all of the following:

(A) Inform the individual of the specific act or acts that have caused the individual to be out of compliance with participation requirements.

(B) Inform the individual of his or her right to assert good cause for his or her refusal or failure.

(C) Inform the individual of the date and time of the scheduled appointment.

(D) Provide a general definition of good cause and examples of reasons that constitute good cause for not participating in the program.

(E) Inform the individual of the right to contact the county welfare department by telephone to establish good cause over the telephone in lieu of attending the appointment scheduled by the county.

(F) Inform the individual of the right to reschedule the appointment once within the 20-calendar-day period.

(G) Inform the individual that if good cause is not found, a compliance plan will be developed and the individual will be expected to agree to the plan or face a sanction.

(H) Inform the individual of the name, telephone number, and address of state and local legal aid and welfare rights organizations that may assist the individual with the good cause and compliance plan process.

(I) Describe the transportation and child care services that a person is entitled to, as needed in order to attend the appointment.

(c) If the individual fails to attend the appointment, the county shall attempt to contact the individual by telephone at the time of or

after the appointment in order to establish a finding of good cause or no good cause, and, if a finding of no good cause is made, develop a compliance plan to correct the instance of nonparticipation.

(d) If the individual fails to attend the meeting and the county is not able to contact the individual in accordance with subdivision (c), and the individual fails to contact the county within the 20-calendar-day period, a sanction shall be imposed in accordance with Section 11327.5.

(e) If the individual attends the appointment or contacts the county by phone within the 20-calendar-day period and is either found by the county to have had good cause for his or her refusal or failure, or agrees to a compliance plan to correct the failure or refusal, the county shall rescind the notice of action issued pursuant to subdivision (b). If the individual agrees to a compliance plan at the appointment, the individual shall be provided a copy of the plan. If the individual agrees to a compliance plan over the telephone, a copy of the plan shall be mailed to the client.

(f) If the individual is found by the county to have had good cause for his or her refusal or failure, an instance of noncompliance shall not be considered to have occurred.

(g) If the individual is found by the county not to have had good cause, but agrees to a compliance plan and then fulfills the terms of the compliance plan, an instance of noncompliance shall not be considered to have occurred.

(h) If the individual enters into a written compliance plan, but does not fulfill the terms of the plan, and the county determines, based on available information, that the individual did not have good cause for failure to meet the terms of the plan, the county shall send a notice of action to impose a sanction. The procedures specified in subdivision (b) shall not be applicable to a sanction imposed under this subdivision.

SEC. 119. Section 11327.5 of the Welfare and Institutions Code is amended to read:

11327.5. (a) Sanctions shall be imposed in accordance with subdivision (b) or (c), as appropriate, if an individual has failed or refused to comply with program requirements without good cause and conciliation efforts, as described in Section 11327.4, have failed.

(b) The sanctions provided for in subdivisions (c) and (d) shall not apply to an individual who is exempt from the requirements of this article but is voluntarily participating in the program. If such an individual engages in conduct that would bring about the actions provided for in subdivisions (c) and (d), except for his or her status as a voluntary program participant, the individual shall not be given priority so long as other individuals are actively seeking to participate.

(c) Financial sanctions for failing or refusing to comply with program requirements without good cause shall cause a reduction in

the family's grant by removing the noncomplying family member from the assistance unit for a period of time specified in subdivision (d).

(1) For families that qualify for aid due to unemployment of the family's primary wage earner, the sanctioned parent shall be removed from the assistance unit. Unless the spouse or the family's second parent meets the provisions of subparagraph (A) of paragraph (2), if the sanctioned parent's spouse or the family's second parent is not participating in the program, both the sanctioned parent and the spouse or second parent shall be removed from the assistance unit. The county shall notify the spouse of the noncomplying participant or second parent in writing at the commencement of conciliation of his or her own opportunity to participate and the impact on sanctions of that participation.

(2) (A) Except as provided in subparagraph (B), exemption criteria specified in Section 11320.3, conciliation specified in Section 11327.4, and good cause criteria specified in Section 11320.31 and subdivision (f) of Section 11320.3 shall apply to the sanctioned parent's spouse or the family's second parent.

(B) Exemption criteria specified in paragraphs (5) and (6) of subdivision (b) of Section 11320.3 do not apply to a spouse or second parent who is participating to avoid the sanction of the noncomplying parent.

(C) If the sanctioned parent's spouse or the family's second parent chooses to participate to avoid the noncomplying parent's sanction, subsequently fails or refuses to participate without good cause, and does not conciliate, he or she shall be removed from the assistance unit for a period of time specified in subdivision (d).

(D) If the sanctioned parent's spouse or the family's second parent is under his or her own sanction at the time of the first parent's sanction, the spouse or second parent shall not be provided the opportunity to avoid the first parent's sanction until the spouse or second parent's sanction is completed.

(3) For families that qualify due to the absence or incapacity of a parent, only the noncomplying parent shall be removed from the assistance unit.

(4) If the noncomplying individual is the only dependent child in the family, his or her needs shall not be taken into account in determining the family's need for assistance and the amount of the assistance payment.

(5) If the noncomplying individual is one of several dependent children in the family, his or her needs shall not be taken into account in determining the family's need for assistance and the amount of the assistance payment.

(d) The length of time that financial sanctions shall reduce a family's grant shall increase in the following manner:

(1) The first instance of noncompliance without good cause shall result in a financial sanction. This sanction shall terminate at any point if the noncomplying participant performs the activity or activities he or she previously refused to perform.

(2) The second instance of noncompliance without good cause shall result in a financial sanction for three months or until the noncomplying participant performs the activity or activities he or she previously refused to perform, whichever is longer.

(3) The third and each subsequent instance of noncompliance without good cause shall result in a financial sanction for six months or until the noncomplying participant performs the activity or activities he or she previously refused to perform, whichever is longer.

(e) Sanctions shall become effective on the first day of the first payment-month that the sanctioned individual's needs are removed from aid under this chapter.

(f) In the event this section conflicts with federal law, the department shall adopt regulations to conform to federal law.

SEC. 120. Section 11327.6 of the Welfare and Institutions Code is amended to read:

11327.6. Notwithstanding any other provision of law, any person who is not required, but who volunteers, to participate in the program established by this article and fails to appear for a scheduled appointment prior to entering into the welfare-to-work plan shall be deemed to not be subject to the requirements of this article and the conciliation efforts and sanction requirements established under Sections 11327.4 and 11327.5 shall not apply.

SEC. 121. Section 11327.8 of the Welfare and Institutions Code is amended to read:

11327.8. (a) Except as specified in this section, whenever a participant believes that any program requirement or assignment in this program is in violation of his or her welfare-to-work plan or is inconsistent with this article, the participant may request a state hearing pursuant to Chapter 7 (commencing with Section 10950) of Part 2 or utilize a formal grievance procedure to be established by the county board of supervisors and specified in each county plan.

(b) If the participant is not satisfied with the outcome of the grievance procedure, he or she may appeal the decision in accordance with the procedures set forth in Chapter 7 (commencing with Section 10950) of Part 2. Participants shall be subject to sanctions pending the outcome of the formal grievance procedure or any subsequent appeal, only if they fail to participate during the period the grievance procedure is being processed. However, a participant shall not utilize the grievance procedure to appeal the results of an assessment made pursuant to Section 11325.4.

(c) If a participant is not satisfied with the decision of a hearing conducted pursuant to Section 10950 concerning on-the-job working

conditions or workers' compensation coverage, the participant may file a further appeal with the United States Department of Labor, as provided by federal law.

SEC. 122. Section 11327.9 is added to the Welfare and Institutions Code, to read:

11327.9. In determining whether good cause exists for a refusal or failure to comply with program requirements, the county shall take into consideration whether the participant has a mental disability that caused or substantially contributed to the refusal or failure to comply with program requirements. This determination shall be made, where appropriate, in consultation with the county mental health department.

SEC. 123. Section 11328 of the Welfare and Institutions Code is repealed.

SEC. 124. Section 11328.1 of the Welfare and Institutions Code is repealed.

SEC. 125. Section 11328.4 of the Welfare and Institutions Code is repealed.

SEC. 126. Section 11328.6 of the Welfare and Institutions Code is repealed.

SEC. 127. Section 11329.2 of the Welfare and Institutions Code is amended to read:

11329.2. (a) The department shall seek any federal funds available for implementation of this article, including, but not limited to, funds available under Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.).

(b) (1) The department shall seek any waiver from the Secretary of the United States Department of Health and Human Services which is necessary to implement this article.

(2) Any provision of this article that may only be implemented pursuant to a waiver from the United States Department of Health and Human Services shall only be operative during the period for which the waiver is granted, as stated in a declaration that shall be executed by the director when the waiver is obtained.

SEC. 128. Section 11329.5 of the Welfare and Institutions Code is repealed.

SEC. 129. Section 11329.7 of the Welfare and Institutions Code is repealed.

SEC. 130. Section 11331.5 of the Welfare and Institutions Code is amended to read:

11331.5. (a) Recipients of aid under this chapter who are under 19 years of age, who are pregnant or custodial parents, shall be required to participate in the program, subject to both of the following requirements:

(1) The teenage parent shall participate in the program until earning his or her high school diploma or its equivalent.

(2) The teenage parent shall participate in the program as a student attending school on a full-time basis, as normally defined by the school in which the participant enrolls.

(b) A teen, as defined in paragraph (2) of subdivision (e) may continue to participate in the program provided for under this article. Any teen participating under this article pursuant to this subdivision shall be eligible for the same benefits as is any individual required to participate in the program.

(c) For the purpose of subdivision (a), exemptions from participation specified in paragraphs (1), (2), (4), (5), (6), and (7) of subdivision (b) of Section 11320.3 shall not apply.

(d) Notwithstanding subdivision (a), the county shall exempt a teenage parent from the program as verified by the county when any of the following conditions occur:

(1) The teenage parent is expelled from school and obtains verification that no other school in the district will permit him or her to attend, and the case manager cannot arrange for enrollment in an alternative school.

(2) The teenage parent cannot receive payment for child care or transportation expenses due to lack of program funding.

(3) Child care is necessary and unavailable.

(4) Public or private transportation is necessary and unavailable.

(5) A foster care payment is made under this chapter on behalf of the teenage parent.

(e) For the purposes of this article, ‘‘teen’’ or ‘‘teenage parent’’ means either of the following:

(1) A custodial parent or pregnant woman under 19 years of age, who is required to participate pursuant to subdivision (a).

(2) A custodial parent or pregnant woman 19 years of age who, prior to becoming 19 years of age, was participating in the program pursuant to subdivision (a), and who is otherwise eligible for voluntary continued participation in the program.

SEC. 131. Section 11450 of the Welfare and Institutions Code is amended to read:

11450. (a) (1) Aid shall be paid for each needy family, which shall include all eligible brothers and sisters of each eligible applicant or recipient child and the parents of the children, but shall not include unborn children, or recipients of aid under Chapter 3 (commencing with Section 12000), qualified for aid under this chapter. In determining the amount of aid paid, and notwithstanding the minimum basic standards of adequate care specified in Section 11452, the family’s income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (e) or Section 11453.1 shall be deducted from the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as

adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), and (f):

Number of eligible needy persons in the same home	Maximum aid
1	$ 326
2	535
3	663
4	788
5	899
6	1,010
7	1,109
8	1,209
9	1,306
10 or more	1,403

If, when, and during such times as the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant mother for the month in which the birth is anticipated and for the three-month period immediately prior to the month in which the birth is anticipated in the amount which would otherwise be paid to one person, as specified in subdivision (a), if the mother, and child if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision. Aid shall also be paid to a pregnant woman with no other children in the amount which would otherwise be paid to one person under subdivision (a) at any time after verification of

pregnancy if the pregnant woman is also eligible for the Cal-Learn Program described in Article 3.5 (commencing with Section 11331) and if the mother and child, if born, would have qualified for aid under this chapter.

(c) The amount of forty-seven dollars ($47) per month shall be paid to pregnant mothers qualified for aid under subdivision (a) or (b) to meet special needs resulting from pregnancy if the mother, and child, if born, would have qualified for aid under this chapter. County welfare departments shall refer all recipients of aid under this subdivision to a local provider of the Women, Infants and Children program. If that payment to pregnant mothers qualified for aid under subdivision (a) is considered income under federal law in the first five months of pregnancy, payments under this subdivision shall not apply to persons eligible under subdivision (a), except for the month in which birth is anticipated and for the three-month period immediately prior to the month in which delivery is anticipated, if the mother, and the child if born, would have qualified for aid under this chapter.

(d) For children receiving AFDC-FC under this chapter, there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month which, when added to the child's income, is equal to the rate specified in Section 11460, 11461, 11462, 11462.1, or 11463. In addition, the child shall be eligible for special needs, as specified in departmental regulations.

(e) In addition to the amounts payable under subdivision (a) and Section 11453.1, a family shall be entitled to receive an allowance for recurring special needs not common to a majority of recipients. These recurring special needs shall include, but not be limited to, special diets upon the recommendation of a physician for circumstances other than pregnancy, and unusual costs of transportation, laundry, housekeeping service, telephone, and utilities. The recurring special needs allowance for each family per month shall not exceed that amount resulting from multiplying the sum of ten dollars ($10) by the number of recipients in the family who are eligible for assistance.

(f) After a family has used all available liquid resources, both exempt and nonexempt, in excess of one hundred dollars ($100), the family shall also be entitled to receive an allowance for nonrecurring special needs.

(1) An allowance for nonrecurring special needs shall be granted for replacement of clothing and household equipment and for emergency housing needs other than those needs addressed by paragraph (2). These needs shall be caused by sudden and unusual circumstances beyond the control of the needy family. The department shall establish the allowance for each of the nonrecurring special need items. The sum of all nonrecurring special

needs provided by this subdivision shall not exceed six hundred dollars ($600) per event.

(2) Homeless assistance is available to a homeless family seeking shelter when the family is eligible for aid under this chapter. Homeless assistance for temporary shelter is also available to homeless families which are apparently eligible for aid under this chapter. Apparent eligibility exists when evidence presented by the applicant or which is otherwise available to the county welfare department and the information provided on the application documents indicate that there would be eligibility for aid under this chapter if the evidence and information were verified. However, an alien applicant who does not provide verification of his or her eligible alien status, or a woman with no eligible children who does not provide medical verification of pregnancy, is not apparently eligible for purposes of this section.

A family is considered homeless, for the purpose of this section, when the family lacks a fixed and regular nighttime residence; or the family has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or the family is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(A) (i) A nonrecurring special need of thirty dollars ($30) a day shall be available to families for the costs of temporary shelter, subject to the requirements of this paragraph. County welfare departments may increase the daily amount available for temporary shelter to large families as necessary to secure the additional bed space needed by the family.

(ii) This special need shall be granted or denied immediately upon the family's application for homeless assistance, and benefits shall be available for up to three working days. The county welfare department shall verify the family's homelessness within the first three working days and if the family meets the criteria of questionable homelessness established by the department, the county welfare department shall refer the family to its early fraud prevention and detection unit, if the county has such a unit, for assistance in the verification of homelessness within this period.

(iii) After homelessness has been verified, the three-day limit shall be extended for a period of time which, when added to the initial benefits provided, does not exceed a total of 16 calendar days. This extension of benefits shall be done in increments of one week and shall be based upon searching for permanent housing which shall be documented on a housing search form; good cause; or other circumstances defined by the department. Documentation of housing search shall be required for the initial extension of benefits beyond the three-day limit and on a weekly basis thereafter as long as the family is receiving temporary shelter benefits. Good cause shall

include, but is not limited to, situations in which the county welfare department has determined that the family, to the extent it is capable, has made a good faith but unsuccessful effort to secure permanent housing while receiving temporary shelter benefits.

(B) A nonrecurring special need for permanent housing assistance is available to pay for last month's rent and security deposits when these payments are reasonable conditions of securing a residence.

The last month's rent portion of the payment (1) shall not exceed 80 percent of the family's maximum aid payment without special needs for a family of that size and (2) shall only be made to families that have found permanent housing costing no more than 80 percent of the family's maximum aid payment without special needs for a family of that size, in accordance with the maximum aid schedule specified in subdivision (a).

However, if the county welfare department determines that a family intends to reside with individuals who will be sharing housing costs, the county welfare department shall, in appropriate circumstances, set aside the condition specified in clause (2) of the preceding paragraph.

(C) The nonrecurring special need for permanent housing assistance is also available to cover the standard costs of deposits for utilities which are necessary for the health and safety of the family.

(D) A payment for or denial of permanent housing assistance shall be issued no later than one working day from the time that a family presents evidence of the availability of permanent housing. If an applicant family provides evidence of the availability of permanent housing before the county welfare department has established eligibility for aid under this chapter, the county welfare department shall complete the eligibility determination so that the denial of or payment for permanent housing assistance is issued within one working day from the submission of evidence of the availability of permanent housing, unless the family has failed to provide all of the verification necessary to establish eligibility for aid under this chapter.

(E) (i) Except as provided in clauses (ii) and (iii), eligibility for the temporary shelter assistance and the permanent housing assistance pursuant to this paragraph shall be limited to one period of up to 16 consecutive calendar days of temporary assistance and one payment of permanent assistance. Any family that includes a parent or nonparent caretaker relative living in the home who has previously received temporary or permanent homeless assistance at any time on behalf of an eligible child shall not be eligible for further homeless assistance. Any person who applies for homeless assistance benefits shall be informed that the temporary shelter benefit of up to 16 consecutive days is available only once in a lifetime, with certain

exceptions, and that a break in the consecutive use of the benefit constitutes permanent exhaustion of the temporary benefit.

(ii) A family that becomes homeless as a direct and primary result of a state or federally declared natural disaster shall be eligible for temporary and permanent homeless assistance.

(iii) A family shall be eligible for temporary and permanent homeless assistance when homelessness is a direct result of domestic violence by a spouse, partner, or roommate; physical or mental illness that is medically verified that shall not include a diagnosis of alcoholism, drug addiction, or psychological stress; or, the uninhabitability of the former residence caused by sudden and unusual circumstances beyond the control of the family including natural catastrophe, fire, or condemnation. These circumstances shall be verified by a third-party governmental or private health and human services agency and homeless assistance payments based on these specific circumstances may not be received more often than once in any 24-month period.

(iv) The county welfare department shall report to the department through a statewide homeless assistance payment indicator system, necessary data, as requested by the department, regarding all recipients of aid under this paragraph.

(F) The county welfare departments, and all other entities participating in the costs of the AFDC program, have the right in their share to any refunds resulting from payment of the permanent housing. However, if an emergency requires the family to move within the 24-month period specified in subparagraph (E), the family shall be allowed to use any refunds received from its deposits to meet the costs of moving to another residence.

(G) Payments to providers for temporary shelter and permanent housing and utilities shall be made on behalf of families requesting these payments.

(H) The daily amount for the temporary shelter special need for homeless assistance may be increased if authorized by the current year's Budget Act by specifying a different daily allowance and appropriating the funds therefor.

(I) No payment shall be made pursuant to this paragraph unless the provider of housing is a commercial establishment, shelter, or person in the business of renting properties who has a history of renting properties.

(g) The department shall establish rules and regulations assuring the uniform application statewide of this subdivision.

(h) The department shall notify all applicants and recipients of aid through the standardized application form that these benefits are available and shall provide an opportunity for recipients to apply for the funds quickly and efficiently.

(i) Except for the purposes of Section 15200, the amounts payable to recipients pursuant to Section 11453.1 shall not constitute part of the payment schedule set forth in subdivision (a).

The amounts payable to recipients pursuant to Section 11453.1 shall not constitute income to recipients of aid under this section.

SEC. 132. Section 11450.018 of the Welfare and Institutions Code is amended to read:

11450.018. (a) Notwithstanding any other provision of law, the maximum aid payment in accordance with paragraph (1) of subdivision (a) of Section 11450 as reduced by subdivisions (a) and (b) of Section 11450.01, Section 11450.015, and Section 11450.017, shall be reduced by 4.9 percent for counties in Region 2, as specified in Section 11452.018.

(b) Notwithstanding any other provision of law, through October 31, 1998, the maximum aid payment in accordance with paragraph (1) of subdivision (a) of Section 11450, as reduced by subdivision (a) and (b) of Section 11450.01, Section 11450.015, Section 11450.017, and subdivision (a) shall be reduced by 4.9 percent.

(c) Prior to implementing the reductions specified in subdivisions (a) and (b), the director shall apply for and obtain a waiver from the United States Department of Health and Human Services of Section 1396a(c)(1) of Title 42 of the United States Code. The reduction shall be implemented to the extent the waiver is granted and only so long as the waiver is effective. This subdivision shall not apply if either the federal waiver process set forth at Section 1315 of Title 42 of the United States Code or Section 1396a(c) is repealed or modified such that a waiver is not necessary to implement subdivision (a) or (b).

(d) This section shall become operative and the reductions specified in subdivisions (a) and (b) shall commence on the first day of the month following 30 days after the receipt of federal approval or on the first day of the month following 30 days after a change in federal law that allows states to reduce aid payments without any risk to federal funding under Title XIX of the Social Security Act, whichever is earlier, but no earlier than October 1, 1995.

SEC. 133. Section 11450.1 of the Welfare and Institutions Code is repealed.

SEC. 134. Section 11450.12 is added to the Welfare and Institutions Code, to read:

11450.12. (a) An applicant family shall not be eligible for aid under this chapter unless the family's income, exclusive of the first ninety dollars ($90) of earned income for each employed person, is less than the minimum basic standard of adequate care, as specified in Section 11452.

(b) A recipient family shall not be eligible for further aid under this chapter if income, exclusive of amounts exempt under Section 11451.5, equals or exceeds the maximum aid payment specified in Section 11450.

SEC. 135. Section 11450.13 is added to the Welfare and Institutions Code, to read:

11450.13. In calculating the amount of aid to which an assistance unit is entitled in accordance with Section 11320.15, the maximum aid payment, adjusted to reflect the removal of the adult or adults from the assistance unit, shall be reduced by the gross income of the adult or adults removed from the assistance unit, less any amounts exempted pursuant to Section 11451.5. Aid may be provided in the form of cash or vouchers, at the option of the county.

SEC. 136. Section 11450.5 of the Welfare and Institutions Code is amended to read:

11450.5. For purposes of computing and paying aid grants under this chapter, the director shall adopt regulations establishing a budgeting system. Nothing in this section, or Sections 11004, 11257 and 11450, or any other provision of this code, shall be interpreted as prohibiting the establishment of, or otherwise restricting the operation of, any budgeting system adopted by the director.

SEC. 137. Section 11450.6 of the Welfare and Institutions Code is repealed.

SEC. 138. Section 11451.5 is added to the Welfare and Institutions Code, to read:

11451.5. (a) Notwithstanding Section 11008, the following amounts shall be exempt from the calculation of the income of the family for purposes of subdivision (a) of Section 11450:

(1) If disability-based unearned income does not exceed two hundred twenty-five dollars ($225), both of the following amounts:

(A) All disability-based unearned income plus any amount of not otherwise exempt earned income equal to the amount of the difference between the amount of disability-based unearned income and two hundred twenty-five dollars ($225).

(B) Fifty percent of all not otherwise exempt earned income in excess of the amount applied to meet the differential applied in subparagraph (A).

(2) If disability-based unearned income exceeds two hundred twenty-five dollars ($225), both of the following amounts:

(A) All of the first two hundred twenty-five dollars ($225) in disability-based unearned income.

(B) Fifty percent of all earned income.

(b) For purposes of this section:

(1) Earned income means gross income received as wages, salary, employer provided sick leave benefits, commissions, or profits from activities such as a business enterprise or farming in which the recipient is engaged as a self-employed individual or as an employee.

(2) Disability-based unearned income means State Disability Insurance benefits, private disability insurance benefits, Temporary Workers' Compensation benefits, and social security disability benefits.

(3) Unearned income means any income not described in paragraph (1) or (2).

SEC. 139. Section 11451.6 of the Welfare and Institutions Code is repealed.

SEC. 140. Section 11451.7 of the Welfare and Institutions Code is repealed.

SEC. 141. Section 11453 of the Welfare and Institutions Code is amended to read:

11453. (a) Except as provided in subdivision (c), the amounts set forth in Section 11452 and subdivision (a) of Section 11450 shall be adjusted annually by the department to reflect any increases or decreases in the cost of living. These adjustments shall become effective July 1 of each year, unless otherwise specified by the Legislature. The cost-of-living adjustment shall be calculated by the Department of Finance based on the changes in the California Necessities Index, which as used in this section means the weighted average changes for food, clothing, fuel, utilities, rent, and transportation for low-income consumers. The computation of annual adjustments in the California Necessities Index shall be made in accordance with the following steps:

(1) The base period expenditure amounts for each expenditure category within the California Necessities Index used to compute the annual grant adjustment are:

Food	$ 3,027
Clothing (apparel and upkeep)	406
Fuel and other utilities	529
Rent, residential	4,883
Transportation	1,757
Total	$10,602

(2) Based on the appropriate components of the Consumer Price Index for All Urban Consumers, as published by the United States Department of Labor, Bureau of Labor Statistics, the percentage change shall be determined for the 12-month period ending with the December preceding the year for which the cost-of-living adjustment will take effect, for each expenditure category specified in subdivision (a) within the following geographical areas: Los Angeles-Long Beach-Anaheim, San Francisco-Oakland, San Diego, and, to the extent statistically valid information is available from the Bureau of Labor Statistics, additional geographical areas within the state which include not less than 80 percent of recipients of aid under this chapter.

(3) Calculate a weighted percentage change for each of the expenditure categories specified in subdivision (a) using the

applicable weighting factors for each area used by the State Department of Industrial Relations to calculate the California Consumer Price Index (CCPI).

(4) Calculate a category adjustment factor for each expenditure category in subdivision (a) by (1) adding 100 to the applicable weighted percentage change as determined in paragraph (2) and (2) dividing the sum by 100.

(5) Determine the expenditure amounts for the current year by multiplying each expenditure amount determined for the prior year by the applicable category adjustment factor determined in paragraph (4).

(6) Determine the overall adjustment factor by dividing (1) the sum of the expenditure amounts as determined in paragraph (4) for the current year by (2) the sum of the expenditure amounts as determined in subdivision (d) for the prior year.

(b) The overall adjustment factor determined by the preceding computation steps shall be multiplied by the schedules established pursuant to Section 11452 and subdivision (a) of Section 11450 as are in effect during the month of June preceding the fiscal year in which the adjustments are to occur and the product rounded to the nearest dollar. The resultant amounts shall constitute the new schedules which shall be filed with the Secretary of State.

(c) (1) No adjustment to the maximum aid payment set forth in subdivision (a) of Section 11450 shall be made under this section for the purpose of increasing the benefits under this chapter for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, to reflect any change in the cost of living. For the 1998–99 fiscal year, the cost-of-living adjustment that would have been provided on July 1, 1998, pursuant to subdivision (a) shall be made on November 1, 1998. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of Section 11453.05, and no further reduction shall be made pursuant to that section.

(2) No adjustment to the minimum basic standard of adequate care set forth in Section 11452 shall be made under this section for the purpose of increasing the benefits under this chapter for the 1990–91 and 1991–92 fiscal years to reflect any change in the cost of living.

(d) Adjustments for subsequent fiscal years pursuant to this section shall not include any adjustments for any fiscal year in which the cost of living was suspended pursuant to subdivision (c).

SEC. 142. Section 11453.2 of the Welfare and Institutions Code is repealed.

SEC. 143. Section 11453.2 is added to the Welfare and Institutions Code, to read:

11453.2. A county shall issue vouchers or vendor payments for at least rent and utilities payments, for any assistance unit in which any parent or caretaker relative has been subject to sanction of a

consecutive period of not less than three months. Vouchers or vendor payments shall continue until the parent or caretaker relative is no longer subject to the sanction.

SEC. 144. Section 11454 is added to the Welfare and Institutions Code, to read:

11454. (a) (1) Except as otherwise provided in this chapter and in paragraph (2), a parent or caretaker relative shall not be eligible to receive aid for a cumulative period of more than 18 months after the implementation pursuant to paragraph (1) of subdivision (c) of Section 10532 unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities, pursuant to Section 11322.9.

(2) A parent or caretaker relative recipient who is subject to the requirements of paragraph (2) of subdivision (c) of Section 10532 shall not be eligible to receive aid under this chapter for a cumulative period of more than 24 months, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities pursuant to Section 11322.9.

(3) For purposes of this subdivision, a job shall not be considered to be currently available if a recipient has taken and continues to take all steps to apply for appropriate positions and has not refused an offer of employment without good cause.

(4) A parent or caretaker relative recipient to whom paragraph (1) or (2) applies, who is in a job for less than the number of hours required by Section 11322.8, and for whom no job is currently available for the required number of hours, shall remain eligible for aid under this chapter and shall participate in community service activities for the additional number of hours necessary to meet the requirements of Section 11322.8.

(b) A parent or caretaker relative shall not be eligible for aid under this chapter when he or she has received aid under this chapter or from any state under the Temporary Assistance for Needy Families program (Part A (commencing with Section 401) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.) for a cumulative total of 60 months.

(c) No month in which aid has been received prior to January 1, 1998, shall be taken into consideration in computing the 18-month, 24-month, or 60-month limitation provided for in subdivision (a) or (b).

(d) Each county shall adopt criteria for extending the 18-month limitation prescribed by subdivision (a) for up to six months if the extension is likely to result in unsubsidized employment or if local unemployment rates or other conditions in the local economy are such that employment is not available.

(e) Subdivision (b) shall not be applicable when all parent or caretaker relatives of the aided child who are living in the home of the child meet any of the following requirements:

(1) They are 60 years of age or older.

(2) They meet one of the conditions specified in paragraph (4) or (5) of subdivision (b) of Section 11320.3.

(3) They are not included in the assistance unit.

(4) They are receiving benefits under Section 12200 or Section 12300, State Disability Insurance benefits or Workers' Compensation Temporary Disability Insurance, if the disability significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities.

(5) They are incapable of maintaining employment or participating in welfare-to-work activities, as determined by the county, based on the assessment of the individual and the individual has a history of participation and full cooperation in welfare-to-work activities.

SEC. 145. Section 11454.5 is added to the Welfare and Institutions Code, to read:

11454.5. (a) Any month in which a recipient is not required to participate in welfare-to-work activities pursuant to subdivision (b) of Section 11320.3 because of a condition that is expected to last at least 30 days or is eligible for, participating in, or exempt from, the Cal-Learn program provided for pursuant to Article 3.5 (commencing with Section 11331) or is participating in another teen parent program approved by the department shall not be counted as a month of receipt of aid for the purpose of subdivision (a) of Section 11454.

(b) Any month in which the following conditions exist shall not be counted as a month of receipt of aid for the purposes of subdivision (b) of Section 11454:

(1) The recipient is exempt from participation under Article 3.2 (commencing with Section 11320) due to disability, or advanced age in accordance with paragraph (1) of subdivision (b) of Section 11320.3, or due to caretaking responsibilities that impair the recipient's ability to be regularly employed, in accordance with paragraph (2) or (3) of subdivision (b) of Section 11320.3.

(2) The recipient is eligible for the Cal-Learn program pursuant to Article 3.5 (commencing with Section 11331).

(3) The cost of the cash aid provided to the recipient for the month is fully reimbursed by child support, whether collected in that month or any subsequent month.

(c) In cases where a lump-sum diversion payment is provided in lieu of cash aid under Section 11266.5, the month in which the payment is made or the months calculated pursuant to subdivision (f) of Section 11266.5 shall count against the limits specified in Section 11454.

SEC. 146. Section 11454.6 is added to the Welfare and Institutions Code, to read:

11454.6. (a) Notwithstanding Section 15200, to the extent that the exemptions from the time limits on aid specified in subdivision (e) of Section 11454 and subdivision (b) of Section 11454.5 exceed 20 percent of the number of families aided in a county, for a period as determined by the United States Department of Health and Human Services, for purposes of measuring the hardship exemption for time limits, the county shall be responsible for the amount of aid that would otherwise have been paid through federal Temporary Assistance for Needy Families block grant funds pursuant to Section 11450, with respect to those persons exempt under either subdivision (e) of Section 11454 or subdivision (b) of Section 11454.5 that exceed the 20 percent hardship exemption during the period determined by the United States Department of Health and Human Services and provided for in federal law.

(b) Subdivision (a) shall not apply if the statewide percentage of families aided during that period is 20 percent or less.

(c) The department may determine that a county has good cause for exceeding the 20-percent limitation provided for in subdivision (a). Under this determination, the county share may be reduced or waived by the department.

(d) It is the intent of the Legislature that the steering committee as specified in Section 10544.317 review this provision to ensure that:

(1) The state does not exceed the limit on hardship exemptions as provided in federal law.

(2) Counties are not penalized for circumstances beyond their control and that statewide flexibility for allocation of the percentages is assured.

(3) Recipients will have access to the hardship exemption, regardless of their county of origin.

SEC. 147. Section 11475.3 is added to the Welfare and Institutions Code, to read:

11475.3. The first fifty dollars ($50) of any amount of child support collected in a month in payment of the required support obligation for that month shall be paid to a recipient of aid under this chapter, except recipients of foster care payments under Article 5 (commencing with Section 11400) shall not be considered income or resources of the recipient family, and shall not be deducted from the amount of aid to which the family would otherwise be eligible. The district attorney in each county shall ensure that payments are made to recipients as required by this section.

SEC. 148. Section 11475.4 is added to the Welfare and Institutions Code, to read:

11475.4. (a) Effective October 1, 1998, the state shall operate a Child Support Centralized Collection and Distribution Unit as required by federal law (42 U.S.C. Secs. 654 (27), 654a(g), and 654b).

(b) The Child Support Collection and Enforcement Advisory Committee is hereby created to review and make recommendations regarding the development and implementation of the Child Support Centralized Collection and Distribution Unit. The advisory committee shall include, but not be limited to, the Director of Social Services or a designee from the State Department of Social Services, who shall serve as the chairperson and convene the advisory committee, and representatives from the Franchise Tax Board, the Health and Welfare Agency Data Center, the Department of Information Technology, the California District Attorneys Association, the California State Association of Counties, the California Welfare Directors Association, the California Payroll Association, and representatives of the Legislature.

(c) On the effective date of this section, the State Department of Social Services shall deliver to the advisory committee the working draft report of the feasibility study conducted by Warner Group for purposes of developing a Child Support Centralized Collection and Distribution Unit.

(d) The advisory committee shall examine the Warner Group draft report, obtain clarification from Warner Group, determine the status of the Statewide Automated Child Support System (SACSS) in regards to its impact on the development of the Child Support Centralized Collection and Distribution Unit, determine the requirements of federal law, and submit an interim progress report, including any recommendations for action, to the Legislature no later than October 1, 1997.

(e) The advisory committee shall make recommendations to the Legislature for implementation of the Child Support Centralized Collection and Distribution Unit, including recommendations for deficiency budget requests if necessary, no later than December 31, 1997.

SEC. 149. Section 11477 of the Welfare and Institutions Code is amended to read:

11477. As a condition of eligibility for aid paid under this chapter, each applicant or recipient shall do all of the following:

(a) (1) Assign to the county any rights to support from any other person the applicant or recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving aid, not exceeding the total amount of cash assistance provided to the family under this chapter. Receipt of public assistance under this chapter shall operate as an assignment by operation of law. An assignment of support rights to the county shall also constitute an assignment to the state. If support rights are assigned pursuant to this subdivision, the assignee may become an assignee of record by the district attorney or other public official filing with the court clerk an affidavit showing that an assignment has been made or that there has been an assignment by

operation of law. This procedure does not limit any other means by which the assignee may become an assignee of record.

(2) Support that has been assigned pursuant to paragraph (1) and that accrues while the family is receiving aid under this chapter shall be permanently assigned until the entire amount of aid paid has been reimbursed.

(3) If the federal government does not permit states to adopt the same order of distribution for preassistance and postassistance child support arrears that are assigned on or after October 1, 1998, support arrears that accrue before the family receives aid under this chapter that are assigned pursuant to this subdivision shall be assigned as follows:

(A) Child support assigned prior to January 1, 1998, shall be permanently assigned until aid is no longer received and entire amount of aid has been reimbursed.

(B) Child support assigned on or after January 1, 1998, but prior to October 1, 2000, shall be temporarily assigned until aid under this chapter is no longer received and the entire amount of aid paid has been reimbursed or until October 1, 2000, whichever comes first.

(C) On or after October 1, 2000, support assigned pursuant to this subdivision that was not otherwise permanently assigned shall be temporarily assigned to the county until aid is no longer received.

(D) On or after October 1, 2000, support that was temporarily assigned pursuant to this subdivision shall, when a payment is received from the federal tax intercept program, be temporarily assigned until the entire amount of aid paid has been reimbursed.

(4) If the federal government permits states to adopt the same order of distribution for preassistance and postassistance child support arrears, child support arrears shall be assigned, as follows:

(A) Child support assigned pursuant to this subdivision prior to October 1, 1998, shall be assigned until aid under this chapter is no longer received and the entire amount has been reimbursed.

(B) On or after October 1, 1998, child support assigned pursuant to this subdivision that accrued before the family receives aid under this chapter and that was not otherwise permanently assigned, shall be temporarily assigned until aid under this chapter is no longer received.

(C) On or after October 1, 1998, support that was temporarily assigned pursuant to this subdivision shall, when a payment is received from the federal tax intercept program, be temporarily assigned until the entire amount of aid paid has been reimbursed.

(b) (1) Cooperate with the county welfare department and district attorney in establishing the paternity of a child of the applicant or recipient born out of wedlock with respect to whom aid is claimed, and in establishing, modifying, or enforcing a support order with respect to a child of the individual for whom aid is requested or obtained, unless the applicant or recipient qualifies for

a good cause exception as provided in Section 11477.04. The district attorney shall have staff available, in person or by telephone, at all county welfare offices and shall conduct an interview with each applicant to obtain information necessary to establish paternity and establish, modify, or enforce a support order at the time of the initial interview with the welfare office. The district attorney shall make the determination of cooperation. If the applicant or recipient attests under penalty of perjury that he or she cannot provide the information required by this subdivision, the district attorney shall make a finding regarding whether the individual could reasonably be expected to provide the information, before the district attorney determines whether the individual is cooperating. In making the finding, the district attorney shall consider all of the following:

(A) The age of the child for whom support is sought.

(B) The circumstances surrounding the conception of the child.

(C) The age or mental capacity of the parent or caretaker of the child for whom aid is being sought.

(D) The time that has elapsed since the parent or caretaker last had contact with the alleged father or obligor.

(2) Cooperation includes the following:

(A) Providing the name of the alleged parent or obligor and other information about that person if known to the applicant or recipient, such as address, social security number, telephone number, place of employment or school, and the names and addresses of relatives or associates.

(B) Appearing at interviews, hearings, and legal proceedings provided the applicant or recipient is provided with reasonable advance notice of the interview, hearing, or legal proceeding and does not have good cause not to appear.

(C) If paternity is at issue, submitting to genetic tests, including genetic testing of the child, if necessary.

(D) Providing any additional information known to or reasonably obtainable by the applicant or recipient necessary to establish paternity or to establish, modify, or enforce a child support order.

(3) A recipient or applicant shall not be required to sign a voluntary declaration of paternity, as set forth in Chapter 3 (commencing with Section 7570) of Part 2 of Division 12 of the Family Code, as a condition of cooperation.

SEC. 150. Section 11477.02 is added to the Welfare and Institutions Code, to read:

11477.02. Prior to referral of any individual or recipient, or that person’s case, to the district attorney for child support services under Section 11350.1 or 11475.1, the county welfare department shall determine if an applicant or recipient has good cause for noncooperation, as set forth in Section 11477.04. If the applicant or recipient claims a good cause exception at any subsequent time to the county welfare department or the district attorney, the district

attorney shall suspend child support services until the county welfare department determines the good cause claim, as set forth in Section 11477.04. If good cause is determined to exist, the district attorney shall suspend child support services until the applicant or recipient requests their resumption, and shall take such other measures as are necessary to protect the applicant or recipient and the children. If the applicant or recipient is the parent of the child for whom aid is sought and the parent is found to have not cooperated without good cause as provided in Section 11477.04, the applicant's or recipient's family grant shall be reduced by 25 percent for such time as the failure to cooperate lasts.

SEC. 151. Section 11477.04 is added to the Welfare and Institutions Code, to read:

11477.04. (a) An applicant or a recipient shall be considered to be cooperating in good faith with the county welfare department or the district attorney's office for purposes of Section 11477 and shall be eligible for aid, if otherwise eligible, if he or she cooperates or has good cause for noncooperation. The county welfare department shall make the good cause determination.

(b) Good cause shall be found if any of the following conditions exist:

(1) Efforts to establish paternity or establish, modify, or enforce a support obligation would increase the risk of physical, sexual, or emotional harm to the child for whom support is being sought.

(2) Efforts to establish paternity or establish, modify, or enforce a support obligation would increase the risk of abuse, as defined in Section 11495.1, to the parent or caretaker with whom the child is living.

(3) The child for whom support is sought was conceived as a result of incest or rape. A conviction for incest or rape is not necessary for this paragraph to apply.

(4) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction.

(5) The applicant or recipient is currently being assisted by a public or licensed private adoption agency to resolve the issue of whether to keep the child or relinquish the child for adoption.

(6) The applicant or recipient is cooperating in good faith but is unable to identify or assist in locating the alleged father or obligor.

(7) Any other reason that would make efforts to establish paternity or establish, modify, or enforce a support obligation contrary to the best interests of the child.

(c) Evidence supporting a claim for good cause includes, but is not limited to, the following:

(1) Police, governmental agency, or court records, documentation from a domestic violence program or a legal, clerical, medical, mental health, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse,

physical evidence of abuse, or any other evidence that supports the claim of good cause.

(2) Statements under penalty of perjury from individuals, including the applicant or recipient, with knowledge of the circumstances that provide the basis for the good cause claim.

(3) Birth certificates or medical, mental health, rape crisis, domestic violence program, or law enforcement records that indicate that the child was conceived as the result of incest or rape.

(4) Court documents or other records that indicate that legal proceedings for adoption are pending before a court of competent jurisdiction.

(5) A written statement from a public or licensed private adoption agency that the applicant or recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish the child for adoption.

(d) A sworn statement by a victim shall be sufficient to establish abuse unless the agency documents in writing an independent, reasonable basis to find the recipient not credible.

(e) Applicants or recipients who inquire about or claim good cause, or otherwise indicate that they or their children are at risk of abuse, shall be given referrals by the county welfare department to appropriate community, legal, medical, and support services. Followup by the applicant or recipient on those referrals shall not affect eligibility for assistance under this chapter or the determination of cooperation.

SEC. 152. Section 11486 of the Welfare and Institutions Code is repealed.

SEC. 153. Section 11486 is added to the Welfare and Institutions Code, to read:

11486. (a) The needs of any individual who is a member of a family applying for, or receiving, aid under this chapter shall not be taken into account in making the determination under Section 11450 with respect to his or her family beginning on the date, or at any time thereafter, the individual is found in state or federal court or pursuant to an administrative hearing decision, including any determination made on the basis of a plea of guilty or nolo contendere, to have committed any of the following acts:

(1) Making a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states or counties.

(2) Submitting documents for nonexistent children, or submitting false documents for the purpose of showing ineligible children to be eligible for aid.

(3) When there has been a receipt of cash benefits that exceeds ten thousand dollars ($10,000) as a result of intentionally and willfully doing any of the following acts for the purpose of establishing or

maintaining the family's eligibility for aid or increasing or preventing a reduction in the amount of aid:

(A) Making a false or misleading statement or misrepresenting, concealing, or withholding facts.

(B) Committing any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity.

(b) The needs of any individual who is a member of a family applying for, or receiving, aid under this chapter shall not be taken into account in making the determination under Section 11450 with respect to his or her family for the following periods beginning on the date or any time thereafter the individual is convicted of a felony in state or federal court, including any determination made on the basis of a plea of guilty or nolo contendere, for committing fraud in the receipt or attempted receipt of aid:

(1) For two years, if the amount of aid is less than two thousand dollars ($2,000).

(2) For five years, if the amount of aid is two thousand dollars ($2,000) or more but is less than five thousand dollars ($5,000).

(3) Permanently, if the amount of aid is five thousand dollars ($5,000) or more.

(c) (1) Except as provided in subdivisions (a) and (b), the needs of any individual who is a member of a family applying for, or receiving, aid under this chapter to whom paragraph (2) applies shall not be taken into account in making the determination under Section 11450 with respect to his or her family for the following periods:

(A) For a period of six months upon the first occasion of any offense referred to in paragraph (2).

(B) For a period of 12 months upon the second occasion of any of those offenses referred to in paragraph (2).

(C) Permanently, upon the third occasion of any offense referred to in subdivision (b) and paragraph (2).

(2) Except as provided in subdivisions (a), (b) and (d), paragraph (1) shall apply to any individual who is found by a federal or state court, or pursuant to a special administrative hearing meeting the requirements of regulations adopted by the United States Secretary of Health and Human Services, including any determination made on the basis of a plea of guilty or nolo contendere, to have done any of the following acts for the purpose of establishing or maintaining the family's eligibility for aid or increasing, or preventing a reduction in, the amount of that aid:

(A) Making a false or misleading statement or misrepresenting, concealing, or withholding facts.

(B) Committing any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity.

(d) (1) Except as provided in subdivisions (a) and (b), and notwithstanding subdivision (c), the needs of any individual who is a member of a family applying for, or receiving, aid under this

chapter to whom paragraph (2) applies shall not be taken into account in making the determination under Section 11450 with respect to his or her family for the following periods:

(A) For a period of two years upon the first occasion of any offense referred to in paragraph (2).

(B) For a period of four years upon the second occasion of any offense referred to in paragraph (2).

(C) Permanently, upon the third occasion of any offense referred to in subdivision (b) and paragraph (2).

(2) Paragraph (1) shall apply to any individual who is found by a federal or state court, or pursuant to a special administrative hearing meeting the requirements of regulations adopted by the United States Secretary of Health and Human Services, including any determination made on the basis of a plea of guilty or nolo contendere, to have submitted more than one application for the same type of aid for the same period of time, for the purpose of receiving more than one grant of aid in order to establish or maintain the family's eligibility for aid or increasing, or preventing a reduction in, the amount of that aid.

(e) Proceedings against any individual alleged to have committed an offense described in subdivision (c) or (d) may be held either by hearing, pursuant to Section 10950 and in conformity with the regulations of the United States Secretary of Health and Human Services, if appropriate, or by referring the matter to the appropriate authorities for civil or criminal action in court.

(f) The department shall coordinate any action taken under this section with any corresponding actions being taken under the Food Stamp Program in any case where the factual issues involved arise from the same or related circumstances.

(g) Any period for which sanctions are imposed under this section shall remain in effect, without possibility of administrative stay, unless and until the findings upon which the sanctions were imposed are subsequently reversed by a court of appropriate jurisdiction, but in no event shall the duration of the period for which the sanctions are imposed be subject to review.

(h) Sanctions imposed under this section shall be in addition to, and not in substitution for, any other sanctions which may be provided for by law with respect to the offenses for which the sanctions are imposed.

(i) The department shall adopt regulations to ensure that any investigations made under this chapter are conducted throughout the state in such a manner as to protect the confidentiality of the current or former working recipient.

(j) Each county shall receive 25 percent of the actual state share of savings, including federal funds under the Temporary Assistance to Needy Families Block Grant, as determined by the director of the Department of Finance resulting from the detection of fraud.

SEC. 154. Section 11486.5 is added to the Welfare and Institutions Code, to read:

11486.5. (a) An individual shall not be eligible for aid under this chapter if he or she is either:

(1) Fleeing to avoid prosecution, or custody and confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of that state.

(2) Violating a condition of probation or parole imposed under federal law or the law of any state.

(b) Subdivision (a) shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct.

SEC. 155. Article 7.5 (commencing with Section 11495) is added to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 7.5. Family Violence Option: Domestic Violence and Welfare

11495. It is the intent of the Legislature in enacting this article to adopt a family violence provision by enacting the federal option concerning victims of domestic violence provided for in the Temporary Assistance to Needy Families program pursuant to Section 402(a)(7) of the Social Security Act (42 U.S.C. Sec. 602(a)(7)). By adopting this provision, the Legislature recognizes that some individuals who may need public assistance have been or are victims of abuse, and intends to ensure that applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures. The Legislature intends that, in implementing this article, program requirements not be created or applied in such a way as to encourage a victim to remain with the abuser. It is also the intent of the Legislature that CalWORKs recipients participate in welfare-to-work activities, to the full extent of their abilities, including participation in counselling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move towards self-sufficiency.

11495.1. (a) The department shall convene a task force including, but not limited to, district attorney domestic violence units, county departments of social services, the County Welfare Directors Association of California, the California State Association of Counties, statewide domestic violence prevention groups, local domestic violence prevention advocates, and service providers, the State Department of Health Services, the State Department of

Mental Health, and the Office of Criminal Justice Planning. The department shall develop, in consultation with the task force, protocols on handling cases in which recipients are past or present victims of abuse. The protocols shall define domestic abuse, and shall address training standards and curricula, individual case assessments, confidentiality procedures, notice procedures and counseling or other appropriate participation requirements as part of an overall plan to transition from welfare-to-work. The protocol shall specify how counties shall do the following:

(1) Identify applicants and recipients of assistance under this chapter who have been or are victims of abuse, including those who self-identify, while protecting confidentiality.

(2) Refer these individuals to supportive services.

(3) Waive, on a case-by-case basis, for so long as necessary, pursuant to a determination of good cause under paragraph (2) of subdivision (f) of Section 11320.3, any program requirements that would make it more difficult for these individuals or their children to escape abuse, and that would be detrimental or unfairly penalize past or present victims of abuse. Requirements that may be waived include, but are not limited to, time limits on receipt of assistance, work requirements, educational requirements, paternity establishment and child support cooperation requirements.

(b) The department shall issue regulations describing the protocol identified in subdivision (a) no later than January 1, 1999.

(c) Waivers of time limits granted pursuant to this section shall not be implemented if federal statutes or regulations clarify that abuse victims are included in the 20 percent hardship exemptions and that no good cause waivers of the 20 percent limit will be granted to the state for victims of abuse, thereby incurring a penalty to the state.

(d) Waivers of the work requirements granted pursuant to this section shall not be implemented if federal statutes or regulations clarify that the state will be penalized for failing to meet work participation requirements due to granting waivers to abuse victims.

11495.12. For purposes of this article, until regulations are adopted pursuant to Section 11495.1, the term ‘‘abuse’’ means battering or subjecting a victim to extreme cruelty by (1) physical acts that resulted in or threatened to result in physical injury, (2) sexual abuse, (3) sexual activity involving a child in the home, (4) being forced to participate in nonconsensual sexual acts or activities, (5) threats of, or attempts at, physical or sexual abuse, (6) mental abuse, (7) neglect or deprivation of medical care, or (8) stalking.

11495.15. A county may waive a program requirement for a recipient who has been identified as a past or present victim of abuse when it has been determined that good cause exists pursuant to paragraph (2) of subdivision (f) of Section 11320.3. Until implementation of the regulations required pursuant to paragraph (2) of subdivision (a) of Section 11495.1, a county may utilize

standards, procedures, and protocols currently available, and shall identify them in its county plan. Waivers shall be reevaluated in accordance with other routine periodic reevaluations by the county.

11495.25. Sworn statements by a victim of past or present abuse by a victim shall be sufficient to establish abuse unless the agency documents in writing an independent, reasonable basis to find the recipient not credible. Evidence may also include, but is not limited to: police, government agency, or court records or files; documentation from a domestic violence program, legal, clerical, medical or other professional from whom the applicant or recipient has sought assistance in dealing with abuse; or other evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim, or physical evidence of abuse, or any other evidence that supports the statement.

11495.40. The department shall adopt a model curriculum for domestic violence and sexual abuse prevention training, based on the statewide protocol, in consultation with the task force identified in Section 11495.1. County welfare agencies shall determine which staff will be trained.

SEC. 156. Article 8 (commencing with Section 11500) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 157. Article 8 (commencing with Section 11500) is added to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 8. Employment Retention Services

11500. The county may continue to provide case management and services to either a recipient of aid under this chapter not participating under Article 3.2 (commencing with Section 11320) or a former recipient of aid under this chapter who has received aid within the previous 12 months if a recipient or former recipient is employed, in order to assist the individual in retaining employment. These job retention services may be provided for up to 12 months after the first day of employment, to the extent they are not provided by the employer, the entity that arranged the job placement, if other than the county, and, to the extent that the services are not available from other sources.

SEC. 158. Article 9 (commencing with Section 11520) is added to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 9. Evaluation of CalWORKs Program Implementation

11520. The State Department of Social Services shall ensure that a comprehensive, independent statewide evaluation of the

CalWORKs program is undertaken and that accurate evaluative information is made available to the Legislature in a timely fashion.

11520.3. The department shall develop a research design to ensure a thorough evaluation of the direct and indirect effects of the CalWORKs program. Effects shall include, but not be limited to, employment, earnings, self-sufficiency, child care, child support, child well-being, family structure, and impacts on local government. Child well-being shall include entries into foster care, at-risk births, school achievement, child abuse reports, and rates of child poverty.

11520.5. The statewide evaluation shall be conducted by an independent evaluator or evaluators. It shall represent a clear delineation of the research questions and shall, through discrete reports issued at regular intervals, provide information regarding process, impacts, and analyses of the costs and benefits of the CalWORKs program.

11520.7. The department shall ensure that county demonstration projects and other innovative county approaches to CalWORKs program implementation are independently and rigorously evaluated and that findings are reported to the Legislature in a timely fashion. The evaluation of a county-specific program shall be developed in conjunction with the county and other appropriate agencies responsible for the local program.

11521. By July 1, 1998, the department shall revise data collection procedures used for quality control and caseload characteristic studies in order to respond to the data collection requirements of Public Law 104-193 and state law. The department shall develop common data definitions to be used by the counties, design common identifiers, and, to the extent possible, standardize state and county data collection infrastructure. The department shall accomplish the requirements of this section in consultation with experts in monitoring and research, representatives of counties, the Legislature, and appropriate state agencies.

11521.3. Evaluation of CalWORKs program implementation conducted or commissioned by the department shall, to the extent practical, use or build upon existing welfare data archives, including, but not limited to, the data bases and research completed to date as part of the Work Pays Demonstration Project authorized pursuant to Chapter 97 of the Statutes of 1992.

11521.5. The department shall have access and authority to obtain for tracking, monitoring, research and evaluation purposes to data collected by counties on recipients receiving cash aid, in-kind payments, or supportive services.

11521.7. The department shall continue the evaluation of Cal-Learn and issue a final report to the Legislature by July 1, 2000.

SEC. 159. Article 9.5 (commencing with Section 11525) is added to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 9.5. Interagency Data Development and Use

11525. (a) The department shall establish procedures to provide timely access to information on CalWORKs families to counties and researchers in a manner that maintains confidentiality of data while making it possible to undertake ongoing monitoring, research, and evaluation.

(b) (1) The department, with the cooperation of the University of California, shall establish a project to link longitudinal administrative data on individuals and families who are receiving benefits under the CalWORKs program, or have received benefits under the program within the last 10 years.

(2) All data shall be made available to a university center with the capability of linking it with other appropriate data to allow for ongoing assessment of program impact.

(3) The department shall ensure that information identifiable to individuals and families is removed so as to maintain strict confidentiality.

(4) The State Department of Health Services, the Employment Development Department, the Franchise Tax Board, the State Department of Education, and any other state or local governmental agency that collects information on aided families shall provide the department with the necessary data, if legally available.

SEC. 160. Article 9.7 (commencing with Section 11526) is added to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 9.7. Role of the University

11526. (a) The Legislature hereby requests the Regents of the University of California to establish and administer a program or programs to support welfare research and evaluation of the CalWORKs program.

(b) It is the intent of the Legislature that the program or programs established by the University of California:

(1) Establish a sponsored grants program to provide funding for interested researchers to undertake studies on important welfare-related issues. These grants shall be applied only to research projects requested by representatives of state and local government entities.

(2) Establish one or more Bureau of the Census secure data sites to link census and administrative data bases for ongoing research purposes.

(3) Use existing data archives to develop data sets appropriate for monitoring and evaluating the impacts of CalWORKs program implementation in California.

(4) Create and maintain public use data sets and make data available to researchers and members of the public to support welfare research and related human services research.

(5) Provide an ongoing capacity for supporting, conducting, and disseminating welfare policy research.

(6) Produce and maintain lists of researchers working with California welfare data or conducting research on public assistance in California.

(7) Review, edit, publish, and disseminate research and evaluation reports to state and local policymakers.

(8) Provide forums for the presentation of research findings and the discussion of research on welfare.

(9) Provide a location for welfare data archives and monitor ongoing funding for their upkeep.

SEC. 161. Section 14005.30 is added to the Welfare and Institutions Code, to read:

14005.30. (a) (1) To the extent that federal financial participation is available, the department shall, pursuant to Section 1396u-1 of Title 42 of the United States Code, extend eligibility for health care services under this chapter to all recipients of aid under Chapter 2 (commencing with Section 11200).

(2) In order to implement paragraph (1), the department shall, as may be necessary, exercise its option under subparagraph (C) of paragraph (2) of subsection (b) of Section 1396u-1 of Title 42 of the United States Code.

(b) In accordance with Section 1396u-1 of Title 42 of the United States Code, in addition to any individual eligible pursuant to subdivision (a), an individual ineligible for aid under Chapter 2 (commencing with Section 11200) shall be eligible for Medi-Cal benefits pursuant to this chapter if the individual meets the eligibility criteria for aid under Chapter 2 (commencing with Section 11200) that were in effect on July 16, 1996.

(c) The department may adopt emergency regulations to implement this section in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The initial adoption of emergency regulations following the effective date of the act enacting this section during the 1997–98 Regular Session of the Legislature and one readoption of those initial regulations shall be deemed to be emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Initial emergency regulations and the first readoption of those regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and publication in the California

Code of Regulations and shall remain in effect for no more than 180 days.

SEC. 162. Section 14132.90 of the Welfare and Institutions Code is amended to read:

14132.90. (a) As of September 15, 1995, day care habilitative services, pursuant to subdivision (c) of Section 14021 shall be provided only to alcohol and drug exposed pregnant women and women in the postpartum period, or as required by federal law.

(b) (1) Notwithstanding any other provision of law, except to the extent required by federal law, if, as of May 15, 1998, the projected costs for the 1997–98 fiscal year for outpatient drug abuse services, as described in Section 14021, exceed forty-five million dollars ($45,000,000) in state General Fund moneys, then the outpatient drug free services, as defined in Section 51341.1 of Title 22 of the California Code of Regulations, shall not be a benefit under this chapter as of July 1, 1998.

(2) Notwithstanding paragraph (1), outpatient methadone maintenance and Naltrexone shall remain benefits under this chapter.

(3) Notwithstanding paragraph (1), residential care, outpatient drug free services, and day care habilitative services, for alcohol and drug exposed pregnant women and women in the postpartum period shall remain benefits under this chapter.

(c) Expenditures for services purchased directly by county welfare departments on behalf of CalWORKs recipients shall not be included in the computation of costs for subdivision (b).

SEC. 163. Section 15204.2 of the Welfare and Institutions Code is repealed.

SEC. 164. Section 15204.2 is added to the Welfare and Institutions Code, to read:

15204.2. It is the intent of the Legislature that the annual Budget Act appropriate state and federal funds in a single allocation to counties for the support of administrative activities undertaken by the counties to provide benefit payments to recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 and to provide required work activities and supportive services in order to efficiently and effectively carry out the purposes of that chapter.

SEC. 165. Section 15204.3 is added to the Welfare and Institutions Code, to read:

15204.3. (a) Allocation of funds provided under Section 15204.2 shall be made, in the case of funds for benefits administration, based on projected county costs and caseloads, and, in the cases of funds for welfare-to-work administration, based on historical allocations.

(b) In the 1997–98 fiscal year, additional funds for welfare-to-work administration above GAIN allocation in the 1996–97 fiscal year shall be distributed among the counties with two-thirds allocated to all counties based on each county’s share of adults aided under Chapter

2 (commencing with Section 11200). The remaining one-third shall be allocated among only those counties that in the prior year received an allocation per average aided adult at a level less than the statewide average, and shall be distributed among those counties so that they each receive the same overall allocation per average aided adult for welfare-to-work administration.

(c) For purposes of this section, the 1997–98 fiscal year allocation for welfare-to-work administration shall constitute the historic allocation of those funds for each fiscal year subsequent to the 1997–98 fiscal year. For each year subsequent to the 1997–98 fiscal year, increases or decreases in funds appropriated under this section shall be allocated among individual counties in a manner that will promote more equitable distribution of these funds.

SEC. 166. Section 15204.4 is added to the Welfare and Institutions Code, to read:

15204.4. In addition to the funds received under Section 15204.2, counties shall be required to expend money from their own funds, either from the county's general fund or from the social services account of the county health and welfare trust fund to support administration of programs providing services to needy families. Each county shall expend an amount for these programs that, when combined with funds expended under Section 18906.5 for administration of food stamps, equals or exceeds the amount spent by that county for corresponding activities during the 1996–97 fiscal year. Failure to meet this required level of spending shall result in a proportionate reduction of the funds provided under Section 15204.2. In those cases the Director of Social Services shall report to the Legislature within 30 days his or her findings relative to the ability of the county, with reduced funds, to meet its obligations in administering the affected programs. The report shall include any relevant information related to the performance of the county.

SEC. 167. Section 15204.6 of the Welfare and Institutions Code is repealed.

SEC. 168. Section 15204.7 of the Welfare and Institutions Code is repealed.

SEC. 169. Section 15204.8 is added to the Welfare and Institutions Code, to read:

15204.8. (a) The Legislature may appropriate annually in the Budget Act funds to support services provided pursuant to Sections 11325.7 and 11325.8.

(b) Funds appropriated pursuant to subdivision (a) shall be allocated to the counties separately and shall be available for expenditure by the counties for services provided during the budget year. A county may move funds between the two accounts during the budget year for expenditure if necessary to meet the particular circumstances in the county. Any unexpended funds may be retained by each county for expenditure for the same purposes during the

succeeding fiscal year. By November 20, 1998, each county shall report to the department on the use of these funds.

(c) Beginning January 10, 1999, the Department of Finance shall report annually to the legislature on the extent to which funds available under subdivision (a) have not been spent and may reallocate the unexpended balances so as to better meet the need for services.

SEC. 170. Section 16575 of the Welfare and Institutions Code is repealed.

SEC. 171. Section 16575 is added to the Welfare and Institutions Code, to read:

16575. (a) The Legislature finds and declares that there is no single statewide data base containing statistical data regarding child support orders.

(b) The Statewide Automated Child Support System or its replacement may be utilized to provide a single statewide registry of all child support orders in California, including orders for cases under Title IV-D of the Social Security Act and all cases with child support orders.

SEC. 172. Section 16576 of the Welfare and Institutions Code is repealed.

SEC. 173. Section 16576 is added to the Welfare and Institutions Code, to read:

16576. (a) The department shall develop an implementation plan for the Statewide Child Support Registry. The Statewide Child Support Registry shall be operated by the agency responsible for operation of the Statewide Automated Child Support System (SACSS) or its replacement. The Statewide Child Support Registry shall include storage and data retrieval of the data elements specified in Sections 16576.5 and 16577 for all California child support orders. The plan shall be developed in consultation with clerks of the court, district attorneys, and child support advocates. The plan shall be submitted to the Legislature by January 31, 1998. The implementation plan shall explain in general terms, among other things, how the Statewide Child Support Registry will operate to ensure that all data in the Statewide Child Support Registry can be accessed and how data shall be integrated for statistical analysis and reporting purposes with all child support order data contained in the Statewide Automated Child Support System or its replacement and the Los Angeles Automated Child Support Enforcement System (ACSES) Replacement System.

(b) Commencing no later than October 1, 1998, each clerk of the court shall provide the information specified in Sections 16576.5 and 16577 within 20 days to the department or the Statewide Child Support Registry from each new or modified child support order, including child support arrearage orders.

(c) Commencing no later than October 1, 1998, the department shall maintain a system for compiling the child support data from all child support orders and data forms and orders of child support arrears forms received from the clerks of the court, ensure that all child support data received from the clerks of the court are entered into the Statewide Child Support Registry within 10 days of receipt in the Statewide Child Support Registry, and ensure that the Statewide Child Support Registry is fully implemented statewide.

(d) Commencing no later than October 1, 1998, the department shall provide aggregate data on a periodic basis on the data maintained by the Statewide Child Support Registry to the Judicial Council, the appropriate agencies of the executive branch, and the Legislature for statistical analysis and review. The data shall not include individual identifying information for specific cases.

(e) Commencing no later than October 1, 1998, any information maintained by the Statewide Child Support Registry from the child support orders and data forms and orders of child support arrears forms received from clerks of the courts shall be provided to county district attorneys, the Franchise Tax Board, and others as provided by law.

(f) On or before October 1, 1998, the department shall submit a report to the appropriate policy and fiscal committees of the Legislature on the requirements of this chapter.

SEC. 174. Section 16576.5 of the Welfare and Institutions Code is repealed.

SEC. 175. Section 16576.5 is added to the Welfare and Institutions Code, to read:

16576.5. The department shall contract with the Judicial Council to prepare and adopt, by January 31, 1998, the child support order and data form, which may be in electronic or hard copy form, as deemed appropriate by the Judicial Council, and which shall contain the following information:

(a) Full name, last known address, telephone number, social security number, and birth date of both parties.

(b) Full name and birth date of each child included in the support order.

(c) The date on which the child support order will terminate which shall be the date upon which the youngest child becomes 18 or 19 years of age if still in high school.

(d) A clear statement of the amount of child support to be paid for each child.

(e) If the order is a modification of a prior child support order, a clear statement of the amount of the prior order for each child and the amount of the modified order for each child.

(f) Any other information the department or the Judicial Council finds appropriate.

SEC. 176. Section 16577 of the Welfare and Institutions Code is repealed.

SEC. 177. Section 16577 is added to the Welfare and Institutions Code, to read:

16577. The department shall contract with the Judicial Council to prepare and adopt, by January 31, 1998, the order of child support arrears form, which may be in electronic or hard copy form, as deemed appropriate by the Judicial Council, and which shall contain on its face the following information:

(a) Full name, last known address, telephone number, social security number, and birth date of both parties.

(b) Full name and birth date of each child included in the support order.

(c) Date on which the court order on arrears will terminate, if known.

(d) A clear statement of the amount of the child support arrearage.

(e) If the order is a modification of a prior child support order, a clear statement of the amount of the prior order, and the amount of the modified order.

(f) Any other information the State Department of Social Services or the Judicial Council finds appropriate.

SEC. 178. Section 17016 is added to the Welfare and Institutions Code, to read:

17016. (a) An individual shall not be eligible for aid under this part if he or she is either:

(1) Fleeing to avoid prosecution, or custody and confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of that state.

(2) Violating a condition of probation or parole imposed under federal law or the law of any state.

(b) Subdivision (a) shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct.

SEC. 179. Section 17021 is added to the Welfare and Institutions Code, to read:

17021. (a) Any individual who is not eligible for aid under Chapter 2 (commencing with Section 11200) of Part 3 as a result of the 60-month limitation specified in subdivision (b) of Section 11454 shall not be eligible for aid or assistance under this part until all of the children of the individual on whose behalf aid was received, whether or not currently living in the home with the individual, are 18 years of age or older.

(b) Any individual who is receiving aid under Chapter 2 (commencing with Section 11200) of Part 3 on behalf of an eligible child, but who is either ineligible for aid or whose needs are not otherwise taken into account in determining the amount of aid to the family pursuant to Section 11450 due to the imposition of a sanction or penalty, shall not be eligible for aid or assistance under this part.

(c) This section shall not apply to health care benefits provided under this part.

SEC. 180. Chapter 3.2 (commencing with Section 18220) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 3.2. COMPREHENSIVE YOUTH SERVICES ACT

18220. The Legislature finds and declares all of the following:

(a) The enactment of federal welfare reform, Public Law 104-193, has provided the state with an unprecedented opportunity to recast the state's welfare system, and in particular, to simplify the standards and procedures for determining assistance to the state's children and their families.

(b) Under previous federal law, California's county probation departments claimed emergency assistance funds under Title IV-A of the Social Security Act, Part A (commencing with Section 601) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code, to help defray the cost of operating county juvenile probation activities. That claiming increased the allocation to California under the federal Temporary Assistance for Needy Families block grant by 140.9 million dollars.

(c) In the past, county probation departments focused attention on serving youthful offenders under the jurisdiction of the court. However, there is broad recognition that preventive approaches would be a more cost-effective approach to reducing juvenile crime, promoting family based services, and keeping families intact. This chapter will permit probation departments to expand preventive services to target populations that include youth who are habitual truants, runaways, or at risk of being adjudicated wards of the court under Section 601 or 602.

(d) When a minor has been identified as at risk or when he or she remains in the community under the jurisdiction of the juvenile court, the needs of the entire family must determine the services provided on behalf of the minor.

(e) Because of their troubled family situations, juvenile probationers are at great risk of becoming welfare recipients as young adults.

(f) Whether or not they are prepared for the responsibility, probation youth tend to become parents at an early age. A recent survey identified over 16,000 probation youth who were already parents.

(g) If youth on probation fail to develop adequate self-sufficiency skills, many of them and their children will require public assistance in the coming years.

(h) A survey of probation youth reveals that (1) most are more than three years below their grade level in reading and math skills, (2) 40 percent are not attending school, (3) 60 to 80 percent are abusing drugs or alcohol or both, (4) 60 percent are victims of abuse and neglect, and (5) 50 percent are from single parent homes.

(i) The intent of the Legislature in enacting this chapter is to provide a continuum of family focused case-specific services, in a community-based setting, that addresses the full spectrum of child and family needs, including services provided in county-operated residential care facilities.

(j) Proper probation services will provide the structure, support, and supervision needed to keep probation youth from further crime and to help them develop essential skills to avoid dependence on public assistance.

(k) In addition to serving at-risk youth or youthful offenders, county probation agencies should also serve parents when doing so will promote increased self-sufficiency, personal responsibility, and family stability for the youth.

18221. (a) The State Department of Social Services is hereby designated as the state agency responsible for administering funds appropriated for the purposes of this chapter pursuant to this section.

(b) Subject to the availability of funding in the annual Budget Act, the department shall allocate among counties in proportion to the following schedule:

Jurisdiction	Amount
Alameda	$ 5,615,845
Alpine	0
Amador	94,452
Butte	463,554
Calaveras	94,110
Colusa	51,612
Contra Costa	4,418,859
Del Norte	182,637
El Dorado	239,710
Fresno	2,340,762
Glenn	72,780
Humboldt	208,678
Imperial	536,872
Inyo	215,271
Kern	3,698,303

Kings	461,824
Lake	314,736
Lassen	72,850
Los Angeles	49,946,525
Madera	372,479
Marin	597,819
Mariposa	3,979
Mendocino	167,701
Merced	509,314
Modoc	31,257
Mono	1,042
Monterey	912,822
Napa	484,121
Nevada	143,386
Orange	13,611,232
Placer	279,576
Plumas	23,265
Riverside	4,310,788
Sacramento	3,350,278
San Benito	360,418
San Bernardino	5,189,475
San Diego	8,988,739
San Francisco	3,107,495
San Joaquin	1,224,857
San Luis Obispo	820,758
San Mateo	2,702,688
Santa Barbara	2,621,585
Santa Clara	9,799,213
Santa Cruz	1,012,615
Shasta	579,199
Sierra	0
Siskiyou	96,777
Solano	1,433,509
Sonoma	2,200,569
Stanislaus	719,052
Sutter	200,013
Tehama	232,026
Trinity	58,023
Tulare	2,381,471

Tuolumne	88,584
Ventura	2,805,490
Yolo	296,851
Yuba	152,154

(c) Counties shall use no more than 15 percent of their annual allocation for administrative costs.

(d) Any audit exception, deferral, or disallowance resulting from an audit under this chapter shall be shared by each county based on the percentage of the total costs claimed by the county during the quarter being audited. To the extent the audit exception, deferral, or disallowance can be taken against an individual county and is not extrapolated to other counties, it shall be borne solely by that county.

18222. (a) Subject to the availability of federal funds for the purposes described in this section, funds provided pursuant to subdivision (b) of Section 18221 may be used to serve children who are habitual truants, runaways, at risk of being wards of the court under Section 601 or 602, or are under juvenile court supervision or supervision of the probation department. Funds may be used to serve parents or other family members of these children if serving them will promote increased self-sufficiency, personal responsibility, and family stability for the child. Services shall be provided pursuant to a family service plan. When a family is served by multiple public agencies or in need of services from multiple public agencies, the family service plan shall be developed through an interdisciplinary approach that shall include representatives from agencies that provide services to the family or that may be required to implement the service plan.

(b) Services authorized under this section include all of the following:

(1) Educational advocacy and attendance monitoring.
(2) Mental health assessment and counseling.
(3) Home detention.
(4) Social responsibility training.
(5) Family mentoring.
(6) Parent peer support.
(7) Life skills counseling.
(8) Direct provision of, and referral to, prevocational and vocational training.
(9) Family crisis intervention.
(10) Individual, family, and group counseling.
(11) Parenting skills development.
(12) Drug and alcohol education.
(13) Respite care.
(14) Counseling, monitoring, and treatment.
(15) Gang intervention.

(16) Sex and health education.

(17) Anger management, violence prevention, and conflict resolution.

(18) After care services as juveniles transition back into the community and reintegrate into their families.

(19) Information and referral regarding the availability of community services.

(20) Case management.

(21) Therapeutic day treatment.

(22) Transportation related to any of the services described in this subdivision.

(23) Emergency and temporary shelter.

18223. (a) Subject to the availability of federal funds for the purposes described in this section, funds provided pursuant to subdivision (b) of Section 18221 may be used to provide emergency services to children whose behavior results in the child's removal from the home and a judicial determination that the child must remain in out-of-home care for more than 72 hours.

(b) Services authorized under this section include payment for shelter care in juvenile assessment centers, residential group care in camps and ranches, or foster care in a licensed foster care facility, except where provided by Title IV-E of the Social Security Act, Part E (commencing with Section 670) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.

(c) To be eligible for funding pursuant to this section, all eligibility criteria specified in the Title IV-A state plan for emergency assistance in effect on September 30, 1995, shall be met.

18224. All services provided under this chapter, whether provided in the home, residential facilities, or other settings, shall be based on the following principles:

(a) Services shall be oriented toward the principles of personal responsibility and self-reliance.

(b) Services shall use available community resources to the extent they are available, to serve the needs of the populations served under this chapter.

(c) Individualized case plan development shall consider family concerns, priorities, and resources and shall include services designed to help families develop problem solving skills to apply independently in new situations.

(d) Services shall be based on comprehensive strength-based family assessments, shall be family focused, and shall address identified immediate needs as well as underlying risk factors contributing to problems that are more pervasive and recurrent in nature.

(e) Services offered shall be cost-effective, using established community services in tandem with federal, state, and locally funded services.

18225. (a) (1) The board of supervisors of any county that receives funds pursuant to this chapter shall approve the expenditure plan for funds received pursuant to subdivision (b) of Section 18221.

(2) (A) The board of supervisors of any county that receives funds under this chapter shall establish a local planning council to meet, and to advise the chief probation officer in the development of the proposed expenditure plan for the funds provided under this chapter.

(B) With the exception of local planning councils serving pursuant to subdivision (b), any council established pursuant to this subdivision shall include representatives from all of the following:

(i) County departments, including health, mental health, probation, child protective services, and education.

(ii) Local school districts.

(iii) City and county law enforcement agencies.

(iv) Community-based organizations that serve at-risk youth, including shelter providers, organizations addressing issues of pregnancy and parenting, organizations addressing issues of substance use and abuse, and culturally conscious organizations reflecting the ethnic and cultural composition of the community.

(v) One or more youths who are at risk or have been adjudicated under Section 601 or 602.

(vi) Parents or family members of at-risk youth.

(b) The county board of supervisors may provide that a planning council established pursuant to Section 749.22 shall serve as the local planning council required by subdivision (a).

18226. This chapter shall remain operative only until October 31, 2003.

SEC. 181. Chapter 3.3 (commencing with Section 18230) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 3.3. CALWORKS DEMONSTRATION PROJECTS

Article 1. County Welfare-to-Work Demonstration Projects

18230. Pursuant to this chapter and Article 1 (commencing with Section 18200) of Chapter 3, the director may approve county demonstration projects for the CalWORKs program. Any project approved by the director that requires the expenditure of state or federal funds shall be subject to appropriation in the annual Budget Act.

18231. (a) A county, or two or more counties, may implement three-year performance-based CalWORKs demonstration projects under this chapter to test alternative methods of service delivery designed to do any of, but not limited to, the following:

(1) More effectively serve highly distressed geographic areas.

(2) More effectively serve hard-to-employ target populations.

(3) Better meet local labor force demands.

(4) Address the needs of the CalWORKs population in areas of chronic high unemployment.

(5) Improve administration of program services to clients.

(b) It is the intent of the Legislature that CalWORKs demonstration projects promote cross-agency collaboration within the county or counties in order to reduce duplication and fragmentation of services, serve CalWORKs families in a comprehensive fashion, and increase the self-sufficiency and well-being of CalWORKs families.

(c) It is the intent of the Legislature that each demonstration project test different types of alternative service delivery or serve different types of populations.

18232. (a) A county board of supervisors that wishes to demonstrate an alternative method of CalWORKs service delivery shall apply to the director for approval of its demonstration project. The county application shall identify the specific goals of the project, how it plans to attain those goals, and the evaluation methodology and funding source that will be used to evaluate the extent to which the goals are attained. The application shall also include a description of the process through which the proposal was developed, which shall include participation by representatives of all the stakeholders who will potentially be affected by the project, including representatives of CalWORKs recipients, service providers, and all relevant local government agencies. Prior to receiving approval for a demonstration project, the applicant county shall demonstrate to the director agreement from all parties described in the application who will be involved in implementing the project.

(b) A participating county shall abide by all audit requirements necessary to ensure compliance with federal law.

18233. Before authorizing a demonstration project, the director shall ensure that it is consistent with the intent of state CalWORKs law. At least 30 days prior to approving a demonstration project, the director shall provide written notice to the chairperson of the relevant policy committees of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee. The notice shall identify any increased state costs that will result from the project.

18234. (a) Except as otherwise provided in this section, a county's CalWORKs demonstration project shall not be exempt from state law that governs eligibility, unless a county wishes to extend eligibility to families not otherwise covered, in a manner that is consistent with applicable federal laws and regulations.

(b) A county may not reduce grant levels below the level established pursuant to Section 11450, but may supplement grant levels established in state law, and may extend time limits, using county only funds.

(c) A county's CalWORKs demonstration project may not be exempt from state law that governs any of the following:

(1) Dispute resolution procedures and penalties, including fair hearings.

(2) Recipient confidentiality.

(3) Child support collection.

(4) County contracting.

(5) Collective bargaining law and agreements.

(6) Civil service procedures.

(7) Fair labor standards.

(8) Displacement of current workers.

18235. A demonstration project under this article shall include a range of services designed to assist recipients to achieve employment, which may not include job search and work experience to the exclusion of other activities that may be required by the population in the project, and the supportive services necessary for clients to achieve self-sufficiency, which at a minimum shall include child care, transportation, mental health treatment, and substance abuse treatment. A demonstration project shall not result in a diminution in the level of funding for services that would be available if the project were not implemented.

Article 2. School Attendance Demonstration Projects

18236. (a) The director may approve school attendance demonstration projects in San Diego and Merced Counties, at the option of each county, to demonstrate means of increasing school attendance and graduation rates of children or teens who receive benefits under the CalWORKs program. The project shall emphasize a social service approach to children and families who are experiencing truancy problems, and shall include collaboration with the academic community to support a successful school experience. Families shall be provided a range of services, resources, and tools to assist them in coping with issues related to their children's school problems. These shall include integrated services involving the county and the appropriate school districts. After all other avenues to encourage a student to attend school have been exhausted and a family has failed to correct the truancy of a child in the family unit, a participating county may reduce a family grant by the amount of the truant child's portion grant. The full grant shall be replaced upon a showing that the student has attended school full-time for one month or has otherwise cooperated with an education or training plan developed with the county and the school district.

(b) Participating counties shall measure their success in achieving the following outcomes:

(1) Increased attendance and graduation.

(2) Decreased truancy.

(3) Higher grade point averages.
(4) Increased ADA.
(5) Decreased dropout rates.
(6) Increased collaboration among agencies providing services for children.
(7) Reinforcement of parental responsibility.

(c) Prior to being selected as a demonstration project site, the governing board of each school district shall approve the project and a clear delineation of the county's and the school or school district's responsibilities shall be established in a memorandum of understanding.

(d) Each county shall identify how it plans to attain the goals of the demonstration project and the evaluation methodology and funding source that will be used to evaluate the extent to which the goals are attained.

(e) The director shall report annually to the chairpersons of the relevant policy committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee on the progress of the demonstration projects, including the extent to which they are attaining the outcomes described in subdivision (b), the number of families sanctioned, and the average length of time of the sanctions.

18237. (a) The department, in conjunction with the State Department of Education and the Attorney General, may evaluate the effectiveness of one program, as described in this section in a county that chooses to operate such a program.

(b) The truancy coordinator in the district attorney's office shall provide assistance to school districts to address cases of habitual truancy as defined in Section 48262 of the Education Code.

(c) The county truancy coordinator shall perform, at a minimum, all of the following duties:

(1) Represent the district attorney on the county school attendance review board pursuant to Section 48321 of the Education Code.

(2) Prepare letters as requested by local school districts that provide a warning notice to parents of truant pupils subject to criminal prosecution and penalties pursuant to Section 48293 of the Education Code.

(3) Develop a district truancy mediation program, as defined in Section 48263.5 of the Education Code, unless the county probation department has elected to provide the program.

(d) The school attendance review board shall assist the district attorney and the court in ensuring that every parent or guardian and truant pupil prosecuted and convicted under Chapter 2 (commencing with Section 48200) of Part 2 of the Education Code, complies with the sentence of the court, including, but not limited

to, collection of fines, ensuring the performance of community service and providing certification of school attendance.

Article 3. Microenterprise Demonstration Projects

18238. For the purposes of this article:

(a) ‘‘Microenterprise’’ means a small business in which a participant works as his or her own employer.

(b) ‘‘Microenterprise assistance provider’’ means a public agency or a nonprofit agency meeting the requirements of Section 501(c)(3) of the federal Internal Revenue Code, that is exempt from taxation under Section 501(a) of the Internal Revenue Code, and that provides self-employment training, technical assistance, and access to microloans to individuals seeking to become self-employed.

18239. (a) With the consent of participating counties, the department may implement demonstration projects to provide self-employment training and technical assistance to recipients of CalWORKs benefits and persons who are at risk of receiving CalWORKs benefits. Each demonstration project shall operate for three years. At least one demonstration project shall operate in Los Angeles County and at least one in a northern California county. The number of demonstration projects shall be limited to no more than six. However, if nonstate matching funds become available, the number shall be limited to no more than 12.

(b) The self-employment training shall include development of a viable business plan, assisting the recipient to determine if self-employment is suitable to the recipient’s aptitudes and family dependent care obligations, marketing strategies, business location analysis, direct technical assistance in the development of a microenterprise, and other subjects as necessary to achieve proficiency in basic business skills. The training shall include periodic assistance or case management, as needed, for up to one year after the recipient’s self-employment has commenced.

(c) To ensure communication and collaboration between county welfare departments, including CalWORKs programs, and microenterprise assistance providers, proposals to operate demonstration projects under this article shall be jointly submitted by local microenterprise service providers and the county welfare department. No county matching funds shall be required for the implementation and evaluation of the demonstration project. Local microenterprise assistance providers participating in the pilot project shall have at least two years’ experience and demonstrated success in providing assistance to recipients of CalWORKs benefits and other low-income individuals to create their own jobs through self-employment.

(d) If pursuant to subdivision (a), the department, with the consent of participating counties, chooses to implement a

microenterprise demonstration project, the department shall solicit proposals from microenterprise assistance providers seeking to administer a demonstration project under this article on a not-for-profit basis. The department shall seek to encourage financial participation of private entities for purposes of including more individuals in these demonstration projects.

Article 4. Jobs-Plus

18240. (a) Upon a request by the County of Los Angeles, the department may review and approve a waiver that would permit changes in earned income incentives available to residents in housing complexes in that county participating in the Jobs-Plus Community Revitalization Initiative for Public Housing Families.

(b) Waiver authority pursuant to subdivision (a) shall be limited to applicable working-age residents of the County of Los Angeles taking part in the initiative implemented at Jobs-Plus sites in the county.

(c) The waiver shall permit work-related financial incentives that are more generous than those otherwise operating pursuant to Chapter 2 (commencing with Section 11200) of Part 3.

(d) Waivers shall last only for the duration of the initiative referred to in subdivision (a).

(e) The department shall grant the requested waivers no sooner than 30 days after a report to the appropriate policy and fiscal committees of the Legislature of the nature, extent, and duration of the waivers.

(f) The department shall submit to the appropriate policy and fiscal committees of the Legislature results of the evaluation of the initiative operating pursuant to the waivers granted under this section.

(g) This article shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.

Article 5. Child Support Assurance Demonstration Project

18241. It is the intent of the Legislature, in implementing federal welfare reform, to create a Child Support Assurance Demonstration Project that is consistent with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) and that maximizes cost effectiveness while lifting children out of poverty. It is the intent of the Legislature that the program will secure financial stability for California’s children through a guaranteed minimum level of financial support for the children of participating families, while at the same time encouraging custodial parents to be employed and noncustodial parents to financially support their children.

18242. (a) Upon application by a county board of supervisors, the department may approve demonstration projects in up to three counties to test models of child support assurance. One of the projects shall conform to the design contained in Sections 18244 to 18246, inclusive. The other two projects shall either test different models of child support assurance or may test the same model if the two counties in which that model is tested involve counties with different demographics.

(b) It is the intent of the Legislature that the purpose of the demonstration projects authorized by this article is to test child support assurance models as alternatives to welfare under which families with earnings and a child support order receive a guaranteed child support payment, in lieu of a grant under the CalWORKs program, from funds continuously appropriated for the CalWORKs program.

(c) A county may determine the maximum number of participants in that county, but not more than five percent of the county CalWORKs caseload or 8,000 persons, whichever is greater.

18243. The department shall develop research designs to ensure thorough evaluations of the child support assurance demonstration projects that shall include, but not be limited to, the impact of work participation rates of custodial parents, CalWORKs participation rates and costs, paternity and child support order establishment, and any other relevant information the director may require.

18244. (a) A family shall be eligible to participate under this article only if, at the time of application to participate in the child assurance program, the family is receiving, or has been determined to be eligible to receive, an aid grant under Chapter 2 (commencing with Section 11200) of Part 3.

(b) A family's participation under this article shall not affect its eligibility to receive Medi-Cal and child care benefits under Chapter 2 (commencing with Section 11200) of Part 3, if otherwise eligible.

18245. (a) A family shall be eligible to receive a child support assurance payment on behalf of a child only if the child's custodial parent has done all of the following:

(1) Assigned the child's right to collect child support to the state.

(2) Established paternity, obtained a child support order, and is using the services available under the state plan approved under Part D (commencing with Section 651) of Chapter 7 of Title 42 of the United States Code.

(3) Opted to participate in the child assurance program in lieu of cash assistance under this chapter or its successor program.

(b) (1) Except as provided in paragraph (2), as a condition of receiving a child support assurance payment under this article, a custodial parent shall also be required to do both of the following:

(A) Continue to provide all other relevant information that the applicant has that may be requested by the county.

(B) Appear at required interviews, conference hearings, or legal proceedings, if notified in advance and an illness or emergency does not prevent attendance.

(2) A custodial parent shall not be required to comply with paragraph (1) when compliance would make it more difficult for a domestic violence victim to escape physical abuse or when cooperation would increase the risk of further violence or unfairly penalize the victim.

(c) In order to be eligible under this article, a child shall meet all of the following conditions:

(1) The child resides in the county.

(2) The child has a noncustodial parent living in the United States, or if not living in the United States, is subject to service of process by a state or territory of the United States.

(3) The child is under 18 years of age or, if enrolled in high school, under 19 years of age.

(4) The custodial parent is employed.

18246. (a) A child or children shall be eligible to continue to receive a child support assurance payment under this section only if the family's income is not more than 150 percent of the federal poverty level. For family income below the federal poverty level, the earned income disregard shall be 90 percent. For income between 100 percent and 150 percent of the federal poverty level, the earned income disregard shall be incrementally decreased until the assistance benefit reaches zero at 150 percent of the federal poverty level.

(b) In any month, the child shall receive the greater of the child support paid by the noncustodial parent or the assured amount as defined in subdivision (d) of Section 11535. In any month in which the noncustodial parent pays an amount of support less than the assured amount, the county shall retain the payment as reimbursement for the assured amount.

(c) For purposes of this article, the child support assurance payable to the custodial parent of one or more eligible children shall be the amount by which the support assurance payment exceeds the dollar value of the child support, if any, received on behalf of the family during the month from the noncustodial parent for the support of any eligible child or children.

(d) The monthly child support assurance payment shall be the sum of all of the following:

(1) Two hundred fifty dollars ($250) for the first eligible child.

(2) One hundred twenty-five dollars ($125) for the second eligible child, if any.

(3) Sixty-five dollars ($65) for each subsequent eligible child, if any.

18247. (a) The state share of child support assurance payments under this article shall be paid in accordance with Section 15200.

(b) The county administrative cost for the operation of a child support assurance program shall be paid from the county's allocation provided under Sections 15204.2 and 15204.3.

SEC. 183. Except for Sections 31, 32, 131, 132, 141, 161, and 162 of this act, this act shall become operative on January 1, 1998.

SEC. 184. In enacting the CalWORKs program, the revisions to, and the repeal of, various specific provisions for good cause for failure to participate in welfare-to-work program activities is not intended to preclude a county from considering any condition or circumstance of a recipient on a case-by-case basis in the evaluation of whether good cause exists.

SEC. 185. (a) Notwithstanding the provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, through June 30, 1998, the State Department of Social Services may implement the applicable provisions of this act through all county letter or similar instructions from the director.

(b) The director shall adopt regulations, as otherwise necessary, to implement the applicable provisions of this act no later than July 1, 1998. Emergency regulations to implement the applicable provisions of this act may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

SEC. 186. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act provides for offsetting savings to local agencies or school districts that result in no net costs to the local agencies or school districts, within the meaning of Section 17556 of the Government Code.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 187. Sections 1 to 186, inclusive, of this act shall not become operative until the Budget Act of 1997 is chaptered.

SEC. 188. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to implement the federal welfare reform in the most appropriate and timely manner, it is necessary that this act take effect immediately.

O

CALIFORNIA CODES
EDUCATION CODE
SECTION **8499**.3-**8499**.7

8499.3. (a) It is the intent of the Legislature that local child care and development planning councils shall provide a forum for the identification of local priorities for child care and the development of policies to meet the needs identified within those priorities.

(b) The county board of supervisors and the county superintendent of schools shall do both of the following:

(1) Select the members of the local planning council. Before making selections pursuant to this subdivision, the board of supervisors and the county superintendent of schools shall publicize their intention to select the members and shall invite local organizations to submit nominations. In counties in which the superintendent is appointed by the county board of **education**, the county board of **education** may make the appointment or may delegate that responsibility to the superintendent.

(2) Establish the term of appointment for the members of the local planning council.

(c) (1) The local planning council shall be comprised as follows:

(A) Twenty percent of the membership shall be consumers.

(B) Twenty percent of the membership shall be child care providers, reflective of the range of child care providers in the county.

(C) Twenty percent of the membership shall be public agency representatives.

(D) Twenty percent of the membership shall be community representatives, who shall not be child care providers or agencies that contract with the department to provide child care and development services.

(E) The remaining 20 percent shall be appointed at the discretion of the appointing agencies.

(2) The board of supervisors and the superintendent of schools shall each appoint one-half of the members. In the case of uneven membership, both appointing entities shall agree on the odd-numbered appointee.

(d) Every effort shall be made to ensure that the ethnic, racial,

and geographic composition of the local planning council is reflective of the ethnic, racial, and geographic distribution of the population of the county.

(e) The board of supervisors and county superintendent of schools may designate an existing child care planning council or coordinated child and family services council as the local planning council, as long as it has or can achieve the representation set forth in this section.

(f) Upon establishment of a local planning council, the local planning council shall elect a chair and select a staff.

(g) Each local planning council shall develop and implement a training plan to provide increased efficiency, productivity, and facilitation of local planning council meetings. This may include developing a training manual, hiring facilitators, and identifying strategies to meet the objectives of the council.

(h) No member of a local planning council shall participate in a vote if he or she has a proprietary interest in the outcome of the matter being voted upon.

8499.5. (a) The department shall allocate child care funding pursuant to Chapter 2 (commencing with Section 8200) based on the amount of state and federal funding that is available.

(b) By May 30 of each year, upon approval by the county board of supervisors and the county superintendent of schools, each local planning council shall submit to the department the local priorities it has identified that reflect all child care needs in the county. To accomplish this, each local planning council shall do all of the following:

(1) Conduct an assessment of child care needs in the county no less than once every five years. The department shall define and prescribe data elements to be included in the needs assessment and shall specify the format for the data reporting. The needs assessment shall also include all factors deemed appropriate by the local planning council in order to obtain an accurate picture of the comprehensive child care needs in the county. The factors include, but are not limited to, all of the following:

(A) The needs of families eligible for subsidized child care.

(B) The needs of families not eligible for subsidized child care.

(C) The waiting lists for programs funded by the department and the State Department of Social Services.

(D) The need for child care for children determined by the child

protective services agency to be neglected, abused, or exploited, or at risk of being neglected, abused, or exploited.

(E) The number of children in families receiving public assistance, including food stamps, housing support, and Medi-Cal, and assistance from the Healthy Families Program and the Temporary Assistance to Needy Families (TANF) program.

(F) Family income among families with preschool or schoolage children.

(G) The number of children in migrant agricultural families who move from place to place for work or who are currently dependent for their income on agricultural employment in accordance with subdivision (a) of, and paragraphs (1) and (2) of subdivision (b) of, Section 8231.

(H) The number of children who have been determined by a regional center to require services pursuant to an individualized family service plan, or by a local educational agency to require services pursuant to an individualized **education** program or an individualized family service plan.

(I) The number of children in the county by primary language spoken pursuant to the department's language survey.

(J) Special needs based on geographic considerations, including rural areas.

(K) The number of children needing child care services by age cohort.

(2) Document information gathered during the needs assessment which shall include, but need not be limited to, data on supply, demand, cost, and market rates for each category of child care in the county.

(3) Encourage public input in the development of the priorities. Opportunities for public input shall include at least one public hearing during which members of the public can comment on the proposed priorities.

(4) Prepare a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs.

(5) Conduct a periodic review of child care programs funded by the department and the Department of Social Services to determine if identified priorities are being met.

(6) Collaborate with subsidized and nonsubsidized child care providers, county welfare departments, human service agencies, regional centers, job training programs, employers, integrated child and family service councils, local and state children and families commissions, parent organizations, early start family resource centers, family empowerment centers on disability, local child care

resource and referral programs, and other interested parties to foster partnerships designed to meet local child care needs.

(7) Design a system to consolidate local child care waiting lists, if a centralized eligibility list is not already in existence.

(8) Coordinate part-day programs, including state preschool and Head Start, with other child care and development services to provide full-day child care.

(9) Submit the results of the needs assessment and the local priorities identified by the local planning council to the board of supervisors and the county superintendent of schools for approval before submitting them to the department.

(10) Identify at least one, but not more than two, members to serve as part of the department team that reviews and scores proposals for the provision of services funded through contracts with the department. Local planning council representatives may not review and score proposals from the geographic area covered by their own local planning council. The department shall notify each local planning council whenever this opportunity is available.

(c) The department shall, in conjunction with the Department of Social Services and all appropriate statewide agencies and associations, develop guidelines for use by local planning councils to assist them in conducting needs assessments that are reliable and accurate. The guidelines shall include acceptable sources of demographic and child care data, and methodologies for assessing child care supply and demand.

(d) The department shall allocate funding within each county in accordance with the priorities identified by the local planning council of that county and submitted to the department pursuant to this section, unless the priorities do not meet the requirements of state or federal law.

8499.7. It is the intent of the Legislature that any additional conditions imposed upon local planning councils shall be funded from available federal funds to the greatest extent legally possible.

BYLAWS
of the
Child Care Planning Council of Ventura County

Article I - Name

The Council shall be designated the Child Care Planning Council of Ventura County, referred to hereafter as the "Council".

Article II - Authority

The Council was formed by the County Board of Supervisors and County Superintendent of Schools on December 16, 1997. This was done in accordance with Education Code section 8499.3, which required the formation of county level child care and development planning councils. The Council recognizes the legislative intent of Education Code Section 54744 that communities implementing new programs or initiatives connect with existing program strategies and build upon existing local collaboratives, when possible, to provide a unified integrated system of service for children and families.

Article III - Purpose and Duties

A. The Council undertakes activities designed to promote the accessibility of safe, affordable and quality child care and development services for all children and families in Ventura County.

B. The Council is authorized with the following powers and duties:

1. Elect a chair, as per Article IX, A.
2. Conduct needs assessment of child care needs in the county every five years. The needs assessment shall take into consideration the following:

    a. The needs of families eligible for subsidized child care.
    b. The needs of families not eligible for child care.
    c. The waiting lists for programs funded by the Department of Education and the State Department of Social Services.
    d. The need for child care for children who have been abused or neglected or are at risk of abuse and neglect.
    e. The number of children receiving public assistance.
    f. Family income among families with preschool or school age children.
    g. The number of children of migrant workers.
    h. The number of children with special needs.
    i. The number of children from all identifiable linguistic and cultural backgrounds.
    j. Special needs based on geographic considerations, including rural areas.
    k. The age of children needing services.
    l. Any other factors determined appropriate by the local planning council.

3. Document information gathered during the needs assessment which shall include, but need not be limited to, data on hand, data on supply, demand, cost and market rates for each category of child care in the County.

4. Encourage public input in the development of priorities. Opportunities for public input shall include at least one public hearing during which members of the public can comment on the proposed priorities.

5. Conduct a periodic review of child care programs funded by the Department of Education and the Department of Social Services to determine if identified priorities are being met.

6. Collaborate with representatives of subsidized and non-subsidized programs, the State/Local Children and Families First (Prop 10) Commissions, county welfare departments and human service agencies, job training programs, employers, integrated family service councils, parent organizations and other interested parties to foster partnerships designed to meet local child care needs.

7. Design a system to consolidate local child care waiting lists.

8. Coordinate part-day programs, including State Preschool and Head Start, with other child care services to provide full-day child care.

9. Report to the Board of Supervisors and the Superintendent of Schools annually on the activities of the Council which shall include a report on future planned activities and goals.

10. Submit the results of the needs assessment and local priorities identified by the local planning council to the Board of Supervisors and the County Superintendent of Schools for approval prior to submitting them to the Department of Education.

11. Review and comment on proposals submitted to the Department of Education that concern child care to be provided not within a geographic area covered by the local planning council.

12. Identify at least one, but no more than two, persons from the Council, one selected by the Board of Supervisors and one selected by the Superintendent of Schools, if two are selected, or one person selected by both agencies, to serve as part of the department team that reviews and scores proposals for the provision of services funded through contracts with the Department of Education. Local planning council representatives shall not review and score proposals from the geographic area covered by their own local planning council.

13. Develop and implement a training plan to provide increased efficiency, productivity and facilitation of local planning council meetings. This may include developing a training manual, hiring facilitators and identifying strategies to meet the objectives of the Council.

14. Provide consultation to the State Department of Education and the State Department of Social Services regarding the development of a single application and intake form for all federal and state subsidized child care and development services.

Article IV- Membership

A. Composition of the Council

The Council membership shall be limited to 25 members and, as required by Education Code section 8499.3, subdivision (c), shall be representatives from the following categories:

a. 20 percent child care consumers - a parent or person who receives, or who has received child care services within the last 36 months.
b. 20 percent child care providers - a person who provides child care services and represents the diversity of the types of child care providers in the county.
c. 20 percent public agency representatives - a person who represents a city, county, city and county, or local education agency and who funds, regulates, or monitors the delivery of child care services.
d. 20 percent community representatives - a person who is not a child care provider or represents an agency that contacts with the Department of Education to provide child care and development services.
e. 20 percent appointed at the discretion of the appointing agencies.

1. Reduction in Total Council Membership Resulting in Unbalanced Composition. If at any time any category has more than 20 percent of the total Council membership because the Council voted to reduce the total number of Council members, all members within the category exceeding 20 percent will remain as members (including being eligible for re-appointment) even though the composition of the Council will be unbalanced. If a member in an unbalanced category meets the qualifications for another category where a vacancy exists, then the chair will move the member into the other category where a vacancy exists. If moving a member in an unbalanced category is not possible, then the members of the unbalanced category will remain as members of the unbalanced category until their position becomes vacant, at which time the departing member will not be replaced unless the category would have no more than 20 percent of the total Council membership.

B. Selection of Members

1. Appointments. Pursuant to Education Code section 8499.3, subdivision (c)(2), the Board of Supervisors and the Superintendent of Schools shall each appoint one-half of Council members. Except for re-appointing a current Council member to another term of office, which is to be done by the authority that originally appointed the member to the Council, appointments will be made on an alternating basis as vacancies occur. The first vacancy existing on or after April 1, 2002, will be filled by appointment by the Board of Supervisors, while the next vacancy will be filled by appointment by the Superintendent of Schools, followed by another appointment

by the Board of Supervisors, and so forth. Every effort shall be made to ensure diverse representation; no more than three members from any one agency shall be appointed to the Council. The Council's project coordinator will maintain a record of appointments; ensure that the composition of the Council reflects the requirements in Education Code section 8499.3, subdivision (c); verify Council membership to the California Department of Education; and inform the appointing authorities when a vacancy exists and which appointing authority will fill the vacancy. The Council's Executive Committee shall recommend candidates to the appointing authorities, as provided in Article V, section (C)(4), with the approval of the Council. Every effort shall be made to ensure the composition of the Council represents the ethnic, racial, and geographic distribution of the population of the county as a whole.

2. Expiring Terms and Re-appointments. At least 30 days before a current Council member's term will expire, the project coordinator will (1) notify the member, the Chair of the Board of Supervisors and the Superintendent of Schools that the member's term is about to expire, and (2) inform them which authority originally appointed the member. The appointing authority may re-appoint the current member for another term before the expiration of the current term. If the appointing authority does not re-appoint the member by the expiration of that member's term, then the member will be deemed to be re-appointed and will hold office for another full term, until the appointing authority confirms the re-appointment of the member or the member resigns.

3. Membership Agreements. All Council members, within 30 days of their initial appointment and again within 30 days of any re-appointment, and any applicant being screened by the Executive Committee for possible recommendation for membership pursuant to Article V, section (C)(4), must read and sign the Council's membership agreement described in Article VIII, section (C) of these bylaws.

C. Term of Council Members

The members of the Council shall serve a term of two years, with the exception of the start-up Council, one half of which will serve three years. One half of the members shall be appointed in even-numbered years and one half will be appointed in odd-numbered years to ensure continuity to the Council. Members may serve more than one term but must be re-appointed at the end of two years. There are no term limits. The Council's project coordinator will keep records of the terms of each Council member and will notify the applicable appointing authority and the member at least 30 days prior to the expiration of a Council member's term to allow the appointing authority to consider re-appointing the member pursuant to the procedure set forth in subdivision (B)(2) of this section. The project coordinator will at the same time send a copy of such notice to the authority that did not appoint the member whose term is about to expire.

D. Vacancies

1. Vacancies. The Chair of the Council or the project coordinator shall notify the Board

of Supervisors and the Superintendent of Schools when a position becomes vacant, whether due to resignation, death, removal, expiration of a Council member's term without re-appointment or some other cause. Notices of unscheduled vacancies shall be posted pursuant to Government Code section 54974. Members of the Council may assist with the solicitation of nominations received, and the Executive Committee may review prospective members and make recommendations with approval of the Council regarding their appointment to the Board of Supervisors and Superintendent of Schools, who will then make the appointment following the procedure set forth in paragraph (B)(1) of this section. A list of persons interested in being nominated to the Council shall be kept as a pool for future appointments. The replacement Council member shall complete the term of the vacating member.

2. Resignation. Any member of the Council may resign by giving written notice to the Chair of the Council. The written resignation shall be forwarded to the Clerk of the Board of Supervisors and to the Superintendent of Schools. A vacancy created by resignation of a member will be filled following the procedure set forth in paragraph (B)(1) of this section.

3. Removal. All Council members shall serve at the pleasure of, and be removed at any time with or without cause by, the Board of Supervisors if it appointed the Council member in question or by the Ventura County Superintendent of Schools if he or she appointed the Council member in question. Upon approval of the Council, the Executive Committee of the Council shall recommend removal of a Council member to the authority that appointed the member if the member has violated any of the Council's bylaws. A vacancy created by removal of a member will be filled following the procedure set forth in paragraph (B)(1) of this section.

E. Attendance

1. Council members are expected to attend all regularly scheduled Council meetings.

2. Any member who fails to be in attendance at three (3) consecutive Council meetings or four (4) meetings total within a fiscal year shall be referred to the Executive Committee. The Executive Committee may recommend removal of the Council member and pursue a replacement from the Board of Supervisors or Superintendent of Schools following the procedure set forth in paragraph (B)(1) of this section.

Article V- Committees

A. In General. The Council may establish committees, on either a permanent or temporary basis, to address child care issues and concerns. Committees may also include persons not on the Council, but any committee must include at least one Council member. Council members shall actively serve on at least one committee on a continual basis. Alternates may attend committee meetings in the member's absence. Each committee will be chaired by a Council member. All Committee meetings will be open and public and subject to the Brown Act.

B. Chairpersons. Chairpersons of each committee shall be selected at the beginning of each fiscal year by the committee, except that the Chair of the Council will also be the Chair of the Executive Committee.

C. Executive Committee. The Council will establish an Executive Committee. The Executive Committee shall consist of the Council's chairperson, vice-chairperson, immediate past Chair, and Chairpersons of all standing committees. All Executive Committee members must be current Council members. If any committee has co-chairs, each co-chair will be a member of the Executive Committee, but each committee shall have no more than one vote. The Director of Health Programs in the Superintendent of Schools Office and the CCPC project coordinator shall serve as ex-officio members on the Executive Committee. The Executive Committee is delegated the power to act for the Council between meetings of the membership. Such actions shall be in accordance with state guidelines and these bylaws, and will be reviewed at the next Council meeting.

The Executive Committee has responsibility for:

1. Council budget oversight.
2. Providing input about the selection and performance of the project coordinator to the Director of Health Programs in the Superintendent of Schools Office.
3. Governance of the Council, to include but not limited to oversight of mandates, Strategic Plan and special projects.
4. Review of membership agreements and recommendations for appointment, re-appointment and removal of members and prospective members.

A majority of the Executive Committee shall constitute a quorum of the Executive Committee.

Article VI- Meetings

A. Regular meetings. The Council shall meet a minimum of 10 times per year. The date, time and place of regular meetings will be established by agreement of the Council. Meetings are open to the public. All Council meetings shall be called, noticed, held, and conducted in accordance with provisions of the Ralph M. Brown Act.

B. Committee meetings. The Chair of a committee shall call meetings as necessary to accomplish set tasks. Each member of the committee will be given adequate notice of such meetings.

C. Special meetings. The Chair of the Council may call special meetings at any time.

D. Quorum. A majority of the total current Council membership shall constitute a quorum for official business. The quorum is based on the number currently seated on the Council.

E. Robert's Rule. All Council and committee meetings are governed by Robert's Rules of Order, latest revised edition.

F. Notice and Agenda. At least seventy-two (72) hours prior to each regular meeting, notice of and an agenda for the regular meeting will be sent to each Council member and to each member of the news media and to each other person who has submitted a written request to the Council for notification of meetings. Notice will also be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public. Notice for special meetings will be given in the same manner as notice for a regular meeting when possible but in any event no later than twenty-four (24) hours before the time of the special meeting. The agenda for all meetings will contain a brief description of each item of business to be transacted or discussed at the meeting and will also contain a listing of all written correspondence received by the Council since preparation of the agenda.

G. Conduct of Business. Items on the agenda will be considered in the order they appear unless the Chair, at his or her discretion, announces a change in the order of consideration.

H. Project Coordinator Responsibilities. The project coordinator will: give notice of all regular and special meetings of the Council and of all committee meetings; prepare agendas for each Council and committee meeting under the direction of the Chair; and prepare and maintain the minutes of each meeting of the Council.

Article VII- Voting

A. Members must be present to vote at any Council or committee meeting. Any correspondence germane to the agenda from excused absent members is to be read and considered as part of the discussion.

B. Quorum. No act of the Council will be valid unless a majority of those members constituting a quorum concur on the act in question.

C. Voting verbally or by show of hands on any matter except an election is acceptable unless a Council member requests a roll call vote be taken.

D. Records shall be kept of action and roll call vote.

Article VIII – Conflicts of Interest and Responsibilities of Council Members

A. Conflicts of Interest. No member of the Council shall participate in a vote if he or she has a proprietary interest in the outcome of the matter being voted upon.

All members will be subject to state and federal laws pertaining to conflicts of interest.

B. Qualifications. Every Council member or prospective member must be of good moral character to continue to be a member or to be considered to be a member of the Council. Among other things, possessing good moral character means that a member or prospective member cannot have been convicted of any crime (felony or misdemeanor) involving harm, neglect, or danger to children or the exploitation of children. If any member or prospective member does not meet the requirements of this section at the time of or after their appointment to the Council, then the Executive Committee may recommend to the appointing authority that the member be removed or that a prospective member not be appointed.

C. Membership Agreement. Each new member, and any applicant being screened by the Executive Committee for possible recommendation for membership, must read and sign a membership agreement. The membership agreement will include statements (1) acknowledging that the member or prospective member has read and will abide by the Council's bylaws; (2) declaring that the member or prospective member currently meets the requirements of section (B) of this article; (3) agreeing that if a conflict of interest arises in a matter before the Council or if the member or prospective member's ability to meet the requirements of section (B) of this article changes, then the member or prospective member will immediately inform the Chair of the Council; (4) verifying that the member or prospective member represents the category of membership provided in Article IV, section (A) to which they are or will be assigned and agreeing that they will immediately notify the Chair of the Council if their ability to represent the category of membership changes; and (5) agreeing to serve on at least one committee. Whenever a current member is re-appointed for another term, the member will read and sign a new membership agreement.

D. Role of Executive Committee. The Executive Committee may evaluate prospective members to the Council and make a recommendation pursuant to Article IV, sections (B)(1) and (2) regarding appointment to the Board of Supervisors or the Superintendent of Schools. Upon approval of the Council, the Executive Committee shall also recommend removal of a current Council member to the authority that appointed that member if the member has violated any of the Council's bylaws.

Article IX- Officers

A. The officers of the Council shall consist of chair and vice-chair. These officers shall be selected by majority vote from the membership present at the July meeting of the Council every year and shall serve one fiscal year. Officers may be re-elected.

B. It shall be the duty of the chair and/or-vice chairpersons to call meetings, set the agenda, preside over meetings of the Council, and consult with the project coordinator regarding the project coordinator's duties and actions and in ensuring that the Council is operating under and following these bylaws. In addition, the chair of the Council will be chair of the Executive Committee.

C. At the conclusion of term, the Chair, if not re-elected as Chair but if still serving as an

active member of the Council, shall be a member the Executive Committee as immediate past Chair.

Article X - Appointment of Members to Outside Commissions, Councils and Boards

A. **Process.** Whenever the Council is required or is offered to name one if its members to serve on another commission, council or board, members may submit a letter to the Chair detailing the member's interest in being appointed to serve on the commission, council or board. The member who will serve as the Council's representative to such an outside entity will be selected at a Council meeting by a majority vote of those members constituting a quorum.

B. **Vacancies.** If the member chosen to serve on an outside commission, council or board does not fulfill his or her entire term on such an entity, the Council will vote to select another member who will serve the remainder of the term using the procedure detailed in subdivision (A) of this Article.

C. **Re-Appointment**. At the end of a Council member's term in an outside commission, council or board, the Council will hold a vote to select its representative to such an outside entity using the procedure detailed in subdivision (A) of this Article. Nothing prohibits a member from being re-appointed to serve on the same outside entity.

D. **Removal.** Any Council member chosen to serve on an outside commission, council or board may be removed by a majority vote of the Council as a whole.

Article XI - Project Coordinator

A. **Selection.** The Superintendent of Schools will provide one of his or her staff members to serve as the project coordinator for the Council. The project coordinator will consult with the chair and vice-chair regarding the Council's business and in ensuring that the Council is operating under and following these bylaws.

B. **Duties.** The project coordinator's duties will include, but not be limited to, fulfilling the duties required by the Director of Health Programs in the Superintendent of Schools Office; giving notice of all Council and committee meetings; preparing an agenda for each Council and committee meeting under the direction of the Chair; maintaining a record of Council membership, including who appointed each member, each member's term of office, each member's committee membership, each member's membership agreement and each member's attendance at meetings; maintaining a record of all members appointed by the Council to serve on an outside commission, council or board and notifying members when such an appointment is needed or about to expire; ensuring that the composition of the Council reflects the requirements of Education Code section 8499.3, subdivision (c); verifying Council membership to the California Department of Education; preparing and maintaining the minutes of each Council

meeting; preparing a report to the Board of Supervisors and Superintendent of Schools annually on the activities of the Council; notifying the applicable appointing authority at least 30 days prior to the expiration of a Council member's term; and maintaining all Council records in the Council's office located in the office of the Superintendent of Schools.

Article XII- Bylaws

A. Adoption of Bylaws - these bylaws shall become effective upon approval of the Council with notification to the Board of Supervisors and the Superintendent of Schools.

B. Amendments to Bylaws - These bylaws may be amended by an affirmative vote of a majority of Council. All amendments must be approved by the Council, with notification to the Board of Supervisors and the Superintendent of Schools and to the California Department of Education, Child Development Division.

Amendment:
Article VII- Voting, Item A. correction and amendment approved September 10, 2002

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ESTABLISHING A VENTURA COUNTY COMMISSION FOR WOMEN

WHEREAS the Board of Supervisors has been requested to establish a Commission for Women;

WHEREAS a Commission for Women would be a means by which individuals and the many women's organizations in Ventura County could report to the Board of Supervisors on conditions affecting the lives of women;

WHEREAS the Commission for Women would serve the Board of Supervisors in an advisory capacity; and

WHEREAS the Commission for Women would study any conditions demonstrating discrimination due to sex or marital status; would provide a coordinating function with respect to the many community groups working to improve the quality of life for women; and would perform work assigned by the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

That the organization responsible for reviewing, analyzing and making recommendations to the Board of Supervisors on issues related to women shall be titled the Ventura County Commission for Women, and shall be composed of three Commissioners appointed by each of the five Supervisors.

BE IT FURTHER RESOLVED that the Commissioners shall, to the extent possible, be reflective of the diversity of lifestyles in Ventura County; that each Commissioner shall serve at the discretion of the appointing Supervisor; that the Commission for Women shall meet at least once a month; that any by-laws adopted by the Commission shall be approved by the Board of Supervisors prior to implementation; that an annual program plan and operating budget shall be submitted to the Board of Supervisors at the same time required of other County agencies and departments; and that any changes to the program plan or operating budget must adhere to the same policies and procedures required by the Board of Supervisors of all County departments and agencies.

THE FOREGOING RESOLUTION was duly and regularly adopted by the Board of Supervisors of the County of Ventura, California, on the fourteenth day of July, 1981.

Chairman, Board of Supervisors

ROBERT L. HAMM, County Clerk
and Ex-Officio Clerk of the
Board of Supervisors

By _____
Deputy County Clerk

JG:ICA092n

Item 5A
7-14-81

GROUPS SUPPORTING ESTABLISHING
A COMMISSION ON THE STATUS OF WOMEN

1. Child Care-Resource and Referral
   141 South "A" Street, Suite, 211, Oxnard 93030
   487-0784

2. Ventura County Women Lawyers Association

3. Coalition Against Household Violence

4. Operation Breakthrough

5. Ventura County Rape Crisis

6. Conejo Community Services

7. Interface Community

8. Center for Employment Training
   1234 W. Iris, Oxnard, 487-9821

9. Simi-Conejo NOW,
   members = 113

10. FEW (Federally Employed Women) of Ventura County

11. Ventura County National Women's Political Caucus,
    members = 50

12. Association of American University Women
    Thousand Oaks - members = 400
    Simi - members = 200
    Camarillo - members = 200
    Ventura - members = 200

13. Conejo Jr. Women's Club

14. Ventura-Oxnard NOW
    members = 82

15. ACLU of Ventura County
    members = 450

16. League of Women Voters
    members = 200

ATTACHMENT

Ventura/Oxnard Chapter

Post Office Box 2053
Oxnard Ca 93034

805/984-6111

J. Gaunt Pellini
President

Don Cannon
Vice President

Lill Vieth
Secretary

J. Camblin-Herkenhoff
Treasurer

Marilyn Havill
Membership

J. Gaunt
Action

July 7, 1981

To: Ventura County Board of Supervisors
800 S. Victoria Avenue
Ventura, CA

The Ventura-Oxnard Chapter of the National Organization for Women urges the establishment of the Commission on the Status of Women in Ventura County. Ventura-Oxnard NOW strongly supports the commission and is committed to the work identified in the proposal.

Yours truly,

Joe Gaunt Pellini
President
Ventura-Oxnard NOW

Joe Gaunt Pellini

R E S O L U T I O N

AT A REGULARLY SCHEDULED session of the Board of Directors of the Women Lawyers of Ventura County, held April 13, 1981, upon motion and after discussion it was unanimously

RESOLVED:
The Women Lawyers of Ventura County endorse and support the formation of a Ventura County Commission on the Status of Women.

/s/
DONNA CLONTZ, President
Ventura

/s/
Melodie Kleiman
Ventura

/s/
Lindsay Freedman
Ventura

/s/
Janet M. Koehn
Ventura

/s/
Roseann Coit
Ventura

(Absent Board members: Jacqueline McQuigg, Thousand Oaks; Jean Perloff, Ventura)

Ms. Maggie Erickson, Supervisor
800 So. Victoria Ave.
Ventura, CA 93003

Dear Ms. Erickson,

I have recently become aware that the County of Ventura doesn't have a Commission on the Status of Women. Since the majority of the population are women and are faced with unique problems needing unique solutions, I am strongly urging the Board to establish such a Commission.

I would also appreciate being advised as to when the Board intends to consider this establishment so that I may support its adoption in person.

Thank you.

Sincerely,

Margaret McAndrew Mixon
391 Viejo Dr.
Camarillo, CA 93010
805-484-8436

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
CAMARILLO BRANCH

WHEREAS, 52% of the population are women; and

WHEREAS, many inequities in laws, practice and conditions exist which adversely impact women; and

WHEREAS, The County of Ventura does not have a Commission whose sole purpose is to study changing roles and responsibilities of women, the impact of these changes on institutions and society; to promote means by which women will be more able to contribute to and participate in society; to act as an information center for the public and for government on the status of women in education, employment, business and other areas of concern; to act as a clearinghouse in providing technical assistance and advice to various agencies who are developing programs to meet the special needs of women; or to report findings and recommendations to the Board of Supervisors;

BE IT RESOLVED that the Camarillo Branch of American Association of University Women, hereby recommends establishment of a County of Ventura Commission on the Status of Women to provide the above designated services and interact with the 20 other county commissions as well as the State of California Commission on the Status of Women.

Ruth M. Sherman
President

April 21, 1981

Membership: 201

American Association of University Women
Ventura County Branch

Mrs. Laura M. King
4039 Bermuda Court
Ventura, CA 93003

ME
TV
PS
KE
File
Other Send letter

June 9, 1981

Supervisor Maggie Erickson
Third District
800 So. Victoria Ave.
Ventura, Ca. 93003

Dear Supervisor Erickson:

We have recently become aware that the County of Ventura does not have a Commission on the Status of Women. Since the majority of the population are women and are faced with unique problems not easily seen for which solutions may also be unique, we are strongly urging the Board to establish the Commission.

Enclosed is a resolution recently passed at the board meeting of the Ventura County Branch (AAUW). Our members are interested in learning when the Board of Supervisors will again consider establishing a Ventura County Commission on the Status of Women so that we may personally support its adoption.

Sincerely,

Laura King

Mrs. Laura King
President - Ventura Co. Branch AAUW

encl

American Association of University Women
Ventura County Branch

RESOLUTION

WHEREAS, 52% of the population are women; and

WHEREAS, many inequities in laws, practice and conditions exist which adversely impact women; and

WHEREAS, the County of Ventura does not have a Commission whose sole purpose is to study changing roles and responsibilities of women, the impact of these changes on institutions and society; to promote means by which women will be more able to contribute to and participate in society; to act as an information center for the public and for government on the status of women in education, employment, business and other areas of concern; to act as a clearinghouse in providing technical assistance and advice to various agencies who are developing programs to meet the special needs of women; or to report findings and recommendations to the Board of Supervisors;

BE IT RESOLVED that the Ventura County Branch of the American Association of University Women hereby recommends establishment of a County of Ventura Commission on the Status of Women to provide the above designated services and to interact with the 20 other county commissions as well as the State of California Commission on the Status of Women.

Laura King

MRS. LAURA KING
President
Membership - 207

Date: May 18, 1981

League of Women Voters of Ventura County

Statement to Ventura County Board of Supervisors
Re: Commission on the Status of Women
By: League of Women Voters of Ventura County, Marion Schillo, Pres.

Members of the League of Women Voters of Ventura County strongly support the creation of a Commission on the Status of Women as part of our county government. The Commission would act as an information center, correlating information from many sources on matters pertaining to women. The Commission would bring recommendations and positive solutions to the Board of Supervisors regarding programs, policies and legislation that affect women. The aim would be to insure equal rights and equal opportunities for all women in Ventura county.

In planning to meet the needs of all its citizens, government must recognize the unique alterations that have occurred in women's lives. These are not fads or trends, but are serious and permanent changes. For example, the divorce rate and the increase in the number of unwed mothers have meant overwhelming change for the American woman.

In Ventura county in 1970 11.1% of all families were headed by a woman. The median earnings for a woman in the county were $3,700 per year. 44% of the women in the county were working--the vast majority because of economic necessity. The issue for them was not raising their standard of living or buying "extras"; the issue was food and housing for their families.

These are 1970 census statistics. It will be interesting to note the new figures when the results of the 1980 census become available in the coming weeks.

Women in their new roles in society face tremendous obstacles. Many of their problems could be alleviated by a concerted effort to recognize that problems exist, and implementing plans to solve them. The Commission on the Status of Women would bring together the efforts of public and private agencies to do this.

We urge you to support the proposal for a commission so that women in Ventura county can reach their full potential as individuals and as citizens.

Ventura Business and Professional Women's Club
Post Office Box 6422
Ventura, California 93003

July 14, 1981

Board of Supervisors
800 South Victoria Avenue
Ventura, California 93009

Subject: Ventura County Commission for Women

Honorable Board Members:

The Ventura Business and Professional Women's Club wishes to take this opportunity to encourage your Board to approve the establishing of a Commission for Women in Ventura County. We are proud to join the 16 other groups who have previously shown support for the establishing of this most important Commission.

As the Federation of Business and Professional Women's Clubs is representative of women in business and the professions, our membership believes strongly that the establishing of a Commission for Women is compatible with our goals, which are as follows:

> To elevate the standards for women in business and in the professions;
>
> To promote interests of business and professional women;
>
> To bring about a spirit of cooperation among business and professional women of the United States;
>
> To extend opportunities to business and professional women through education along lines of industrial, scientific, and vocational activities.

The Ventura Business and Professional Women's Club appreciates the opportunity to address your Board on this most important issue. Our membership is committed to participating in the Commission's projects as outlined in the proposal being considered before your Board.

Sincerely,

Carolyn Lasley
President

JoAnne LeFils-Moore
First Vice President

Pam Winters
Second Vice President

Norma Nick Taylor
Recording Secretary

CL:JLM:lw

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JULY 14, 1981, AT 8:30 O'CLOCK A. M.

205.200

This is the time and date set for consideration to establish a Commission for Women, after hearing testimony and discussion, upon motion of Supervisor Lacey, seconded by Supervisor Erickson, and duly carried, the Board hereby approves the establishment of a Commission for Women, and financing for organizational development and child care resources development project for the amount of $8,795.00; the corresponding accounting transactions necessary will be presented during final budget hearings at which time the final decision on budget will be made:

county of ventura

CHIEF ADMINISTRATIVE OFFICE
Richard Wittenberg
Chief Administrative Officer

Robert C. Hirtensteiner
Assistant Chief Administrative Officer

July 14, 1981

Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009

Subject: Ventura County Commission for Women

RECOMMENDED ACTION:

1. That your Board determine if a Ventura County Commission for Women should be established.

2. That your Board determine if the program budgets included herein merit funding by the County General Fund.

3. That your Board direct the Chief Administrative Office to take any action necessary to implement the policy adopted by your Board.

DISCUSSION:

On May 12, the Ventura County Women's Equity Coalition requested a study session with your Board concerning establishment of a Ventura County Commission on the Status of Women. At that time your Board directed the Chief Administrative Office to meet with representatives of the Ventura County Women's Equity Coalition to discover the scope and intent of the request, and to report back to your Board. Since that time staff has had discussions with your Board concerning that scope and intent; has communicated with several Commissions in California; and, with information provided by members of the Ventura County Women's Equity Coalition, has developed specific work programs and budgets associated with (1) organizational development of the Commission, (2) a Child Care Resources Development Project, and (3) an Information Dissemination Project. In addition, a resolution creating the Commission has been written for your consideration.

Basis of Request to Establish a Commission

The Ventura County Women's Equity Coalition, created in 1979 to form a network of information for and about women, has requested formation of a County Commission on the Status of Women so the women of Ventura County might become part of the larger network of state and national Commissions on the Status of Women, and benefit from the resources that the larger networks provide. Equally, such a commission would purport to provide a framework

within which the resources of the many women's organizations in Ventura County might merge and thereby deal with identified problems in a more coordinated and efficient manner. In addition, such a commission would provide a channel through which the women of Ventura County could approach your Board and through which your Board could request assistance in information gathering, issue analysis and problem solving.

As your Board is aware, the socio-cultural change that has taken place during the last two decades has resulted in men and women assuming a combination of responsibilities that heretofore were associated with only men or only women. More than any other factor, responsibility for economic self-sufficiency has required women to reassess not only the careers and job options available, but also the best means to acquire the education, employment opportunities, child care, transportation and other support necessary to make that economic self-sufficiency a reality. As a response to those growing needs, Commissions on the Status of Women have been established nationwide. Today's request is a reflection of the nationwide need and is a local response by women to not only increase the options available to them, but also to work on problems affecting the quality of life for all the residents of Ventura County.

Arguments Supporting and Opposing Establishment of a Commission for Women

Arguments in Opposition:

1. Creation of a Commission for Women might set a precedent for recognition by the Board of other special interest groups.

2. FY 1981-82 will be the most economically austere year in recent history and allocation of any resources to any new group would be at the expense of ongoing programs or other new programs.

3. A Commission for Women might elicit a reaction from the residents of Ventura County that the Board of Supervisors is endorsing a particular philosophy with regard to women.

4. Creation of a Commission for Women might create expectations on the part of women that the Board of Supervisors would continually support the Commission once established.

Arguments in Support:

1. Because FY 1981-82 will be the most economically austere year for the County of Ventura in recent history and because many previously funded social programs will be reduced or eliminated, alternative methods of service delivery and coordination of existing human resources through a centralized organization might prove to be of great cost-benefit.

2. Fiscal austerity at the federal and state levels may become the basis for a reduction in the commitment to equal opportunity for women. Establishment of a County Commission for Women would provide a focus for work toward equal opportunity, would promote work toward specific program accomplishments, and would provide a viable working unit independent of federal or state Commissions.

3. A Commission for Women would bring together the professional resources of women toward the solution of problems at minimal cost to the County.

4. Through its network of supporting organizations, a Commission for Women could keep the Board of Supervisors informed of public and private resources available and issues impacting County government and other public entities.

Proposed Accomplishments of a Commission

Reflecting your Board's concern that any activity proposed for a Commission be directed toward specific and demonstrably beneficial products, and reflecting the Chief Administrative Office's recommendation that any appropriation result in cost efficiencies and benefits, three projects and associated budgets are presented for your consideration. The work to be performed in each, with the exception of clerical support, would be done by Commission members or volunteers from other women's groups; the Commission would be a working Commission.

I. Organizational Development of Commission

GOAL: Development of a Ventura County Commission for Women

MEASURABLE OBJECTIVES: Organizational Development

- Commission meets monthly to develop internal organizational structure.
- Commission establishes relationship with State Commission on the Status of Women.
- Commission establishes a communication network with women's groups throughout Ventura County.
- Commission establishes communication with professional societies, chambers of commerce, schools and other groups designated by Board of Supervisors.
- Commission forms task forces to work on problems as directed by the Board of Supervisors.
- Commission performs legislative analysis as directed by the Board of Supervisors.
- Commission establishes an office where the public may visit/call and where information is available or may be requested.
- Commission provides minutes of monthly meetings to the Board of Supervisors, Chief Admininstrative Office, Public Social Services Agency, cities, women's organizations, public libraries, the press and other interested groups.
- Commission publishes a bi-monthly newsletter for distribution countywide.
- Commission prepares an Annual Report to the Board of Supervisors detailing program accomplishments and accounting of funds.

Budget - ORGANIZATIONAL DEVELOPMENT OF COMMISSION

Direct Costs

STAFFING:

Senior Typist Clerk $6345

Salary	$5865
OASDI	390
Unemp. Dis.	30
Wrkrs. Comp.	60
	$6345

In-Kind Support

STAFFING:

Organizational Development

Commission members:
Task Forces: on as-needed basis
Commission Meetings:
15 members
x 12 meetings
x 2 hours/meetings
x $10/hour
TOTAL: $3600

Legislative Analysis

Ventura County Women's Lawyers Assn.
1 Attorney: 20 hours at $25/hour
$500

National Women's Political Cacus
1 member: 20 hours at $10/hour
$200

American Assn. of University Women
4 members: 80 hours at $10/hour
$800

Federally Employed Women of Ventura County
1 member: 20 hours at $10/hour
$200

TOTAL: $1700

Coordination of Women's Activities for Information Presented to Board of Supervisors
(Information Gathering)
American Assn. of University Women

Federally Employed Women of Ventura
County League of Women Voters
Ventura/Oxnard Chapter of N.O.W.
Simi/Conejo Chapter of N.O.W.
ACLU of Ventura County

6 groups
1 member from each group
3 hours per month from each
12 months
$10/hour
$2,160

(Attending Meetings)
Child Care Resource and Referral Center
Coalition Against Household Violence
Ventura County Rape Crisis Center
Conejo Community Services
Interface Community
Operation Breakthrough
National Women's Employment and Education
Child Abuse and Neglect
Domestic Violence Advisory Group
Voluntary Health Organizations
- Heart Assn.
- American Cancer Society
- March of Dimes

Commission members and volunteers would attend meetings to gather information for report-back to Commission and Board of Supervisors
40 hours/month
12 months
$10/hour
$ 4,800

TOTAL: $ 6,960

SERVICES AND SUPPLIES

Direct Costs

Telephone	$400
Typewriter rental	200
Office supplies	200
Graphics "Annual Report"	100

In-Kind Costs

Rental of office - County in-kind
Audit fees - County in-kind
General Insurance - County in-kind
Office Furniture - County in-kind

No Value Assigned

Copy costs	500	
Agendas Agenda backup information Bi-monthly newsletter Correspondence		
Postage	450	
Private Vehicle Mileage 15 members 12 meetings 40 miles/meeting $0.29/mile $2,088	$2,100	
Conference and Seminar 1982 National Convention of Commissions for Women		$800 In-kind from fundraising
Membership and Dues National Assn. of Commissions for Women	50	
Grand Total Direct Costs:	$10,345	
Grand Total In-Kind Support:		$13,060 from Women's Work and Fundraising

II. CHILD CARE RESOURCES DEVELOPMENT PROJECT

GOAL: To identify existing child care resources and develop a countywide child care resource network.

MEASURABLE OBJECTIVES:

- Development of Project Report to Board of Supervisors on findings and outcomes of project.
- Development of an inventory of existing child care resources/ facilities.
- Development of "Foster Grandparent" - type child care as an alternative to congregate-site facility care.
- Analysis of existing child care licensing standards.
- Financial analysis of child care with respect to requirements in facilities, skilled providers and transportation.
- Development and provision of "hot line" consumer information on child care, referrals and follow-up evaluations of inventoried providers.
- Performance of financial analysis of cost effectiveness and cost benefits of employer-provided child care.
- Meetings with industry and other large businesses concerning employer-provided child care.
- Work with Private Industry Council on transportation/child care as a barrier to employment to women on welfare.

BUDGET-CHILD CARE RESOURCE DEVELOPMENT PROJECT

Direct Costs	In-Kind Support
Staffing:	
Clerical support can be provided by ½ time secretary working for Commission	Fact-finding and analysis of child care resources American Assn. of University Women 4 members contributing 288 hours, @ $10/hour $2,880 Conejo Jr. Women's Club 2 members contributing 144 hours @ $10/hour $1,440 Business and Professional Women 3 members 216 hours @ $10/hour $2,160 (648 hours: 6 hours/mo. by each person)
Services and Supplies:	
Office Supplies $ 100 Telephone $ 250 Graphics $ 150 Report printing Postage $ 50 Inventory of facilities (250 mailings) Private vehicle mileage $1000 approximately 3500 miles, with 90 trips to child care facilities, Commission office, industry, consultation with persons providing information to project	
Total Direct Costs: $1550	Total In-Kind Support: $6480

III. INFORMATION DISSEMINATION PROJECT

GOAL: To provide the women of Ventura County with information regarding credit, the law, housing, employment, self-defense, the political process, domestic violence, and sexual assault.

MEASURABLE OBJECTIVES:

- preparation and distribution of brochures on the topics listed above.

BUDGET - INFORMATION DISSEMINATION PROJECT

Direct Costs		In-Kind Support	
Staffing: Clerical support can be provided by ½ time secretary working for the Commission		Information Compilation Ventura County Women Lawyers' Association Professional Women's Council (network of accountants, trust officers, stock brokers, bankers, financial planners) Simi-Conejo N.O.W. Coalition Against Household Violence Domestic Violence Advisory Group Ventura County Rape Crisis Center Ventura County Women's Equity Coalition Contribution of 500 hours of work at $10/hour	$5000
Services and Supplies:			
		Office Space 1-2 hours weekly at the Alive Place, Thousand Oaks Counseling Center	no value assigned
Graphics printing brochures (5000)	$195	Use of typewriter 1-2 hours weekly at the Alive Place	no value assigned
Office Supplies	$100	Private Vehicle Mileage 80 miles per month	$ 280
Total:	$295		
Total direct costs:	$295	Total In-Kind Support:	$5,280

In reviewing the projects proposed for consideration by your Board, the Chief Administrative Office finds merit in the Organizational Development and Child Care Resource Development components previously described. As noted, establishement of a Commission for Women would provide the potential for resource coordination and problem-solving on a countywide level, and would, in addition, provide the basis for developing child care resources as a means of enhancing the employability and productivity of women whose economic well-being requires work outside the home.

The Information Dissemenation Project is not recommended for funding. If your Board finds that a Commission for Women should be established, it is the thought of the Chief Administrative Office that any effort expended during a first year of operation would best be aimed at organizational development and one major special project. Information dissemination is currently available through many social agencies and this proposal is considered duplicative.

Your Board should note that the program budgets presented for the Child Care Resource Development Project and Information Dissemenation Project are adjuncts to the budget associated with the Organizational Development Proposal. The Organizational Development proposal should be considered as the basic increment, with the Child Care Resource Development and Information Dissemination projects as supplements. To that end, the Chief Administrative Office is prepared to present final budget change requests detailing each of the three proposals. Those requests could be presented to your Board at the budget hearings beginning July 27, at which time your Board could make a final decision on the amounts to be funded during FY 1981-82.

If your Board has any questions regarding this letter or if additional information is needed, please contact the undersigned at extension 2862.

A list of organizations supporting establishment of a Commission for Women is attached for your information.

Sincerely,

RICHARD WITTENBERG
Cheif Administrative Officer

Jean Getchell

JEAN GETCHELL
Administrative Analyst

JG:dCAO421

cc: James Isom, Public Social Services Agency
Ginny Connell, Ventura County Women's Equity Coalition

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PSSA
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Item 5
7/14/81 fw

VENTURA COUNTY COMMISSION FOR WOMEN
Human Services Agency
505 Poli Street
Ventura, CA 93001
(805) 652-7611
www.vchsa.org/cfw/

Ventura County Commission for Women

BYLAWS

Article 1
Name

The name of the Commission established by the Ventura County Board of Supervisors on July 14, 1981, shall be the Ventura County Commission for Women, herein after referred to as the "Commission."

Article 2
Mission Statement

The Ventura County Commission for Women encourages, supports and facilitates the empowerment and education of Ventura County Women.

Article 3
Purpose

The Commission shall serve in an advisory capacity to the Board of Supervisors as follows:

A. Make recommendations to the Board of Supervisors on issues impacting and/or relating to women and families.

B. Coordinate efforts with federal, state, and local community groups to improve the quality of life for women and families.

C. Conduct additional studies or tasks assigned or approved by the Board of Supervisors.

Article 4
Membership

Section 4.1 Appointment

A. Each Supervisor shall appoint three (3) Commissioners from within the Supervisorial District.

B. The Commission shall be comprised of a total of fifteen (15) members.

C. Each Commissioner shall serve at the pleasure of the appointing Supervisor.

Section 4.2 Attendance

A. Commissioners must be willing to attend regular meetings and serve on committees of, or on behalf of, the Commission.

B. Notice of absence must be given to the Chair at least 24 hours prior to the meeting.

Section 4.3 Recommendation for Removal

A. Recommendation for removal may be made when the bylaws have been knowingly violated or as a result of three (3) absences from regular monthly meetings during each year, beginning on July 1.

B. Recommendation for removal must be approved by a majority vote of the Commissioners in attendance at the meeting during which the removal is recommended.

C. Upon Commission approval, a written recommendation will be submitted to the appointing Supervisor, with a copy to the Commissioner recommended for removal.

D. Vacancies on the Commission shall be filled in a timely manner by the Supervisor of the district in which the vacancy occurred.

Article 5
Officers

Section 5.1 Executive Committee

A. The Executive Committee shall be a five (5) member board comprised of one representative from each Supervisorial District.

B. The three (3) Commissioners from each Supervisorial District shall meet in June, prior to the annual July meeting, to select their representative to the Executive Committee.

C. The Executive Committee shall consist of a chairperson, a vice-chairperson, a treasurer, a recording secretary and a corresponding secretary.

D. All officers shall be elected from among the Executive Committee members by a majority vote of all Commissioners present at the July meeting and shall serve a term of one year.

E. Should the Chair be unable to fulfill her term, for any reason, the position will be filled by the Vice Chair for the remainder of the term of office. Should any other vacancies occur on the Executive Committee, one of the remaining Commissioners from the district in which the vacancy occurred will be nominated to fulfill the term of office. The position must be confirmed by a majority vote of Commissioners present at the meeting in which the nomination was made.

F. The Executive Committee shall be responsible for preparing the agendas for monthly Commission meetings which shall be distributed in accordance with the requirements of the Brown Act.

Section 5.2 Responsibilities of the Chair

A. Shall preside over all Commission meetings and provide direction in the management of the day-to-day operations of the Commission.

B. May call special meetings in accordance with the Brown Act and the Open Meeting Laws of the State.

C. Shall serve as the spokesperson for the Commission or designate another member of the Commission to act as spokesperson.

D. Shall serve as an ex-officio member of all subordinate committees of the Commission.

Section 5.3 Responsibilities of the Vice Chair

A. Shall assume the duties of the Chair in that person's absence or when called upon to do so.

B. Shall serve as parliamentarian at monthly Commission meetings.

Section 5.4 Responsibilities of the Treasurer

A. Shall administer the Commission's checking account, requiring two signatures, one of which shall the Treasurer's signature; the other being the Chairperson or another member of the Executive Committee. All expenditures must be authorized by a two0thirds (2/3) vote of the Commissioners present at the meeting at which the expenditure is discussed.

B. Shall present a monthly finance report for each regularly scheduled Commission meeting.

C. Shall monitor the financial transactions of the Commission.

D. Shall process all authorized expenditures and submit copies of monthly bank statements to the Chair.

E. Shall chair ad hoc Finance Committee on an as-needed basis.

Section 5.5 Responsibilities of the Recording Secretary

A. Shall record, retain and distribute minutes of all regular Commission Meetings.

B. Shall distribute Commission meetings notification and agendas in accordance with the Brown Act and Open Meeting Laws.

C. Serve as the custodian of records and documents, including minutes, bylaws, standing rules, committee reports and other information the Commission shall deem appropriate.

Section 5.6 Responsibilities of the Corresponding Secretary

A. Conduct all correspondence of the Commission at the direction of the Chair, Executive Committee and Commissioners.

B. Serve as custodian of all correspondence directed to and from the Commission.

Article 6
Organization and Meetings

Section 6.1 Standing and *Ad Hoc* Committees

A. The Commission shall appoint Standing and *Ad Hoc* committees as necessary to achieve the goals and objectives established by the Commission.

B. Establishment of Standing or *Ad Hoc* committees shall require a majority vote of the members present at the meeting during which the committee is discussed.

C. Committees must have at least three (3) Commission members actively participating in order to remain active.

D. Standing Committees are defined as those committees charged with ongoing responsibilities.

E. *Ad Hoc* committees are established to coordinate a specific project to completion.

F. Membership on all committees shall be voluntary.

G. Standing and *Ad Hoc* committees may include members other than Commissioners.

H. The Chair of each committee shall be a Commissioner.

I. The Committee Chair will be responsible for reporting and/or maintaining and distributing the activities/minutes of committee meetings to the Commission.

Section 6.2 Meeting

A. The Commission shall meet monthly. For rescheduled meetings, the Commission shall give the public ample notice, in accordance with the Brown Act.

B. All meetings shall be conducted in accordance the Brown Act. This includes study sessions and other informal conferences, but will not normally apply to social gatherings.

C. A quorum shall be a majority of the appointed Commissioners. Official meetings take place whenever a quorum is present. This includes study sessions and other informal conferences but will not normally apply to a social gathering.

D. The annual meeting of the Commission will be held in July, at which time the officers shall be elected.

E. Items may be placed on the Agenda by Commissioners no later than ten (10) days prior to the next regularly scheduled meeting. Items received after that date will be placed on the next regular meeting Agenda. Every Agenda shall include the following:

1. Call to order
2. Roll Call
3. Adoption of the Agenda
4. Public Comment
5. Consent Calendar (Routine matters; no discussion necessary)
6. Order of Business (Committee Reports, Policy Items, etc.)
7. Informational Items (Information only; no action required)
8. Commissioner Discussion
9. Adjournment

Section 6.3 Conflicts of Interest

A. No Commissioner shall make, participate in making, or in any way attempt to use an official position to influence the decision of the Commission in which the Commissioner has a financial interest.

B. Conflict of Interest does not generally exist when the Commissioner's financial interest is affected no more than the financial interest of other members of the public.

C. Any Commissioner who has a doubt as to whether or not there is a financial interest in any decision before the Commission should contact the County counsel for an option prior to the time required to make a decision.

Section 6.4 Bylaws

A. Amendments must be submitted in writing on the regular agenda of the Commission.

B. Amendments require a 2/3 vote of seated Commissioners

C. Recommendations to amend the bylaws will be forwarded to the County of Ventura for presentation to the Board of Supervisors for formal approval.

Article 7
Parliamentary Authority

The rules contained in the current edition of *Roberts Rules of Order, Current Edition*, shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Commission may adopt.

BY-LAWS OF COMMUNITY ACTION OF VENTURA COUNTY, INC.

ARTICLE I
NAME

A. The name of this private, nonprofit organization shall be Community Action of Ventura County, Incorporated.

B. The organization may also do business as Community Action of Ventura County Inc., The Commission on Human Concerns and/or the Ventura County Commission on Human Concerns.

C. Whenever it is desirable to abbreviate the name of this organization, the initials CAVC shall be considered in every way the equivalent of the legal name of the organization.

D. This corporation is organized pursuant to the General Non-Profit Corporation Laws of the State of California.

ARTICLE II
PURPOSE (MISSION)

Community Action of Ventura County, Inc. is a non-profit community action agency helping people through programs, which promote dignity through self-sufficiency with the aid of private, businesses and individuals, and federal, state and local support.

Community Action of Ventura County, Inc. acts to achieve this mission by developing programs that provide advocacy, community service, community development, and economic development in seven categories: education, employment, environment, health care, housing, food, and coordination of services.

To provide assistance to those in need Community Action of Ventura County Inc. will:

A. Act as the community action agency for Ventura County, as defined by state and federal law.

B. Participate in area-wide planning concerning advocacy, community services, community development and economic development.

C. Establish and maintain social welfare and social service programs to implement effective advocacy, community services, community development and economic development.

D. Advocate for and facilitate the provision of decent housing that is affordable to low- and very low-income persons.(4/01)

E. Educate the community about the need for social welfare and social service programs.

F. Use public and private resources effectively and efficiently in order to provide the greatest amount of service for individuals and families in the community.

ARTICLE III
POWERS

The membership of this Corporation is the same as that of the governing body. The membership of this corporation is the same as that of the Board of Directors. The management and control of this corporation shall be vested in the Board of Directors, hereinafter referred to as the "Board."

The Board will:

A. Determine, in accordance with appropriate state and federal regulations, policies governing the ends to be achieved by Community Action of Ventura County, Inc. policies outlining Executive limitations, policies governing Board-Executive relationship, and policies governing Board process and procedure.

B. Enforce compliance with conditions of all funded programs.

C. Select an auditor to perform fiscal audits; and to be the prime recipient of the audit report.

D. Formally hire, evaluate, and terminate the Executive Director.

E. Select its own officers, Executive Committee, and Ad Hoc Committees.

F. Monitor and evaluate all programs.

G. Seat new members.

H. Accept resignations of Board members.

I. Borrow money and incur indebtedness on behalf of the corporation and cause to be executed and delivered for the corporation's purpose, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities.

ARTICLE IV
STRUCTURE

There are fifteen (15) members of the Board. The Board's fifteen (15) members are comprised of the following three (3) sectors:

(1) One-third are elected public officials or their representatives;

(2) At least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the low-income in the area served, each to be elected from his/her respective Supervisorial District;

(3) The remainder are appointed, each by a separate, recognized and concerned broad based community organization whose primary concern is with low-income persons, such as: officials or members of business, industry, labor, religious, welfare, private education, other representative groups of the low-income, significant minority groups or other major private groups and interests in the community.

A. PUBLIC SECTOR (5 seats)

The Ventura County Board of Supervisors may select five (5) elected public officials to serve on the Board. In doing this they may act individually or as a group and they must certify these appointments to the Board. In the event that there are not enough elected public officials reasonably available and willing to serve on the Board, the Board of Supervisors may select appointed public officials to serve on the Board. Both the elected and the appointed public officials to serve on the Board shall have either general government responsibilities or responsibilities which require them to deal with poverty-related issues. They may not be officials with only limited, specialized, or administrative responsibilities. They shall have full authority to speak for the public official. This representative is not an alternate, and may not him/herself select an alternate. If the public officials, both elected and appointed, who are willing to serve do not comprise one-third of the Board, then the remainder of the seats allotted to public officials shall remain vacant. However, the Board of Supervisors may fill these seats at any time, as soon as an official is willing to sit on the Board.

B. LOW-INCOME SECTOR (5 seats)

1. Each of the five (5) representatives of the low-income to the Board shall be chosen in accordance with democratic selection procedures adequate to ensure that they are representatives of the low-income in the area served, each to be chosen from their respective Supervisorial District. They need not be low-income themselves, but the selection procedure shall be adequate to ensure that they represent the low-income. However, preference will be given to low-income and/or homeless candidates. These representatives of the low-income shall be selected to represent the low-income in the Supervisorial District where they reside.

2. Selection procedures which may be used, either alone or in combination, are the following:

    a. Nominations and elections, either within neighborhoods or within the community as a whole;

    b. Selection at a meeting or conference of low-income persons when date, time, and place have been adequately publicized;

    c. Selection on a small areas basis (such as a city block) of representatives who, in turn, select members for the Board.

This list is not intended to limit the variety of selection procedures which may be used. Any democratic selection procedure which assures maximum feasible participation of the low-income is potentially acceptable.

3. No selection procedure will be held on Sabbath Day which is observed as a day of rest and worship by the residents of the area served.

4. The Ventura County Board of Supervisors is responsible for establishing and dividing the County into five (5) Supervisorial Districts from which representatives of the low-income shall be elected to the Board.

5. In January of every three (3) years there shall be an Ad Hoc Election Committee appointed by the Board Chairperson and consisting of two (2) or more members of the Board, at least one of whom should be a low-income representative.

6. The Ad Hoc Committee shall determine and implement the process that will be utilized in the election.

7. All channels of communication, including Spanish language translation, will be utilized to inform the residents of the district's upcoming election. (Such communication channels include the press, radio, staff members and CAVC Board members who work or reside in the election districts.)

C. PRIVATE SECTOR *(5 seats)*

1. The Private Sector seats will be balanced between, (a) social service agencies, *and* (b) business and industry of Ventura County. There shall be five criteria for selecting private sector seats:

   a. Are able to provide resources or contribute to the achievement of CAVC's mission, goals and objectives.

   b. Are capable of marshaling community resources toward the mission, goals and objectives of CAVC.

   c. Are able to contribute toward the mission, goals and objectives of CAVC in some other manner.

   d. The organization or business shall have been organized for at least two (2) years prior to the application date and submit evidence to prove this.

   e. Only organization or business which are private, not public, shall be the private sector category.

2. Private Sector Seats may be filled from the following categories of representation:

   a. Industrial employers or associations.

   b. Community groups or organizations which will assist the agency in advancing equality for ethnic and minority groups in Ventura County.

   c. Agricultural employers or associations.

   d. Business employers or associations.

   e. Private charitable organizations or foundations.

   f. Private health care institutions.

   g. Women's organizations.

h. Organized labor and/or employee associations.

i. Private agencies which provide social services to the disadvantaged, minorities, disabled, and/or elderly population of Ventura County.

3. When a private sector seat becomes vacant, the process for filling the seat shall be as follows:

a. The Board will announce the vacancy in local news media and through direct mailing to private sector groups in Ventura County.

b. Potential candidates will be required to complete an application form developed from the general criteria for selecting private sector seats.

c. Participate in an Ad Hoc Committee interview

D. RESIDENCE REQUIREMENT

Each member of the Board selected to represent a specific geographic area within the community must reside in the area which he/she represents.

E. TERMS

1. REPRESENTATIVES OF VENTURA COUNTY BOARD OF SUPERVISORS/PUBLIC SECTOR (five positions) – Each member of the Ventura County Board of Supervisors, or their designated representative, shall be a member of the Community Action of Ventura County Board of Directors. Representatives of the Supervisors shall have full Board powers, shall serve at the pleasure of the appointing Supervisor, and shall serve as long as the appointing Supervisor is holding office. There shall be no term limits for Public Sector representatives.

2. LOW-INCOME SECTOR/REPRESENTATIVES (five Board positions) – Representatives of the low-income sector shall serve three-year terms and no more than three consecutive three-year terms on the Board. If a person is not a member of the Board for one year, he or she shall be eligible for additional three consecutive three-year terms. A Board member, who has served more than one-half of a term, is considered to have served a full term. A Board member, who has served less than one-half of a term, is considered not to have served a term. The phrase "Low Income Sector Representative" applies to an individual.

3. PRIVATE ORGANIZATIONS/PRIVATE SECTOR (five Board positions) – Private organizations shall have three-year terms and not more than three consecutive three-year terms on the Board. If an organization is not a member of the Board for one year, the organization shall be eligible for additional three consecutive three-year terms. A Private Organization, which has served more than one-half of a term, is considered to have served a full term. A Private Organization, which has served less than one-half of a term, is considered not to have served a term. The phrase, "Private Sector Representative" refers to the organization or business and not to the individual who represents that entity.

4. Low Income Sector Representatives and Private Organizations/Private Sector Members shall serve from the date of the annual election for three years or until their successors are elected.

5. All Sector Board members, who have been "termed out" (served three consecutive three-year terms) in the Low Income Sector or the Private Sector, may served additional three consecutive three-year terms in other sectors.
6. In the Private Sector, a Board member, who has represented one organization for up to three consecutive terms, may be selected as a Board member by another organization and serve up to three additional consecutive three-year terms.
7. There shall be no automatic roll-over from one three-year membership term to the next in the Low-Income and Private Sectors. The member must apply to become a candidate and participate in the selection process.
8. The Board shall initiate action six months prior to the ending of a representative/member term to begin the selection process to obtain Board replacements and/or hold elections.
9. A Chart of Terms shall be kept by the Chief Executive Director to track Board representation/membership. If a representative/member resigns, the replacement shall serve only the remainder of that term.

F. ABSENTEEISM

Six absences within the previous past 12 months from the regular meetings shall constitute grounds for immediate removal from the Board by a 2/3rd vote of the actual Board.

G. ALTERNATES

Alternates are permitted to substitute for Board members, except that:

1. Representatives of public officials may not have alternates because they are already acting as agents for public officials.
2. Alternates for representative of the Low-Income must be selected in the same process, which select and designate both their representatives.
3. Private organizations shall select and designate both their alternates.
4. Alternates must be accountable to the same constituency as the representative.
5. An alternate shall assume all the duties and responsibilities when seated in the absence of a regular member.
6. Alternates shall receive notices and minutes of all Board meetings.
7. An alternate shall not serve in place of a regular member as an officer or member of the Executive Committee and other Board committees.

H. VACANCIES

1. If a public seat becomes vacant, the Board shall request the particular designating official to make an appointment to fill the vacancy.

2. If by virtue of resignation, removal, or termination, a Board member vacates a private seat, alternates may fill the un-expired term. If no alternate exists, the organization will be requested to fill the seat. If the seat is not filled within two (2) months, another private organization representative will be selected.

3. If by virtue of resignation, removal, or termination, a Board member vacates a low- income representative's seat, alternates shall fill the un-expired term. If no alternate exists, the remaining representatives of the low-income will select a person to fill the term. The person selected will represent as much as possible the same constituency.

4. Events Causing Vacancy. A vacancy in the Board of Directors shall be deemed to exist on the occurrence of any of the following:

   a. The death, resignation, or removal of any director,

   b. The declaration by resolution of the Board of vacancy in the office of a director who has been declared of unsound mind by a court order or convicted of a felony or has been found by final order or judgment of any court to have breached a fiduciary duty under Section 5230 of the California Nonprofit Corporation Law, or

   c. The vote of the Board members to remove a director, or

   d. The increase of the authorized number of directors.

5. Resignation. Except as provided in this paragraph any director may resign. Resignation shall be effective on the date given in written notice to the chair or secretary of the Board. No director may resign when the corporation would then be left without a duly elected director or directors in charge of its affairs.

6. No Vacancy on Reduction of Number of Directors. No reduction of the authorized number of directors shall have the effect of removing any director before that director's term of office expires.

I. CATEGORIES OF BOARD MEMBERSHIP

There shall be two (2) categories of members:

1. Regular members as outlined in Article IV, Section A, B, C.

   a. Regular member will be seated subject to Board approval.

   b. Prospective regular Board members who have been on staff in the past twelve (12) months will not be seated.

2. Alternate Board members as in Article IV, Section G.

   a. Alternate Board members shall be encouraged to attend regular, *closed sessions,* and special Board meetings, but shall vote only when sitting for the respective Board member.

b. Prospective alternate Board members who have been on staff in the past twelve (12) months will not be seated.

c. Alternate Board Members may not serve as Officers of the Corporation. Each Board Member shall have only one alternate and each alternate shall only serve *for* one Board Member.

3. Board Members who wish to apply for staff positions with CAVC must resign from the Board and their resignation must be accepted prior to their submitting an application for employment.

ARTICLE V
CONFLICT OF INTEREST

Board Members must comply with State and Federal Guidelines regarding Conflicts of Interest.

A. GENERAL LIMITATIONS ON PURCHASES AND RENTALS

1. CAVC or delegate agency shall not obligate or expend any project funds (federal or non-federal share) for a purchase or rental of goods, space, or services if any of the following persons has an interest (as defined in Section C) in the purchase or rental:

   a. A member of the Board

   b. The immediate family of a Board Member.

2. The following shall be considered immediate family members: a spouse, parent, grandparent, sibling, child, in-law or spouse of any of the foregoing categories of relatives, as well as any member of the individual's immediate household whether or not related by blood or marriage.

3. The term "interest" used in Section A of this Article includes the following:

   a. Any direct or indirect financial interest in the specific sales rental transaction, including a commission or fee, a share of the proceeds, the prospect of promotion, a profit, or any other form of financial reward.

   b. Any of the following interests in the business which is supplying goods, space, or services to the purchasing or renting grantee or delegate agency:

      --ownership
      --partnership interest or other beneficial interest of 5% or more
      --ownership of 5% or more of the stock
      --employment as an executive officer
      --membership on the board of directors or other governing board.

4. Members of the Board should note that all kinds of goods and services relating to their programs are affected by the limitations set forth in this Article. Both personal and institutional services are covered. These include banking and other financial services, medical, legal, and other professional services, and management and consultant services, as well as other kinds of skilled and unskilled labor.

B. PROHIBITION AGAINST ACCEPTANCE OF GIFTS AND GRATUITIES

Members of the Board are prohibited from accepting gifts, money and gratuities:

1. From persons receiving benefits or services under any program financially assisted by CAVC, or

2. From any person or agency performing services under contract, or

3. From persons who are otherwise in a position to benefit from the actions of any employee or Board Member.

C. RULES GOVERNING CONFLICT OR INTEREST OR NEPOTISM

1. No person shall hold a job with CAVC or its delegate agencies while he/she or a member of his/her immediate family, as designated in Article V, Section A, paragraph 2, is a member of CAVC Board.

2. No person may sit on the Board who is an officer or an employee of an organization contracting to perform a component of CAVC work program except that no provision of this Article shall prevent CAVC from:

   a. Appointing Board Members of affiliated or Subsidiary Corporation who are also Board Members, officers, or employees of CAVC;

   b. Contracting with affiliated or subsidiary corporations or other related entities on such terms as are acceptable to the Board provided:

      (1) If such entity is an affiliated corporation, CAVC shall have the right to appoint or designate not less than 50% of the directors or Board Members of such affiliated corporation;

      (2) If such entity is a subsidiary corporation, CAVC shall own not less than 50% of the capital stock of such subsidiary corporation;

      (3) If such entity is a partnership or other entity not listed above, CAVC shall have a capital interest in such entity of not less than 25% and a right to participate in management and control of such entity;

c. Entering into joint ventures with entities with which Board members are affiliated, provided the Board Member in question does not participate in making Board decisions regarding the joint venture, that any profits from such joint venture be divided according to the capital contributions and value of efforts expended by the joint venture, and that none of the joint ventures receives a direct financial benefit other than from profit of the venture as a whole.

D. RULES FOR AFFILIATED AND SUBSIDIARY CORPORATIONS

1. *CAVC Bylaws as regarding Conflict of Interest shall apply to* any affiliate corporations regarding conflicts of interest which are substantially identical to the provisions of this Article.

2. Any subsidiary corporation, formed pursuant at Article XIV, shall adhere to the standards of ethics regarding conflicts of interest of officers and directors generally applicable to for-profit corporation.

E. BOARD MEMBER AFFILIATION WITH OTHER ORGANIZATIONS

Board Members who are affiliated with other organizations with conflicting interests shall abstain from all Board votes affecting the issue in conflict in recognition of their fiduciary and ethical responsibilities.

F. CONTRACTS WITH DIRECTORS

1. No director of this corporation, nor any other corporation, firm, association, or other entity in which one more of this corporation's directors or officers are directors or have a material financial interest, shall be interested, directly or indirectly, in any contract or other transaction with this corporation, unless

a. The material facts regarding such director's financial interest in such contract or transaction and/or regarding such common directorship, officer ship or financial interest are fully disclosed in good faith and are noted in the minutes, or are known to all members of the Board prior to consideration by the Board of such contract or transaction, and

b. Such contract or transaction is authorized in good faith by a majority of the Board by a vote sufficient for that purpose without counting the vote or votes of such interested director, and

c. Prior to authorizing or approving the transaction, the Board considers and good faith determine after reasonable investigation under the circumstances that the corporation could not obtain a more advantageous arrangement with reasonable effort under the circumstances, and

d. This corporation enters into the transaction for its own benefit, and the transaction is fair and reasonable to this corporation at the time the transaction is entered into.

2. The provisions of this section do not apply to a transaction which is part of a public or charitable program of the corporation if it:

   a. Is approved or authorized by the corporation in good faith and without unjustified favoritism;

   b. Results in a benefit to one or more directors or their families because they are in the class of persons intended to be benefited by the public or charitable program of this corporation.

G. LOANS TO DIRECTORS

The corporation shall not make any loan of money or property to, or guarantee the obligation of, any director unless approved by the Attorney General of the State of California; provided, however, that the corporation may advance money to a director of the corporation for expenses reasonably anticipated to be incurred in the performance of the duties of such director provided that in the absence of such advance, such director would be entitled to be reimbursed for such expenses by the corporation.

ARTICLE VI
OFFICERS OF THE BOARD

Officers of the Board consist of the Chairperson (chairs the Board and the Executive Committee), the Vice-Chairperson and the Secretary/Treasurer and other such officers as the Board may designate by resolution.

No officer shall serve in the position for more than three (3) consecutive terms of one (1) year each. Election of each officer is by roll call at the regular July monthly meeting of the Board. A nominating committee may be appointed by the Chairperson at the June Board meeting. Less than a six (6) month term of service shall not constitute a full term. The removal of a Board Officer will require a 2/3 vote of the Board membership, excluding vacancies.

A. CHAIRPERSON (or PRESIDENT)

Presides over meetings of the Board and Executive Committee, and provides necessary initiative and leadership. In keeping with the role of providing overall direction, serves as the Board's principle point of communication with the Executive Director. The Chairperson consults with the Executive Director on plans, projects, progress and programmatic problems.

In the absence of the Chairperson, the following is the order of succession:

1. Vice-Chairperson

2. Secretary/Treasurer

B. VICE-CHAIRPERSON

Performs in absence of the Chairperson.

C. SECRETARY/TREASURER

Responsible for ensuring that official Board meeting minutes are recorded and any errors in the minutes are presented to the Board for correction. The minutes shall include a record of votes on all motions. The Secretary/Treasurer is the official custodian of documents and records of the Board, including minutes, fiscal reports, and correspondence to the Board. From a practical standpoint, the Secretary/Treasurer is empowered to obtain service and assistance, through the Executive Director, in recording of minutes and in maintaining custodial files of the Board's documents and records.

ARTICLE VII
COMMITTEES

A. EXECUTIVE COMMITTEE

The Board operates with one (1) standing committee: The Executive Committee. The Executive Committee serves as a working extension of the Board in its consideration of issues, opportunities and plans in any area of the Committee's particular attention. As such, the Committee receives assignments from and reports findings and recommendations to the Board. The Committee must be divisible by three and fairly reflect the composition of the Board:

(1) One-third are elected public officials, or their representatives;

(2) At least one-third are elected representatives of the low-income; and

(3) The remainder are appointed members from selected private organizations.

Proxy voting is prohibited under any circumstances. In special instances, the Committee may be empowered by delegation of the Board to act for the full Board in deliberating an issue and reaching a decision or taking action. Committee members shall be nominated by the Board Chairperson subject to approval by a majority vote of the Board.

Executive Committee members are selected as soon as possible after the annual Board elections.

Executive Committee membership shall consist of six (6) members and shall include the Committee Chairperson (Board Chairperson), the Board Vice-Chairperson, Board Secretary/Treasurer, Immediate Past Board Chairperson, and two (2) other "at-large" members. If the Past Chairperson is unable to serve, a sixth executive committee member would be nominated by the Chairperson.

If the immediate Past Chairperson is also either the newly elected Vice-Chairperson is also either the newly elected Vice-Chair or the Secretary/Treasurer, then there would be three (3) at-large executive committee members instead of only two (2).

If any case, membership must be as reflective of a cross-section of the Board in matters of geography and ethnicity as is possible.

The Executive Committee is responsible for:

(1) Acting for the Board to transact business which cannot wait for the next scheduled Board meeting. Its actions must be reported and ratified at the next Board meeting.

(2) Reviewing major administrative and management issues and developing recommendations to be presented to the Board.

(3) Attempting to hear all related problems brought before it, or delegating them to proper channels for consideration.

The Executive Committee shall meet as needed. The meeting shall be called by the Chairperson, or by two members of the Executive Committee. Written and/or oral reports shall be made to the Board at its first following meeting. Staff services to the Executive Committee are provided through the Executive Director.

B. AD HOC COMMITTEES

In addition to the Executive Committee, the Board may, at times, operate with special (ad hoc) committees as the need arises. A decision to create a special committee is by approved motion of the Board. The purpose of the Ad Hoc Committee must be so stated in the creating motion as to permit the Committee Chairperson to report accomplishment of the designated purpose to the Board, with subsequent dissolution of the Committee. Dissolution is by declaration of the Board Chairperson unless the Board approves a countering motion to continue the Ad Hoc Committee in being.

ARTICLE VIII
MEETINGS

A. Meetings shall be scheduled for the convenience of Board members and the general public. Meetings of the Board shall be held on the second Thursday of each month, (unless the Board of Directors fixes another date and so notifies members and the public as provided by Article VIII.A.1.a.). Any regular meeting during which the agenda is not completed may be continued at a succeeding date by approved motion of the Board.

1. Notice of regularly scheduled meetings of the Board, stating date, time, and place with previous minutes and meeting agenda shall be sent:

   a. To each Board member and alternate at least 72 hours prior to the meeting.

   b. So far as funds permit, to any organization or person who leaves his/her name with the secretary.

   c. To at least one newspaper of general circulation within the community served, or proposed to be served, and to all media who request. (Note: there is no guarantee that it will be printed. Is there a recommendation on how to deal with this?)

   d. To the Department of Community Services and Development, State of California.

B. Special meetings of the Board may be called by the Chairperson, or by a majority vote of the Executive Committee, or at least 50% of the Board by notifying the Chairperson. Any special meeting during which the agenda is not completed may be continued to a succeeding date by approved motion of the Board.

C. Persons who are not members of the Board may attend and will be offered a reasonable opportunity to be heard.

D. Regular and special meetings of the Board are conducted subject to the following rules:

1. The quorum of the Board is a majority of the total membership of fifteen (15), excluding vacancies. The quorum for the Executive Committee shall be three (3) members. Each member of the Board has one vote. Each attending Board member signs an attendance register upon entering the meeting.

2. Every meeting of the Board is public except those which must be held in Closed Session and comply with the Ralph M. Brown Act. Approval of such a motion for Closed Session will require an affirmative vote of a majority of the members present, and must state the general purpose of the Closed Session.

3. The Secretary/Treasurer of the Board ensures the recording of the minutes of each meeting. The Board may require the Executive Director to provide a recording secretary to take the minutes.

4. The current edition of Robert's Rules of Order, Newly Revised, shall serve as rules for conduct of Board meetings and for parliamentary procedures.

5. Notice of Certain Agenda Items. If action is proposed to be taken at any meeting of the members for approval of any of the following proposals:

   a. Removing a Director without cause;

   b. Amending the articles of incorporation;

   c. Voluntary dissolving the Corporation,

   The notice shall also state the general nature of the proposal. Member action on such items is invalid unless the notice of written waiver of notice states the general nature of the proposal(s).

ARTICLE IX
INDEMNIFICATION

A. RIGHT TO INDEMNIFICATION

This corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any action or proceeding by reason of the fact that such person is or was an officer, director or agent of this corporation, or is or was serving at the request of this corporation as a director, officer, employee or agent of another foreign or domestic corporation, partnership, joint venture, or other enterprise, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, to the fullest extent permitted under the Nonprofit Corporation Law of the State of California. For this purpose, the Board may, and on request of any such person shall, be required to determine in each case whether or not the applicable standards of conduct under California Law has been met, or such determination shall be made by independent legal counsel if the Board so directs or if the Board is not empowered by statute to make such determination. The indemnification provided herein shall not be deemed exclusive of any other right to which those indemnified may be entitled under any agreement, vote of members, or disinterested directors or otherwise, both as to action in a person's official capacity and as to action in another capacity while holding such office and shall continue as to a person who has ceased to be an agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

B. EXPENSES

Expenses incurred or to be incurred in defending any proceeding may be advanced by this Corporation before the final disposition of the proceeding, on receipt of an undertaking by or on behalf of the agent to repay the amount of the advance, unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this section.

ARTICLE X
AMENDMENTS

These By-Laws may be amended, or new By-Laws adopted, at any regular meeting of the Board provided that notice of the proposed action shall have been sent to each member of the Board at least fifteen (15) days before such meeting. A two-thirds (2/3) vote of the actual Board membership shall be required to amend and/or adopt new By-Laws.

ARTICLE XI

PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern Community Action of Ventura County, Inc. in all cases to which they are applicable and in which they are not inconsistent with these bylaws, the Articles of Incorporation, and the Standing Rules and Polices, and any special rules of order Community Action of Ventura County, Inc. may adopt.

ARTICLE XII
REDRESS PROCEDURES

A. PROCEDURE FOR REMOVAL OF BOARD MEMBER

The Board has the responsibility for policy-making and providing direction for the Community and staff. In fulfilling its responsibility, it can only be effective so long as it is composed of dedicated, competent and reliable members.

The only way to maintain effective membership is to provide a mechanism for "Removal of Members" who, in the judgment of their peers, do not adequately meet said obligations as Board Members. A 2/3 vote at a regular Board meeting is necessary for removal following notice.

All removal requests will be presented in writing to the Board. The written request must state the grounds for removal including dates, times, and places that may be applicable.

Grounds for removal shall include: Six absences within the previous past 12 months from the regular meetings shall constitute grounds for immediate removal from the Board; violation/noncompliance with the provisions of Conflict of Interest; malfeasance or malfeasance while acting in an official capacity as Board Member.

B. NOTIFICATION PROCEDURE

1. Public officials shall be petitioned requesting removal for cause. The written request is to be accompanied by detailed written explanation.

2. Elected representatives will be notified, in writing, of such pending action by the Board and shall be provided with a detailed written explanation of the specific reasons for such pending Board action. The Board, after due process and removal of representative from office, shall immediately call an election within the affected district, to elect a new representative.

3. Private Representatives and their affiliate organization shall be provided with a written explanation of the specific reasons for such pending Board action. Organizations will be offered the option of appointing a new representative or withdrawing from representation on the Board.

C. PROCEDURE TO ADDRESS INADEQUATE REPRESENTATION

Whenever a petition signed by at least 100 members of the petitioning group is submitted to the Board, the Board shall within thirty (30) days after receipt thereof provide a fair opportunity for the petitioning group or agency to present its case for more adequate representation at an informal hearing open to the public, which informal hearing may be held in conjunction with a regular or special meeting of the Board.

The petition shall set forth a proposal for addition to or realignment of the membership of the Board but in no event shall the petition contemplate more than (18) eighteen members of the Board.

A written statement by the Board shall be prepared within ten (10) days after a decision is rendered relative to the petition. The statement shall set forth the reasons supporting whatever action is taken. A copy of the written statement shall be promptly sent to the petitioning group and to the Department of Community Services and Development.

D. PROCEDURE FOR RECALLING ELECTED REPRESENTATIVES FROM THE BOARD.

It is the prerogative of the low-income electorate to seek a recall of its current representative of the poor from Board membership. The recall is in the form of a called election in which the incumbent may be a candidate for re-election (unless she/he chooses not to run) in competition with other candidates.

The recall election is called by an Election Committee, created by the Board, upon presentation to it of petition for recall which contains the names, addresses and signatures of eligible voters, in the incumbent's district. The number of signatures shall exceed fifty percent (50%) of votes cast in the incumbent's election to the Board, or 25 signatures, whichever is greater.

The Election Committee tests the validity of the signatures on the recall petition, by means of ten percent (10%) or larger sample, within ten (10) days of receipt of the petition. The Election Committee advises the Board Chairperson and the subject Board member when a valid petition for recall has been submitted. The Committee sets the recall election thirty (30) days from that date on which the petition for recall was validated.

In all other respects, the election/selection is conducted as described in Article IV.B.

E. PROCEDURE FOR CHALLENGING AN ELECTION/SELECTION *OF LOW-INCOME REPRESENTATIVE*

1. An individual, group, or organization may file a formal complaint against CAVC for election irregularities within fifteen (15) days after an election/selection. The letter and/or petition must be delivered to the Executive Director. Upon receipt of a formal complaint, an Ad Hoc Committee will be formed by the Board.

    a. This Ad Hoc Committee will be comprised of members of the Board, *who were* not Election committee members during the prior election, and will meet the same requirements for membership of an Election Committee.

    b. This Committee will have the authority to investigate the alleged irregularities, recount ballots, verify all election/selection procedures, review all related material, call witnesses, and make recommendations to the full Board.

2. Reasons to call for another election may include:

    a. Failure to follow election/selection procedures.

    b. Failure to follow deadlines.

    c. Election/selection irregularities of a nature that would make an election/selection illegal.

ARTICLE XIII
REIMBURSEMENTS AND ALLOWANCES

A. Board members who meet CSD low-income guidelines may receive allowances of $5.00 per CAVC function at which their attendance is authorized to a maximum of $10.00 a month.

B. Reimbursements for member's expenses for actual attendance at meetings in amounts not to exceed those authorized by California Department of Community Services & Development. Travel and subsistence rates are also authorized for mileage and child care costs.

ARTICLE XIV
AFFILIATE AND SUBSIDIARY CORPORATIONS

A. CAVC may form such affiliated corporations, Subsidiary Corporation, or other entities as the Board deems appropriate for the purpose of carrying out the mission and purposes of CAVC.

B. Whenever CAVC shall have the right or power to appoint, designate, or elect Board members, officers, directors or other controlling persons of affiliated, subsidiary or other related, entities, the Chairperson of CAVC shall make such appointment, designation or election, subject to approval by a majority of the Board.

C. Whenever CAVC shall have the right or power to make other decisions regarding any such entities, the Chairperson shall take any appropriate action on behalf of CAVC either in person or by proxy. The Chairperson may, but shall not be required, to delegate this authority to a committee comprised of members of the Board designated by the Chairperson as provided in Article VII. B.

D. Whenever an appointee, designee or elected of CAVC receives a stipend, allowance, per diem, salary or other remuneration which is *more* than nominal in amount, by virtue of such position, CAVC shall have the right to require part or all of such amount turned over to CAVC for general corporate purposes. The portion of such amounts allowed to be retained by the recipient shall not apply against the limits on reimbursement of Board members in Article XIII.

AU6366U

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 18 2005

CERTIFICATE OF AMENDMENT OF
ARTICLES OF INCORPORATION OF
COMMUNITY ACTION AGENCY OF VENTURA COUNTY, INC.,
A California Nonprofit Public Benefit Corporation

The undersigned certify that:

1. They are the Chairman of the Board and the Secretary/Treasurer of COMMUNITY ACTION AGENCY OF VENTURA COUNTY, INC., a California nonprofit public benefit corporation.

2. Article 1 of the Articles of Incorporation of this corporation is amended to read as follows:

   "1. The name of this corporation is Community Action of Ventura County, Inc."

3. The foregoing amendment of Articles of Incorporation was duly adopted by resolution approved by the required vote of the Board of Directors.

5. The corporation has no members.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge and that this certificate was signed on November 7, 2005, at Oxnard, California.

Julie A. Huffman, Chairperson
Board of Directors

Bernardo M. Perez, Secretary/Treasurer
Board of Directors

OFFICE OF THE SECRETARY OF STATE

CALIFORNIA CODES
WELFARE AND **INSTITUTIONS CODE**
SECTION 18960-18964

18960. (a) (1) It is the intent of the Legislature that child abuse and neglect prevention and intervention programs be encouraged by the funding of agencies addressing needs of children at high risk of abuse or neglect and their families.

(2) Funding for this program is subject to appropriation in the annual Budget Act.

(3) Priority shall be given to prevention programs through nonprofit agencies, including, where appropriate, programs that identify and provide services to isolated families, particularly those with children five years of age or younger, high quality home visiting programs based on research-based models of best practice, and services to child victims of crime.

(b) (1) Projects funded in Calaveras, El Dorado, Humboldt, Lassen, Modoc, Plumas, San Luis Obispo, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties, with the exception of statewide innovative projects, shall be funded by the State Department of Social Services for the purposes established in this article until June 30, 1993.

(2) Beginning in the 1993-94 fiscal year and in subsequent years, projects funded in the counties set forth in paragraph (1) shall be selected by the competitive process described in Section 18961. Projects funded in all other counties in the 1992-93 and subsequent fiscal years shall be selected by the competitive process.

18961. (a) Projects funded pursuant to this article shall be selected through a competitive process, which shall include all of the following criteria:

(1) Priority shall be given to private, nonprofit agencies with programs that serve the needs of children at risk of abuse or neglect and that have demonstrated effectiveness in prevention or intervention.

(2) Agencies shall be eligible for funding provided that evidence is submitted as part of the application to demonstrate broad-based

community support and that proposed services are not duplicated in the community, are based on needs of children at risk, and are supported by a local public agency, including, but not limited to, one of the following:

(A) The county welfare department.

(B) A public law enforcement agency.

(C) The county probation department.

(D) The county board of supervisors.

(E) The county public health department.

(F) The county mental health department.

(G) The school district.

(3) Services provided shall be culturally and linguistically appropriate to the populations served.

(4) Services may include, but need not be limited to, family counseling, day care, respite care, teaching and demonstrating homemakers, family workers, transportation, temporary in-home caretakers, psychiatric evaluations, health services, multidisciplinary team services, and special law enforcement services.

(5) Applicant agencies shall demonstrate the existence of a 10 percent cash or in-kind match, other than funding provided by the State Department of Social Services, that will support the goals of child abuse and neglect prevention and intervention.

(6) Funding shall be used to supplement, but not supplant, child welfare services authorized pursuant to Chapter 5 (commencing with Section 16500) of Part 4.

(7) Training and technical assistance shall be provided by private, nonprofit agencies to those agencies funded to provide services under this article. Training and technical assistance shall encompass all of the following:

(A) Multidisciplinary approaches to child abuse prevention, intervention, and treatment.

(B) Facilitation of local services networks.

(C) Establishment and support of child abuse councils.

(D) Dissemination of information addressing issues of child abuse among multicultural and special needs populations.

(8) Priority for services shall be given to children who are at high risk, including children who are being served by the county welfare departments for being abused and neglected and other children who are referred for services by legal, medical, or social services agencies.

(9) Service to minority populations shall be reflected in the funding of projects.

(10) Projects shall clearly be related to the needs of children, especially those 14 years of age and under.

(b) In a county that has established a multidisciplinary council, the council shall be utilized to provide recommendations to the board of supervisors for the funding processes and priorities.

(c) Each county shall monitor the projects it funds. The Office of Child Abuse Prevention shall monitor innovative and training and technical assistance projects funded pursuant to this article.

(d) The State Department of Social Services shall allocate funds appropriated pursuant to this article, based upon criteria that reflect the reported number of abused and neglected children in a county, such as police reports, including reports to the Criminal Identification and Information Branch of the Department of Justice, reports made to child protective services, or other public reports that indicate a need for services. Rural counties shall be provided a base allocation of fifty thousand dollars ($50,000) per county. For purposes of this subdivision, "rural county" means a county with a population of less than 125,000.

(e) The State Department of Social Services shall develop a reporting instrument relevant to both urban and rural areas, that shall reflect recognized potential abuse factors, such as unemployment levels, by percentage, drug and alcohol abuse, and teenage birth rates. This instrument shall be approved after consultation with the appropriate state level advisory committees, legislative committees, and private nonprofit agencies operating statewide in the area of child abuse and neglect prevention. This instrument shall be used to develop future reports regarding the potential for child abuse and neglect.

18961.5. (a) Notwithstanding any other provision of law, any county may establish a computerized data base system within that county to allow provider agencies, as defined in subdivision (h), to share identifying information, as specified in subdivision (c), regarding families at risk for child abuse or neglect, for the purpose of forming multidisciplinary personnel teams, as defined in subdivision (d) of Section 18951, for the prevention, identification, management, or treatment of child abuse.

(b) Each county shall develop its own standards for defining "at risk" before joining this system. Only information about children or the families of children at risk for child abuse or neglect may be entered into a computerized data base system established pursuant to

this section.

(c) With regard to a case in which a child or family has been identified as at risk for child abuse or neglect under this section, only the following information shall be entered into the system:

(1) The name, address, telephone number, and date and place of birth of family members.

(2) The number assigned to the case by each provider agency.

(3) The name and telephone number of each employee assigned to the case from each provider agency.

(4) The date or dates of contact between each provider agency and a family member or family members.

(d) The information may only be entered into the system by, or disclosed to, provider agency employees designated by the director of each participating provider agency. Members of the multidisciplinary personnel teams shall be drawn from these designated employees, or other persons, as specified in Section 18961. The heads of provider agencies shall establish a system by which unauthorized personnel cannot access the data contained in the system.

(e) The information obtained pursuant to this section shall be kept confidential and shall be used solely for the prevention, identification, management, or treatment of child abuse, child neglect, or both.

(f) This section shall not supplant any duties required by the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 3 of the Penal **Code**).

(g) No employee of a provider agency which serves children and their families shall be civilly or criminally liable for furnishing or sharing information as authorized by this section.

(h) For the purposes of this section, "provider agency" means any governmental or other agency which has as one of its purposes the prevention, identification, management, or treatment of child abuse or neglect. The provider agencies serving children and their families which may share information under this section shall include, but not be limited to, the following entities or service agencies:

(1) Social services.

(2) Children's services.

(3) Health services.

(4) Mental health services.

(5) Probation.

(6) Law enforcement.

(7) Schools.

18962. (a) (1) The State Department of Social Services shall notify counties of allocations of funds for services provided pursuant to Section 18961 no later than 30 days after the effective date of this section, and annually thereafter.

(2) The board of supervisors of each county shall notify the State Department of Social Services of its intent to contract or not contract with public or private nonprofit agencies to provide services in accordance with this article within 60 days of notification by the department of the county's allocation. If a board chooses not to contract for those services, it may subcontract with other counties to provide administrative oversight of the project, subject to the same 60-day notification requirement.

(3) If a board of supervisors chooses not to contract or subcontract for the provision of services, the funds allocated for that county shall revert to the State Children's Trust Fund established under Section 18969 and shall be administered in accordance with the provisions of law relating to the fund.

(b) The board of supervisors of each county shall provide to the Office of Child Abuse Prevention no later than October 1 of each year a list of projects funded in the prior fiscal year and the amounts funded to, and expended by, each of the listed projects. The report shall include a description of services rendered, populations served, and results of service.

18963. Unless otherwise specified in the annual Budget Act, the funds appropriated in the annual Budget Act to the State Department of Social Services for the purposes of this article shall be allocated as follows:

(a) A sum equal to 90 percent of the appropriation shall be allocated to the board of supervisors of each of the participating counties.

(b) A sum equal to 7 percent of the appropriation shall be allocated to the State Children's Trust Fund established under Section 18969 for innovative, child-centered approaches which indicate promise of quality, cost-effective services to prevent child abuse and neglect.

(c) The Office of Child Abuse Prevention shall reserve a sum equal to 3 percent of the appropriation, to be used to provide administrative oversight and consultation that shall include

activities necessary to do all of the following:

(1) Ensure that each county allocates revenues through the use of an accountable process that utilizes a multidisciplinary approach, particularly including strengthening child abuse councils and allocates revenues in a manner consistent with a county expenditure plan for all Child Abuse Prevention, Intervention, and Treatment program revenues. The county plans shall explain how services funded under this article are coordinated with the array of services available in the county and are based on unmet need. The Office of Child Abuse Prevention shall review and approve these plans prior to authorizing county expenditure of funds. The Office of Child Abuse Prevention shall require counties to submit annual reports on program services.

(2) Ensure Child Abuse Prevention, Intervention, and Treatment program compliance and accountability to the county plan and legislative intent.

(d) Counties with provider contracts in effect as of June 30, 1998, may continue those contracts. However, no county shall receive an augmentation of Child Abuse Prevention, Intervention, and Treatment funds unless the county modifies its program in accordance with subdivision (c). During the 1998-99 state fiscal year, if a county qualifies to receive an augmentation of funds, counties may augment existing provider contracts without competitive bids.

(e) The Office of Child Abuse Prevention may contract with a statewide nonprofit consortium with broad-based statewide representation to provide training and technical assistance, and to improve accountability for the use of funds in the Child Abuse Prevention, Intervention, and Treatment program using funds identified in subdivision (c).

(f) A portion of the funds specified in subdivision (c) may be allocated to the State Children's Trust Fund to be used for statewide training and technical assistance services. Moneys for statewide training and technical assistance may be supplemented under subdivision (a) by an amount not to exceed 0.50 percent of the total Child Abuse Prevention, Intervention, and Treatment appropriation but the total amount allocated statewide for training and technical assistance shall not exceed 2 percent of the total Child Abuse Prevention, Intervention, and Treatment appropriation. This augmentation may be accomplished by means of the following:

(1) The board of supervisors of each participating county may allocate annually a portion of its allocation under this section as a supplement to funds for statewide training and technical assistance. Activities to be funded with these supplemental moneys may be

specified by the allocating county and approved by the State Department of Social Services.

(2) In combination with funds provided by a county pursuant to paragraph (1) a portion of the moneys reverted to the State Children's Trust Fund pursuant to paragraph (3) of subdivision (a) of Section **18962** may be allocated annually for statewide training and technical assistance. Any amount allocated from the State Children's Trust Fund in a state fiscal year shall not exceed the moneys reverted under paragraph (3) of subdivision (a) of Section **18962** in that state fiscal year.

18964. (a) Notwithstanding any provision of law governing the disclosure of information and records, including, but not limited to, Section 5328 of the Welfare and **Institutions Code**, a person who is trained and qualified to serve on a multidisciplinary personnel team pursuant to subdivision (d) of Section 18951, whether or not the person is serving on a team, may be deemed, by the team, to be part of the team as necessary for the purpose of the prevention, identification, management, or treatment of an abused child and his or her parents. The designated team may deem a person to be a member of the team for a particular case, and that team shall specify its reasons, in writing, for deeming that person to be a member of the team. The person, when deemed a member of the team, may receive and disclose information relevant to a particular case as though he or she were a member of the team. The information and records which may be disclosed shall not be restricted to those obtained in the course of providing services pursuant to this chapter.

(b) The caregiver of the child and, in the case of an Indian child, the child's tribe shall be permitted to provide information about the child to the multidisciplinary personnel team that will be considered by the team and to attend meetings of the multidisciplinary personnel team, as deemed appropriate by the team, without becoming a member of the team. Any caregiver or tribal representative who attends multidisciplinary personnel team meetings shall agree in writing not to disclose any confidential information he or she receives as a result of his or her participation with the team.

CALIFORNIA CODES
WELFARE AND **INSTITUTIONS CODE**
SECTION **18965**-18971

18965. A county board of supervisors may designate an existing local voluntary commission, board or council in order to carry out the purposes of this article. The commission shall either be a commission whose duties are primarily related to services for children, with special emphasis upon child abuse and neglect prevention and intervention services, or whose duties relate to human services.

18966. When a county board of supervisors designates a commission pursuant to Section **18965**, the board of supervisors shall establish a county children's trust fund. The children's trust fund shall consist of the fees for birth certificates, collected pursuant to Section 103625 of the Health and Safety **Code**, grants, gifts, or bequests from private sources to be used for child abuse and neglect prevention and intervention programs, any funds appropriated by local governmental entities to the trust fund, and any funds appropriated to the county for the trust fund by the Legislature. The local registrar or county recorder may, however, retain a percentage, not to exceed 10 percent, of the surcharge collectible pursuant to subdivision (b) of Section 103625 of the Health and Safety **Code**, in order to defray the costs of collection.

The county treasurer shall transmit moneys collected from birth certificate fees for the county children's trust fund, pursuant to subdivision (b) of Section 103625 of the Health and Safety **Code**, collected with respect to the birth certificate of a child whose mother was a resident of another county at the time of the birth to the treasurer of the county of the mother's residence at the time of the birth if the county to receive the funds has established a program pursuant to Article 5 (commencing with Section **18965**) of Chapter 11 of Part 6 of Division 9 of the Welfare and **Institutions Code** and does not have a licensed health facility that provides maternity services within its jurisdiction.

18966.1. (a) Any federal funds provided for child abuse prevention challenge grants to provide matching funds to states that have established children's trust funds shall be allocated to the counties' children's trust funds in the following manner:

(1) Counties that receive less than twenty thousand dollars ($20,000) per annum for their county children's trust funds from the fees on birth certificates collected pursuant to Section 103625 of the Health and Safety **Code**, shall be granted from federal matching funds that amount necessary to bring that income to the trust fund to twenty thousand dollars ($20,000) per year.

If the state's annual federal matching fund allocation is insufficient to provide each county children's trust fund with a minimum total annual funding level of twenty thousand dollars ($20,000), the Office of Child Abuse Prevention shall determine an allocation process for federal matching funds to ensure that each county children's trust fund receives a minimum level of annual funding from all sources.

(2) The remaining funds from the federal challenge grant shall then be distributed equally among all the counties, up to ten thousand dollars ($10,000) per county.

(3) If sufficient federal matching funds exist after each county children's trust fund is provided a total annual children's trust fund allocation of twenty thousand dollars ($20,000) and after each county children's trust fund receives a maximum annual allocation of ten thousand dollars ($10,000) in federal matching funds, the remaining federal matching funds shall be distributed to each county children's trust fund according to population.

(b) (1) Federal challenge grant funds shall be received by the Office of Child Abuse Prevention and allocated in the manner specified in subdivision (a).

(2) Boards of supervisors may establish criteria for determining which programs shall receive funding. Boards of supervisors may accept all program proposals, prioritize those proposals, and make the final decision as to which programs shall receive funds.

(c) Federal matching funds shall be allocated pursuant to subdivision (a) for counties that have not established a local children's trust fund and shall be transferred to that county's existing children's trust fund established by the Office of Child Abuse Prevention in the State Children's Trust Fund. Nothing in this section shall prevent a county that has not established a local children's trust fund from establishing a local children's trust fund.

(d) Receipt by a county of any federal funds available for the purposes set forth in this section shall be contingent upon the provision of assurances that the county will provide to the Office of Child Abuse Prevention all information necessary to meet federal reporting mandates. Those information needs shall be identified by the department at the time federal funds are allocated.

(e) Moneys received by a county children's trust fund from private voluntary contributions shall not be considered in the calculation of federal challenge grant allocations pursuant to subdivision (a).

18967. Money in the children's trust fund of each county shall be used to fund child abuse and neglect prevention and intervention programs operated by private nonprofit organizations or public **institutions** of higher education with recognized expertise in fields related to child welfare. The designated commission shall establish criteria for determining those programs which shall receive funding. The commission shall accept all program proposals that meet criteria set by the commission, shall prioritize these proposals, and shall make recommendations to the board of supervisors as to those proposals which the commission feels should receive funding. The board of supervisors shall make the final decision as to which programs shall be funded. The county shall use no more than 5 percent of the amounts in the trust fund for administrative costs.

18968. In any county where the board of supervisors does not designate a commission to carry out the purposes of this article, pursuant to Section **18965**, except for a percentage of the receipts necessary for purposes of collection, the amount collected for the surcharge upon birth certificates pursuant to Section 103625 of the Health and Safety **Code** shall be transferred by the local registrar or county recorder to the Treasurer for deposit in the State Children's Trust Fund.

18968.5. Amounts collected for the surcharge upon birth certificates pursuant to Section 103625 of the Health and Safety **Code** that would have been transferred by the local registrar or county

recorder to the Treasurer for deposit in the State Children's Trust Fund shall, instead, revert to the county children's trust fund when the board of supervisors designates a commission to carry out the purposes of this article, pursuant to Section **18965**.

18969. (a) There is hereby created in the State Treasury a fund which shall be known as the State Children's Trust Fund. The fund shall consist of funds received from a county pursuant to Section 18968, funds collected by the state and transferred to the fund pursuant to subdivision (b) of Section 103625 of the Health and Safety **Code** and Article 2 (commencing with Section 18711) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation **Code**, grants, gifts, or bequests made to the state from private sources to be used for innovative and distinctive child abuse and neglect prevention and intervention projects and money appropriated to the fund for this purpose by the Legislature. The State Registrar may retain a percentage of the fees collected pursuant to Section 10605 of the Health and Safety **Code**, not to exceed 10 percent, in order to defray the costs of collection.

(b) Money in the State Children's Trust Fund, upon appropriation by the Legislature, shall be allocated to the State Department of Social Services for the purpose of funding child abuse and neglect prevention and intervention programs. The department may not supplant any federal, state, or county funds with any funds made available through the State Children's Trust Fund.

(c) The department may establish positions as needed for the purpose of implementing and administering child abuse and neglect prevention and intervention programs that are funded by the State Children's Trust Fund. However, the department shall use no more than 5 percent of the funds appropriated pursuant to this section for administrative costs.

(d) No State Children's Trust Fund money shall be used to supplant state General Fund money for any purpose.

(e) It is the intent of the Legislature that the State Children's Trust Fund provide for all of the following:

(1) The development of a public-private partnership by encouraging consistent outreach to the private foundation and corporate community.

(2) Funds for large-scale dissemination of information that will promote public awareness regarding the nature and incidence of child abuse and the availability of services for intervention. These

public awareness activities shall include, but not be limited to, the production of public service announcements, well designed posters, pamphlets, booklets, videos, and other media tools.

(3) Research and demonstration projects that explore the nature and incidence and the development of long-term solutions to the problem of child abuse.

(4) The development of a mechanism to provide ongoing public awareness through activities that will promote the charitable tax deduction for the trust fund and seek continued contributions. These activities may include convening a philanthropic roundtable, developing literature for use by the State Bar for dissemination, and whatever other activities are deemed necessary and appropriate to promote the trust fund.

18970. (a) The department shall expend funds appropriated to it pursuant to Section 18969 for innovative local child abuse and neglect prevention and intervention programs operated by private nonprofit organizations or public **institutions** of higher education with recognized expertise in fields related to child welfare. These projects shall be joined to formal evaluation components.

(b) These funds may also be used for evaluation, research, or dissemination of information concerning existing program models for the purpose of replication of successful models.

(c) The Office of Child Abuse Prevention and those local commissions designated by the county boards of supervisors shall collect and publish the following data relevant to the state and local children's trust funds:

(1) Descriptions of the types of programs and services funded by local and state children's trust funds and the target populations benefiting from these programs.

(2) The amount in each portion of the state and local trust fund as of June 30 each year, beginning June 30, 1987, as well as the amount disbursed in the preceding fiscal year.

(e) (1) Funds shall be expended from the moneys appropriated to the State Children's Trust Fund pursuant to Section 18969 of this **code** and Section 103590 of the Health and Safety **Code** to enable the Office of Child Abuse Prevention to annually collect and publish the data specified in subdivision (c).

(2) Funds may be expended from local children's trust funds established pursuant to Section 18966 to enable those local commissions designated by the county boards of supervisors in

accordance with Section 18966 to annually collect and publish the data specified in subdivision (c).

18971. Priority for funds transferred to the State Children's Trust Fund pursuant to Section 18968 shall be given to funding child abuse and neglect prevention and intervention programs operated by private nonprofit organizations or public **institutions** of higher education with recognized expertise in fields related to child welfare in the county where the funds originated, and where the county board of supervisors has not designated a commission pursuant to Section **18965** and has not established a county children's trust fund pursuant to Section 18966. The department may allow the funds for a small county to accumulate to a usable amount, or fund regional programs serving several small counties. The department shall establish criteria for determining which programs shall be funded. Applicants for funding shall submit proposals to the department in response to a request for proposals. If there is no acceptable response to the department's requests for proposals from qualified public **institutions** of higher education or private nonprofit organizations in a county, then the department may use the funds from that county pursuant to Section 18970.

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN

December 16, 2003 at 8:30 a.m.

205

POLICY MATTER – Recommendation of Supervisors Long and Flynn regarding the Adoption of Resolution in Support of the Community Commission for Ventura County's Role as the Advisory Body to the Board of Supervisors for Strengthening Services for Children and Families.

(X) All board members are present.

( ) The following person(s) are heard:

( ) The following document(s) are submitted to the Board for consideration:
( ) _____ statement cards ( ) _____

( ) The Board holds a public hearing.

(X) Upon motion of Supervisor Long, seconded by Supervisor Bennett, and duly carried, the Board hereby approves the attached staff recommendation(s).

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.

( ) Without motion, the Board hereby makes and hears the attached presentation.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Correspondence Agenda as attached.

By: Roberta Rodriguez
Deputy Clerk of the Board

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument
Is a true and correct copy of the document
which is on file in this office.
JOHN F. JOHNSTON, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board

Item # 50
12/16/03

DISTRIBUTION: Originating Agency (2), Auditor, File, HSA

MEMBERS OF THE BOARD
JUDY MIKELS
Chair
STEVE BENNETT
LINDA PARKS
KATHY I. LONG
JOHN K. FLYNN

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
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December 16, 2003

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Dear Board Members:

RECOMMENDATION
Recommend the Board adopt the attached resolution and support the Community Commission for Ventura County (CCVC) as the advisory body to the Board of Supervisors on strengthening services for children and families.

FISCAL IMPACTS/COSTS
Unknown at this time.

DISCUSSION
The mission of the Community Commission for Ventura County (formerly known as the Children's Services Network and more recently known as the Children, Families and Community Commission) is to act as a catalyst to strengthen services for children and families through communication, collaboration and coordination. Its vision is that all Ventura County children and families are safe, healthy and successful.

The CCVC has broad-based representation, including representatives of health, education and community service networks, school districts, cities, county agencies and boards, community-based nonprofits, local businesses, and private residents. It is composed of a 26-member Board of Commissioners and a Community Advisory body. The Board of Commissioners is divided into four representative quadrants of county, city, schools, and community. Commissioners are designated through the Board of Supervisors, the City Selection Committee, the Ventura County School Boards Association, and the

Recycled Paper

CCVC Community Advisory Board. In addition, the Board of Supervisors appoints five seated CCVC Commissioners to the First 5 Ventura County Commission.

Recently, the CCVC reorganized after an extensive review of purpose and operation. In addition to a streamlined mission and vision, the CCVC identified the following three goals to achieve strengthening services and promoting the health, safety, and success of Ventura County children and families:

1. To advocate for children and families as a priority and for the allocation of adequate resources to ensure their continued health, education and welfare.
2. To gather and disseminate reliable information on the status of children and families in Ventura County to the community, policy makers and service providers, and to advocate for improved services.
3. To enhance services to children and families by facilitating improved communication, collaboration and coordination among health, education and human services providers.

Under goal 2, one of the objectives is to provide an annual status report on children and families in Ventura County. This month, the CCVC is releasing its first report. In it, we have identified the first three issues on which to focus: substance abuse, homelessness, and obesity. These three were chosen because they exhibit data and trend lines that are not improving as much as would be desirable. The CCVC will be convening community policy makers, service providers, and consumers to identify existing services, gaps and possible coordination in these areas. Our intent is not to duplicate current efforts and collaborations already underway. Instead, we are seeking to improve information sharing and strengthen alliances within Ventura County to address these issues, thus improving our ability to collectively resolve them.

In the past, the Board adopted resolutions supporting the Community Commission's role in community block grants for children, youth and families. This resolution seeks the Board's support to broaden the CCVC's scope of responsibilities that will actively encourage innovation and result in improved efficiency and effectiveness in systems serving children and families.

As your Board's representatives to the Community Commission for Ventura County, we respectfully request your support of the attached resolution.

KATHY LONG
Supervisor, Third District

JOHN FLYNN
Supervisor, Fifth District

BOARD OF SUPERVISORS, COUNTY OF VENTURA
STATE OF CALIFORNIA

RESOLUTION IN SUPPORT OF THE
COMMUNITY COMMISSION FOR VENTURA COUNTY'S
ROLE AS THE ADVISORY BODY TO THE BOARD OF SUPERVISORS
FOR STRENGTHENING SERVICES FOR CHILDREN AND FAMILIES

Whereas, the Community Commission for Ventura County (CCVC) acts as a catalyst to strengthen services for children and families through communication, collaboration and coordination; and

Whereas, the Community Commission advocates children and families are a priority and for the allocation of adequate energy and resources to ensure their continued safety, health and success; and

Whereas, the Community Commission gathers and disseminates reliable information on the status of children and families in Ventura County to the community, policy makers and service providers, and advocates for improved services; and

Whereas, the Community Commission enhances services to children and families by facilitating improved communication, collaboration and coordination among health, education and human services providers; and

Whereas, the Community Commission for Ventura County is a broad-based partnership of the diverse segments of the community including school districts, cities, county agencies, non-profit private agencies, local businesses, community leaders and private citizens; and

Whereas, the Community Commission has been interacting and influencing children and family issues since 1992.

Therefore, let it be resolved that the County of Ventura Board of Supervisors, on this day, recognizes and supports the Community Commission for Ventura County as the responsible advisory body to the Board of Supervisors on strengthening services for children and families through the facilitation of communication, collaboration and coordination among Ventura County's diverse segments.

On motion of Supervisor Long,

seconded by Supervisor Bennett, the foregoing

Resolution passed and adopted on December 16, 2003.

Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON,
Clerk of the Board of Supervisors,
County of Ventura, State of California
By:
Deputy Clerk of the Board

Minutes of
Community Commission for Ventura County
July 23, 2007 meeting

The monthly meeting of the Community Commission for Ventura County was held on July 23, 2007 at Public Health Building in Oxnard. There were present, representing a quorum of the Commission:

Chair – Judge Don Coleman
Co-Chair – Supervisor Kathy Long

County Quadrant
Alan Hammerand, Probation
Judy Rivera, HSA
Meloney Roy Behavioral Health
Mike Frawley, District Attorney

City Quadrant
Mayor, Maricela Morales, Port Hueneme
Mayor Pro tem, Jacqui Irwin, Thousand Oaks

Community Quadrant
Terry Miller, Interface
Bill Burrato, VCEDA

School Quadrant
Jan Iceland, Oak Park School District
Dr. Charles Weis, Ventura County Office of Education.

Ex-Offico
Claudia Harrison, First 5

Members of the Public
Rigo Vargas, Public Health
Cathy Brudnicki, VCHHC
Joan Smith, HSA
Nancy Firment, Interface
Christy Madden, CEO
Socorro Hanson, Community Action
Peter Brown, City of Ventura

There were absent:
Supervisor John Flynn, BOS
Kathy Ventura, CEO's Office, VC
David Smith, United Way
Suzanne Kitchens, Pleasant Valley School District
Christy Weir, City of Ventura
Jan McDonald, City of Camarillo
Dr. Steve Elson, Casa Pacifica
Barbara Marquez-O'Neill, Partnership for Safe Families
Hugh Ralston, VCCF
Linda Henderson, Pubic Health
Debbie Golden, Ventura Unified school District

1. **Call to Order**

   Chair Judge Coleman called the meeting to order at 1:10 p.m., welcomed everyone.

2. **Approval of Agenda**

   ACTION: Motion to approve agenda made by Commissioner Morales, seconded by Commissioner Miller. Motion carried.

3. **Approval of CCVC Minutes from May 21, 2007**

   ACTION: Motion to approve minutes made by Commissioner Miller, seconded by Commissioner Rivera. Motion carried.

4. **Public /Commissioner Comments and Correspondence**

   Kathy Back, Annie Casey Program Coordinator, Probation Department, talked about the need to provide a shelter program for youth aged 10-17 and those aging out of the foster care system (18-24). There is no facility in Ventura County providing this service. She brought information about a program in Santa Barbara, Noah's Anchorage, which does provide such a service. The YMCA, with various funding sources, operates the program. Discussion followed as the need of such services here in Ventura county and possible funding resources. Kathy will follow up with Commissioner Rivera, HSA, and Probation to work on this possibility as well as setting up a tour of the Santa Barbara program.

5. **Standing Committee Update**

Homeless Standing Committee – Joan Smith, Chair, reported that the Committee had met for the last time in June and would be handing over to the Interagency Council on Homelessness one project remaining on their work plan which is a survey of providers regarding homeless information on service provider applications.

Substance Abuse Standing Committee – Commissioner Roy discussed what the committee had been doing regarding the training for medical providers in the area of FASD. This is still on the table and in the process of looking for funding to provide this training. Supervisor Long indicated that she had attended a conference and Ventura County was regarded as a model for the Social Host legislation that has been passed in this County. Commissioner Roy stated that the Committee had been dark in July and will be in August and will start back up in September. Patrick Zarate will be leading this committee as Commissioner Roy has been promoted to head the Behavioral Health Department.

Obesity Standing Committee – Rigo Vargas, reported that the Standing Committee had completed their work plan for the forth-coming year. Specifically, the CCVC standing Committee will be working on providing another training forum for city/county/private planners to talk about including health related issues in their planning process. The Standing Committee has chosen the "built environment" as its focus issue.

6. **Advisory Committee Updates**

First 5 -Commissioner Harrison reported that an RFA was being published on this date for the Partners for Parents Support. The purpose of the program is to help parents navigate through the social service system. Also, the poster contest for oral health has been completed and those posters will hang in the Hall of Administration at the Government Centers. There will be a public information campaign promoting "reading to your child". Other First 5's in the state will be promoting this campaign as well.

211 – Commissioner Miller introduced the new director for this program, Mary Firment, who distributed updated statistical data for the 211 program.

7. **Discussion of Revised by-laws**

Chuck Watson provided the Commissioners with the revised bylaws for their review. Two points of discussion. On page 5, "leadership"/'department head" was left vague in order to provide latitude in the selection for the most appropriate person to fill a current need of the Commission. Also discussed was the "why" of the Executive Director also being named as an "Ex-Offico" per the new bylaws. It was decided to leave this in the bylaws. Commissioner Rivera inquired about the Children's Oversight Committee and what the relationship they had with the CCVC. Staff, Betty Krause, stated that it was the Children's Oversight Committee that had the CCVC mentioned in their bylaws and that the CCVC did not have that group in CCVC's bylaws. Chuck stated that if at a time it was desired that there be such a relationship one could be formally set up like the IACH. No action taken at this time.

8. **Action Items for CCVC Board Approval**

The Community Commission votes to accept the revised by-laws as presented. Motion by Commissioner Long and seconded by Commissioner Miller. Motion Carried

9. **The CCVC recessed to conduct business of the Interagency Council on Homelessness and will reconvene at the conclusion of the IACH.**

10. **Executive Director Report**

Strategic Planning Session- Chuck stated that he had talked with Lauri Flack and had set the time to be at our November meeting. Chuck stated he wanted it to be a planning session to establish long-term goals. The session would run noon to 4:00 pm.

Update of the 2006 CCVC Report – He would like to publish another report and focus it to report on the areas of schools, cities, county and community areas. A suggestion was made that "town-hall meetings could be conducted by the existing standing committee's to get input from the community as to what the needs are in each of these areas and what they would recommend to the CCVC. All agreed that this was a good idea. Neither action taken nor date set to start this process.

Homeless Policy- Chuck raised the issue of purposeful re-investment of monies in the area of homelessness. Discussion followed. Peter Brown, from the City of Ventura urged the Commission to look at page 35 of the 10 Year Plan as a guide. No action taken.

11. **New Business**

Commissioner Morales handed out information regarding support of AB 1 and SB 32 regarding Health Coverage for Children. She also reminded the Commission about the Breakfast Seminar on Health Care Legislation that was happening Wednesday July 25th in which the CCVC was a co-sponsor. The seminar was free but people must register.

12. Adjournment at 3:10pm

AMENDED AND RESTATED BYLAWS OF

Community Commission for Ventura County,

An association organized for the public's benefit

The Community Commission for Ventura County has been developed to represent and include a broad coalition of interested parties and health, education, human and community service networks across Ventura County including cities, schools, public agencies, nonprofit and community based organizations, the private sector, parents and parent organizations.

The Community Commission dedicates decisions and actions to improving the quality of life and ensuring the safety, health and success of all Ventura County children and families; recognizes and supports cultural, racial and ethnic diversity through both its composition and the policies it advocates; enhances services at the local level through the communication, collaboration and coordination of public and private health, education and human services providers; and ensures decisions and action plans are evidence-based, supplemented by local data, and implemented to achieve best practices.

The Community Commission is recognized through resolutions by the Ventura County Board of Supervisors, local City Councils, and School Boards of Trustees. It is anticipated that on occasion certain references to the Community Commission shall be contained within local ordinances, statutes, or regulations. When such a reference is made delegating authority or articulating a group of eligible individuals needed for decision making, it is understood that in that context the Community Commission means the commissioners designated in Article VI - Section 2.

ARTICLE I - NAME

The name of this Organization shall be the Community Commission for Ventura County (hereafter referred to as "CCVC").

ARTICLE II - OFFICES

SECTION 1. PRINCIPAL OFFICE

The principal office for the transaction of the business of the CCVC ("principal executive office") shall be fixed and located at such place as the Commissioners shall determine. The Commission may change the principal office from one location to another.

SECTION 2. OTHER OFFICES

The Commission, at any time, may establish branch or subordinate offices at any place or places where the CCVC is qualified to do business.

ARTICLE III - OBJECTIVES AND PURPOSES

The CCVC advocates for policies that improve the quality of life for children and families in Ventura County through promoting high quality services that maximize available community resources in a collaborative environment.

The CCVC advocates on behalf of children, families and their communities to improve coordination, collaboration and partnerships that recognize cultural diversity and promote safety, health and success.

The primary role of the CCVC is to be the central forum for bringing together service providers, experts, advocates and interested parties to formulate plans and allocate available resources to meet the needs and issues of children and families in Ventura County.

In that the role of providing a central forum is based on maintaining a neutral and objective planning process, it is therefore expressly stated that the CCVC shall not directly provide client services except through sub-contracts with or through the independent action of its commissioners, associates and partners. This is not meant to preclude CCVC from acquiring resources that provide funding to CCVC efforts to promote collaboration through shared infrastructure and management support efforts that the CCVC might provide to those client-serving agencies with who CCVC is in partnership.

Within the context of this central forum, the CCVC has the following goals:

1. To advocate children and families are a priority and for the allocation of adequate resources to ensure their continued safety, health and success..
2. To gather and disseminate reliable information on the status of children and families in Ventura County to the community, policy makers and service providers, and advocate for improved services.
3. To enhance services to children and families by facilitating improved communication, collaboration and coordination among health, education and human services providers.

ARTICLE IV - DEDICATION OF FINANCIAL INTERESTS AND ASSETS

All funds raised exclusively by and for the operation of the CCVC shall be administered through its designated fiscal agent and used solely for CCVC

purposes. It is expected that all funds available for providing "direct services" be sub-contracted to appropriate local organizations in good standing. This is not meant to preclude the retention of appropriate resources to provide for administrative support, planning, coordination and evaluation activities conducted by CCVC staff. CCVC budgets and any resulting consultant contracts shall be adopted in consultation with the CCVC Co-Chairs.

ARTICLE V MEMBERSHIP

SECTION 1. MEMBERS

The CCVC shall have no legally defined members. Any action which would otherwise require approval by a majority of all members or approval by the members shall require only approval of the Commission.

SECTION 2. ASSOCIATES

Nothing in this Article V shall be construed as limiting the right of the CCVC to refer to persons affiliated with it as "members" even though such persons are not members. The setting of dues levels at any particular time is considered the prerogative of the Commission.

ARTICLE VI COMMISSIONERS

SECTION 1. POWERS

(a) General Powers. Subject to any limitations in these bylaws relating to action required to be approved by the commissioners, the business and affairs of the CCVC shall be managed, and all corporate powers shall be exercised, by or under the direction of the Commission.

(b) Specific Powers. Without prejudice to these general powers, and subject to the same limitations, the Commission shall have the power to:

(i) Select and remove all officers and agents; prescribe any powers and duties for them that are consistent with law and with these bylaws,

(ii) Change the principal executive office or the principal business office in the State of California from one location to another.

SECTION 2. NUMBER AND QUALIFICATION OF COMMISSIONERS

The authorized number of commissioners shall be thirty-six (36), as shall be fixed from time to time by the Commission. All attempts will be made to balance the distribution of representation with respect to gender, ethnicity,

geography, relevant expertise (expertise with services for children and families) and diverse perspectives.

Each of the categories will have members (Elected Officials and Executive Staff) as defined below:

- COMMUNITY SERVICE ORGANIZATIONS – Six Seats Total
  Six (6) seats representing Community Organizations including representatives from any of the following:
  - Nonprofit Community Organizations (nonprofits and faith-based organizations that actively provide direct services to children and families in Ventura County)
  - Community Task Forces and Commissions
  - Community Service Organizations and
  - Early childhood providers

- SCHOOLS – Six Seats Total
  Six (6) seats representing Education include:
  The Ventura County Office of Education and five other representatives (3 Elected Officials minimum) from any of the following:
  - School Board Trustees for K-12 Districts
  - School District Superintendents
  - School Board Trustee and/or Chancellor for the Community College District
  - Other Education Related Representatives (Non-Public School, College, Adult Education, Vocational School, etc.)

- CITIES & SPECIAL DISTRICTS – Six Seats Total
  Six (6) seats representing the Cities and Special Districts within Ventura County including representatives (3 Elected City Council Members minimum) from any of the following:
  - City Council Members
  - City Executive Staff (City Manager, etc.)
  - City Department Leadership (Chief of Police, Parks and Recreation, etc.)
  - Special District Commissioners or Executive Staff of special districts focused on services for children and families.

- VENTURA COUNTY – Eight Seats Total
  Eight (8) seats representing the County of Ventura including:
  Two (2) members from the Board of Supervisors and six (6) additional members in any combination from the following:

- Elected County Officials (District Attorney's Office, Sheriff, Auditor Controller, Assessor, Clerk-Recorder, Treasurer, etc.)
- Ventura County Department Leadership (Probation, Workforce Investment, Public Health, Human Services Agency, Behavioral Health, VCMC, etc.)
- Commissions (Mental Health Advisory Board, Workforce Investment Board, etc)

- AT-LARGE – Six Seats Total
  Three (3) seats representing the community at large based on creating a balanced and diverse Commission through the addition of individuals with unique skills and perspectives. Three of these seats may include but are not limited to representatives from the following:
  - Business Community (Chamber of Commerce, VCEDA, individual business, etc.)
  - Healthcare Community (Physicians, Dentists, Therapists, etc.)
  - Consumer Community (PTA, individual consumer, etc.)
  - Individual Citizens

  Three (3) seats are available for appointment by the Ventura County Board of Supervisors at their pleasure and for their own purposes. It is not intended that these seats be continuously filled but remain available for appointment as needed.

- EX-OFFICIO – Four Seats Total

In addition to the 32 regular commission seats there shall be four (4) ex-officio (non-voting) seats on the Commission including the Presiding Judge of the Ventura County Juvenile Court, the Ventura County CEO's Office, the Executive Director of First 5 Ventura County and the Executive Director of the CCVC.

The Commission reserves the right to observe the intent while not observing the specifics of this distribution if it feels that improving other diversity elements is more compelling.

SECTION 3. – RESPONSIBILITIES OF COMMISSIONERS

The Commission is the primary operating and policy making body. It will be the role of the Commissioners to research, evaluate, study, assess and prepare the information on issues that affect children and families in Ventura County and, to the extent appropriate (based on the membership wishes, Commission directives and regulatory constraint), publicize, educate, and advocate that those issues which positively affect children and families be supported and that those issues which negatively affect children and families be opposed.

It will be the role of the Commission to develop appropriate methods to distribute funds under its authority to meet the needs of children, families and their communities as identified by community planning and research efforts.

It will be the role of the Commission to provide governance and policy setting functions on behalf of the CCVC.

SECTION 4. ELECTION AND TERM OF OFFICE OF COMMISSIONERS

Commissioners shall be elected at each annual meeting of the Commission to hold office for three (3) years. One-third (1/3) of the members of the Commission will be elected each year in order to insure staggered terms. If an annual meeting is not held or the commissioners are not designated at any annual meeting, they may be designated at any special meeting held for that purpose. Except as provided in Section 7, each commissioner, including a commissioner designated to fill a vacancy or designated at a special commissioners' meeting, shall hold office until expiration of the term for which designated and until a successor has been designated and qualified.

SECTION 5. INTERESTED PERSONS AND CONFLICTS OF INTEREST

All activities and initiatives of the CCVC are meant to benefit the children, families and communities throughout Ventura County. It is understood that in asking for representative participation, informed experts, elected officials and individuals with responsibilities pertaining to the system of care within Ventura County participating in the CCVC may encounter conflicts of interest.

It is required that any commissioner who may have a conflict of interest or believes that there might be the appearance of a conflict, openly declare such a situation. The commissioner shall abide by the policy set by the Commission pertaining to appropriate action in the case of conflict of interest.

SECTION 6. VACANCIES

(a) Any commissioner may resign effective upon giving written notice to the Commission, unless the notice specifies a later time for the effectiveness of such resignation. If the resignation is effective at a future time, a successor may be selected before such time, to take office when the resignation becomes effective.

(b) Vacancies of the Commission shall be filled in the same manner as the commissioner whose office is vacant was selected, provided that any vacancy to be filled by election by commissioners may be filled by a majority of the remaining commissioners, although less than a quorum, or by a sole remaining commissioner at any regular or special meeting of the Commission. Each

commissioner so selected shall hold office until the expiration of the term of the replaced commissioner and until a successor has been selected and qualified.

In deference to the spirit of inclusiveness and diversity, vacancies as a general rule are filled using a nomination process for each category from their respective organizational body or a caucus of organizations representing the appropriate category or a CCVC Advisory group in good standing. Such a nomination will then be considered by the Commission in filling any vacancy.

(c) A vacancy on the Commission shall be deemed to exist in case of the death, resignation or removal of any commissioner or an increase in the authorized number of commissioners.

(d) The Commission may declare vacant the office of a commissioner who has been declared of an unsound mind by a final order of the court, or convicted of a felony, or been found by a final court or judgment of any court to have breached any duty arising under Sections 5230 through 5238 of the Law. Subject to Section 5222(f) of the Law, the Commission may also remove any commissioner without cause if the removal is approved by a majority of the commissioners then in office.

(e) No reduction of the authorized number of commissioners shall have the effect of removing any commissioner prior to the expiration of the commissioner's term of office.

(f) The Commission may remove and declare vacant the office of a commissioner who fails to attend, without excuse acceptable to the Commission, three (3) consecutive meetings the Commission.

SECTION 7. PLACE OF MEETING

Regular and special meetings of the CCVC shall be held within Ventura County, except in cases specified in the Ralph M. Brown Act.

SECTION 8. ANNUAL MEETINGS

The Commission shall hold an annual meeting for the purposes of organization, election of commissioners and officers and the transaction of other business. Annual meetings of the Commission shall be held on such dates and at such times as may be fixed by the Commission.

SECTION 9. REGULAR MEETINGS

The date, time and place of regular meetings will be established by agreement of the Commission. Meetings are open to the public. All meetings

shall be called, noticed, held, and conducted in accordance with provisions of the Ralph M. Brown Act.

SECTION 10. SPECIAL MEETINGS

Special meetings of the Commission for any purpose or purposes may be called twenty-four (24) hours prior to the special meeting time by the CCVC Commission Chair or by a majority of commissioners by delivering notice to each commissioner and to each local newspaper of general circulation, radio or television station requesting notice in writing.

SECTION 11. NOTICE AND AGENDA

At least seventy-two (72) hours prior to each regular meeting, notice of and an agenda for the regular meeting will be sent to each commissioner and to any person who has filed a written request for notice. Notice will also be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public. The agenda for all meetings will contain a brief description of each item of business to be transacted or discussed at the meeting. The CCVC shall conduct its business in accordance the rules and procedures articulated in the Brown Act.

SECTION 12. QUORUM

One-third (1/3) of the total number of seated commissioners shall constitute a quorum for the transaction of normal business. Every act or decision done or made by a majority of the commissioners present at the meeting duly held at which a quorum is present shall be regarded as the act of the Commission. Actions that legally obligate the organization , involve financial transactions or amend the by-laws require an affirmative vote of at least 51% of the seated commissioners regardless of whether quorum was met. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of commissioners, if any action taken is approved by at least a majority of the required quorum for that meeting.

SECTION 13. PARTICIPATION IN MEETINGS BY CONFERENCE TELEPHONE

Commissioners may participate in a meeting of the Commission, or a committee meeting, through use of a conference telephone or similar communications equipment as long as such a teleconference complies with all relevant rules, regulations and legal statutes.

SECTION 14. PARTICIPATION IN MEETINGS BY ALTERNATES

A commissioner may select an alternate to represent him or her at a regular CCVC meeting, provided the commissioner participates in at least 50

percent of regular meetings. Commissioners must provide oral or written permission for an alternate to represent him or her. No commissioner shall use a "proxy" (a written authorization signed by a commissioner or the commissioner's attorney in fact giving another person or persons power to vote on behalf of such commissioner) as a means to defining an alternate.

SECTION 15. WAIVER OF NOTICE

Actions taken at any meeting of the Commission, however called and noticed or wherever held, shall be as valid as though taken at a meeting duly held after regular call and notice, if (i) a quorum is present, and (ii) either before or after the meeting, each of the commissioners not present signs a written waiver of notice, a consent to holding the meeting, or an approval of the minutes. The waiver of notice or consent need not specify the purpose of the meeting. All waivers, consents, and approvals shall be filed with the corporate records or made a part of the minutes of the meeting. Notice of a meeting shall also be deemed given to any commissioner who attends the meeting without protesting before or at its commencement about the lack of adequate notice.

SECTION 16. ADJOURNMENT

A majority of the commissioners present, whether or not constituting a quorum, may adjourn any meeting to another time and place.

SECTION 17. NOTICE OF ADJOURNMENT

Notice of the time and place of holding an adjourned meeting need not be given unless the meeting is adjourned for more than twenty-four (24) hours, in which case personal notice of the time and place shall be given before the time of the adjourned meeting to the commissioners who were not present at the time of the adjournment.

SECTION 18. RIGHTS OF INSPECTION

Every commissioner shall have the absolute right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the CCVC.

SECTION 19. STANDING OR SPECIAL COMMITTEES

(a) In the event that the Commission determines that the management of the CCVC would be benefited by the establishment of one or more standing or special committees, the Commission may from time to time establish one or more such committees.

(b) The establishment of a standing or special committee shall be affected by a resolution of the Commission approved by the vote of the majority of the commissioners then in office, which specifically sets forth the

powers and duties delegated to such committee. Each such committee shall consist of at least one (1) commissioner who shall preside as co-chair of that committee.

(c) The term "standing committee" or "special committee" shall mean any committee appointed by the Commission which is authorized by special delegation, without further Commission action, to make and implement decisions on behalf of the Commission, or to implement, with some degree of discretion, decisions of the Commission pursuant to guidelines established by the Commission. Notice of, and procedures for, meetings for outstanding or special committees shall be as prescribed by the chairman of each such standing or special committee, and meetings of the standing or special committees may be called by the Commission or the chair of the standing or special committee.

(d) The Executive Committee shall consist of the officers and such members of the Commission as may be designated by the Chair.

SECTION 20. LIMITATIONS UPON COMMITTEES OF THE COMMISSION

No committee of the Commission shall have any of the authority of the Commission with respect to:

(a) The filling of vacancies on the Commission or any committee which has the authority of the Commission;

(b) The fixing of compensation of the commissioners for serving on the Commission or on any committee which has the authority of the Commission;

(c) The amendment or repeal of bylaws or the adoption of new bylaws;

(d) The amendment or repeal of any resolution of the Commission which by its express terms is not so amendable or repealable;

(e) The appointment of other committees of the Commission or the members thereof if such committee will have the authority of the Commission;

(f) The expenditure of corporate funds to support of nominee for commissioner after there are more people nominated for commissioner than can be elected.

SECTION 21. COMMUNITY ADVISORS

The Commission shall appoint Community Advisors, who are not commissioners, from time to time to serve as members of CCVC Committees and time-limited Focus Groups as deemed appropriate to promote and accomplish the CCVC objectives. The CCVC strongly believes in consumer participation in planning and will encourage children, youth and families to participate in the activities and mission of the CCVC through this structure.

Membership as a Community Commission for Ventura County (CCVC) Community Advisor is unlimited and open to any interested party upon

nomination by any Commission member. Qualifications for membership shall include:

1. Being a stakeholder in the wellbeing of Ventura County's children and families;
2. Supporting the purpose of the Commission;
3. Committing to regularly attending and participating in appropriate CCVC Committee and/or Focus Group meetings.

It will be the role of a Community Advisor to actively pursue improvements in the service delivery system for children and families through the encouragement and support for increased collaboration, coordination and communication. While it is not the role of the CCVC to judge its members or to tell them what to do, it is appropriate to actively encourage innovation and change that result in improved efficiency and effectiveness. This process may or may not result in seeking regulatory waivers at the state and federal level.

When the CCVC elects to form a Focus Group for the purposes of obtaining a wider array of community input, a CCVC Focus Group chair(s) will be appointed by the CCVC Chair based on any or all of the following factors: willingness to serve, leadership skills, commitment to the focus group's goals and the recommendations of other Community Advisors. All recommendations of said Focus Group shall be submitted to the CCVC for approval.

Notice of, and procedures for, meetings of Focus Groups shall be as prescribed by the chairman of each such Focus Group. Such meetings may also be called by the Commission or the chairman of the Focus Group.

SECTION 23. FEES AND COMPENSATION OF COMMISSIONERS

Commissioners and Community Advisors shall serve without compensation, but necessary expenses incurred by them in the performance of their duties may be reimbursed by the CCVC. This is not meant to exclude an organization that is represented within the CCVC from applying or receiving (after fair deliberation that adheres to the conflict of interest policy) funding allocations or recommendations that fall within the purview of the CCVC. Nor is it meant to preclude the fair compensation of the CCVC Executive Director who sits as an Ex-Officio member of the CCVC.

Subject to the provisions of this Article VI, nothing contained in these bylaws shall be construed to preclude any commissioner from serving the CCVC in any other capacity as an officer, agent, employee or otherwise, and receiving compensation therefore.

ARTICLE VII - OFFICERS

SECTION 1. OFFICERS

The officers of the CCVC consist of the CCVC Co-Chair (Presiding Judge of the Juvenile Court and Ventura County Board of Supervisors) and five (5) vice chairs (one each representing the County, Community, Schools, City and At-Large Commissioners. Any number of offices may be held by the same person.

SECTION 2. ELECTION OF OFFICERS

The Co-Chairs of the Commission shall be Presiding Judge of the Juvenile Court and a CCVC Commissioner from the Ventura County Board of Supervisors. All other officers of the CCVC, except those appointed in accordance with the provisions of Section 3 of this Article VII, shall be chosen by the Commission, and each shall serve at the pleasure of the Commission, subject to the rights, if any, of an officer under any contract of employment.

SECTION 3. SUBORDINATE OFFICERS

The Commission may appoint, and may authorize the CCVC Chair or another officer to appoint, any other officers or CCVC-affiliated persons or that the business of the CCVC may require, each of whom shall have the title, hold office for the period, have the authority and perform the duties specified in the bylaws or determined from time to time by the Commission.

SECTION 4. REMOVAL OF OFFICERS

Subject to the rights, if any, of an officer under any contract of employment, any officer may be removed, with or without cause, by the Commission at any regular or special meeting of the Commission, or, except in the case of an officer chosen by the Commission, by an officer upon whom such power of removal may be conferred by the Commission.

SECTION 5. RESIGNATION OF OFFICERS

Any officer may resign at any time by giving written notice to the CCVC. Any resignation shall take effect at the date of the receipt of that notice or at any later time specified in that notice and, unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective. Any resignation shall be without prejudice to the rights, if any, of the CCVC under any contract to which the officer is a party.

SECTION 6. VACANCIES IN OFFICES

A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled only in the manner prescribed in these bylaws for regular appointments to that office.

SECTION 7. RESPONSIBILITIES OF OFFICERS

The Co-Chairs shall preside at all Commission meetings, and appoint, with the advice of the Commission, all committee chairs. The Chair shall perform such other duties as shall be imposed by resolution of the CCVC.

The Vice-Chairs shall perform the duties of the Chair in the Chair's absence. In the event that both Co-Chairs are simultaneously unable to complete his/her terms, a designated Vice-Chair shall act until the office is filled. The Vice-Chairs shall also perform such other duties as may be assigned by the Commission.

Together, the Co-Chairs and Vice-chairs shall constitute the CCVC Executive Committee, which shall consult with and assist the CCVC Executive Director in accomplishing the mission of the CCVC. In particular it is the Executive Committees duty to provide leadership for Strategic Planning and in securing ongoing CCVC operational funding.

ARTICLE VIII - RECORDS AND REPORTS

SECTION 1. MAINTENANCE OF CCVC RECORDS

The CCVC shall keep:

(a) Adequate and correct books and records of account;

(b) Minutes in written form of the proceedings of its Commission and committees of the Commission;

(c) A record of its commissioners and associates, if any, giving their names and addresses.

All such records shall be kept at the CCVC's principal executive office or, if it's principal executive office is not in the State of California, at its principal business office in this state.

SECTION 2. MAINTENANCE AND INSPECTION OF ARTICLES AND BYLAWS

The CCVC shall keep at its principal executive office or, if its principal executive office is not in the State of California, at its principal business office in this state, the original or a copy of the Articles and Bylaws as amended to date, which shall be open to inspection by the commissioners and associates at all reasonable times during office hours. If the principal executive office of the CCVC is outside the State of California and the CCVC has no principal business office in this state, the Secretary, on the written request by any commissioner, shall furnish to that commissioner a copy of the Articles and Bylaws as amended to date.

SECTION 3. INSPECTION BY COMMISSIONERS

Every commissioner shall have the absolute right at any reasonable time to inspect all books, records and documents of every kind and the physical properties of the CCVC and each of its subsidiary organizations. This inspection by a commissioner may be made in person or by an agent or attorney, and the right of inspection includes the right to copy and make extracts of documents.

ARTICLE IX- AMENDMENT OF BYLAWS BY COMMISSIONERS

The Commission may adopt, amend or repeal these bylaws at any regular meeting, provided notice of any proposed amendment has been submitted to the Commission ten (10) days prior to said regular meeting. Such power is subject to the limitation that if any provision of these bylaws requires the vote of a larger proportion of the commissioners than otherwise required by law, such provision may not be altered, amended or repealed except by vote of such larger number of commissioners.



Ordinance Number

4225

Date Adopted

12/12/2000

Subject

VENTURA COUNTY ORDINANCE AMENDING DIVISION 1,CHAPTER 3, ARTICLE 5 OF THE COUNTY ORDINANCE CODE, BEGINNING AT SECTION 1360, DEALING WITH CULTURAL HERITAGE

Comments

ORDINANCE NO. 4225
AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS AMENDING DIVISION 1, CHAPTER 3, ARTICLE 5 OF THE VENTURA COUNTY ORDINANCE CODE, BEGINNING AT SECTION 1360, DEALING WITH CULTURAL HERITAGE

Sec. 1360. TITLE. This Article shall be known as and may be cited as the "Cultural Heritage Ordinance".

Sec. 1361. PURPOSE AND FINDINGS The purpose of this Ordinance is to promote the economic and general welfare of the County of Ventura by preserving and protecting public and private historic, cultural and natural resources which are of special historical or aesthetic character or interest, or relocating or recreating such resources where necessary for their preservation and for their use, education, and view by the general public. All such efforts are taken to make the citizens of this County, and visitors and tourists mindful of the rich historical, cultural, and natural heritage of the County.

The Board of Supervisors finds that the County's cultural heritage is constantly being impacted by the removal, demolition, earthquakes and other alterations of sites and structures as documented in the Ventura County Historic Preservation Plan. To offset this adverse impact on our cultural environment, the Board finds that strengthening efforts to preserve and protect this heritage combined with incentives for those willing to participate in this effort are necessary. This strengthening will also benefit economic and general welfare of this County and, therefore, the Board finds that the changes as developed and recommended in the Ventura County Historic Preservation Plan are necessary.

Sec. 1362. APPLICABILITY OF ORDINANCE. The Cultural Heritage Ordinance shall have force and effect only in the unincorporated areas of the County. However, any designated Districts, Landmarks, Sites of Merit, or Points of Interest (hereafter referred to as designated Cultural Heritage Sites) existing as of the effective date of this Ordinance, regardless of their location in the County, shall retain their declared status.

At any time in the future, if the territory upon which a Designated Cultural Heritage Site is annexed to any city, it shall also retain its designated status.

Sec. 1363. CULTURAL HERITAGE BOARD. The Cultural Heritage Board is hereby established, the membership and term of appointment of which shall be as follows:

Sec. 1363-1. Supervisorial Appointees. One person who has demonstrated interest in and knowledge of historic preservation and the cultural resources of the County shall be selected by each of the five members of the Board of

Supervisors, and confirmed by a majority of the Board of Supervisors thus providing representation from each Supervisorial District.

Where feasible, Board members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography or cultural anthropology, to the extent that such professionals are available in the community; or persons who have demonstrated special interest, competence, experience or knowledge in historic preservation, American studies, cultural anthropology, cultural geography or other historic preservation-related disciplines.

Sec. 1363-2. Cultural Heritage Board Appointment of Members At Large. Two additional County residents who have demonstrated special interest, competence, experience or knowledge in historic preservation, American studies, cultural anthropology, cultural geography or other historic preservation-related disciplines shall be selected by the five Supervisorial appointed members.

Sec. 1363-3. Term of Appointment. The term of appointment of the Supervisorial appointees shall be for four years corresponding to the established dates of regular Supervisorial terms of office.

If for any reason an incumbent Supervisor's term of office is interrupted, the appointed Cultural Heritage Board member from that District shall remain in service on the Board until the new Supervisor from that area appoints a replacement member.

The term of appointment of Cultural Heritage Board appointees shall be four years, commencing from the date of appointment.

Sec. 1364. FUNCTIONS AND POWERS. The functions and powers of the Cultural Heritage Board shall be:

Sec. 1364-1. Establishment and Evaluation of Potentially Eligible Cultural Heritage Sites. The Cultural Heritage Board shall establish, update and maintain a list of buildings, structures, objects, and sites (including natural features) of historical, architectural, community or aesthetic merit which are considered potentially eligible for Cultural Heritage designation. Said list may include, but not be limited to, those officially designated by agencies of the state or federal government and found in surveys approved by the Cultural Heritage Board. A list of potentially eligible designated Cultural Heritage Sites shall be made available to the County Resource Management Agency and the fact of inclusion on the list shall be made known to each owner of such sites. Said list shall contain a statement indicating, where appropriate, that sites are private

and not open to the public. If owners protest inclusion, the information will be kept confidential and unpublished.

Sec. 1364-2. Hold Public Hearings. Hold public hearings for the purposes of identifying and designating Cultural Heritage Sites, and removing such designations.

Sec. 1364-3. Forward Recommendations. The Cultural Heritage Board shall make recommendations to policy makers and related staff members on issues related to the preservation and enhancement of cultural, historic and natural features in the County.

Sec. 1364-4. Maintain Local Register of Historic Places. Maintain a current list of all designated Federal, State, County and City cultural heritage sites. This information shall be made available to the public. A list of designated Cultural Heritage Sites shall be made available to the County Resource Management Agency and the fact of inclusion on the list shall be made known to each owner of such site.

Sec. 1364-5: Recommend Placement in the California Register of Historical Resources. Recommend to the Board of Supervisors that the County apply to the appropriate state agency to have County designated Cultural Heritage Sites be included in the State Registration of Historical Resources, "State Point of Interest" or sites which have historical significance, which meet state registration criteria, and where the registration would assist in preservation.

Sec. 1364-6. Establish Markers. Determine which designated Cultural Heritage Sites shall be marked with uniform and distinctive markers, the text and design of which shall be approved by the Board.

Sec. 1364-7. Recommend Zoning. Recommend to the Board of Supervisors that a specific property or area be designated a historic or scenic zone.

Sec. 1364-8. Establish Bylaws. Adopt such Bylaws as are necessary to carry out the purpose and intent of this Article.

Sec. 1364-9. Recommend Amendments. Recommend to the Board of Supervisors amendments to this Ordinance when circumstances indicate.

Sec. 1364-10. Designation of Cultural Heritage Sites. Take steps necessary to preserve Cultural Heritage sites when not in conflict with the public health, safety, and general welfare. Such steps may include the creation of civic and citizens' committees; the establishment of a private fund for the acquisition or restoration of such sites; recommendations that such sites be acquired by a governmental agency where private acquisition is not feasible; and recommendations regarding applications for, and administration of, historical property contracts pursuant to Government Code section 50280 et seq.

Sec. 1364-11. Conduct Surveys. Establish criteria and conduct or cause to be conducted comprehensive surveys in conformance with Federal and State survey standards and guidelines for cultural heritage resources within the boundaries of the County which the Board, on the basis of information available or presented to it, has reason to believe may be eligible for designation. Publicize and periodically update the surveys' results. Said surveys will include all Federal and State designated Cultural Heritage sites. Said list shall contain a statement indicating, where appropriate, that sites are private and not open to the public. If owners protest inclusion, the information will be kept confidential and unpublished.

Sec. 1364-12. Conduct Reviews. Adopt standards for reviewing applications for permits to construct, change, alter, modify, remodel, remove or significantly affect any Designated Cultural Heritage Sites or those potentially eligible for such designation. This Section applies only to sites not requiring a Certificate of Appropriateness.

a. Review and comment upon the conduct of land use, housing and redevelopment, and other types of planning and programs undertaken by any agency as they relate to designated potential or eligible Cultural Heritage Sites.

b. Prior to issuance of zoning clearances, building permits, or approval of subdivisions, review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents as set forth in this Ordinance, pertaining to designated and potentially eligible Cultural Heritage Sites. The County Resource Management Agency shall forward all such documents to the Cultural Heritage Board for action at their next scheduled meeting, or designated staff for such minor proposals as designated by resolution of the Cultural Heritage Board for review and comment, prior to approval by that Agency; and

c. Review the actions and proposed actions, and advise all public agencies concerning the effects of their actions, programs, capital improvements or activities on designated and/or potentially eligible Cultural Heritage Sites.

Sec. 1365. DESIGNATION OF CULTURAL HERITAGE SITES.

Sec. 1365-1. The Cultural Heritage Board shall have the authority to designate Cultural Heritage Sites where the property owner has no objection to a site's designation.

From the time the Cultural Heritage Board adopts its recommendation until the time the Board of Supervisors either declares or determines not to declare the cultural heritage site, the time period involved not to exceed 90 days, the

property owner shall be prohibited from defacing, demolishing, adding to, altering or removing the landmark.

Where the property owner objects to said designation prior to final action by the Cultural Heritage Board, the action of the Cultural Heritage Board shall become a recommendation to the Board of Supervisors which has the final authority. Any aggrieved party may appeal a decision of the Cultural Heritage Board to the Board of Supervisors by filing an appeal with the Planning Director within 10 days of the subject decision.

Sec. 1365-2. After a public hearing, preceded by a 15 day notice to property owners, the Cultural Heritage Board may designate sites as: Districts, Landmarks, Sites of Merit, including all County approved surveyed sites with a National Register status code of 5 or above; or Points of Interest if the applicable standards of Sections 1365 and 1366 are met.

Sec. 1365-3. The Cultural Heritage Board may designate a site on an interim basis for no more than 60 days after said decision while it conducts and assesses evaluations/surveys of the site to determine if it should receive a formal designation as a Cultural Heritage Site. Such designation shall be preceded by a 15 day notice to property owners.

Sec. 1365-4. Removal of Designation. Removal shall be preceded by a 15-day notice to the property owner. If a Designated Cultural Heritage Site is defaced, demolished, added to, altered or moved, and the Cultural Heritage Board determines that the site's integrity has been significantly impacted, the Cultural Heritage Board may remove its designation. Said decision may be appealed to the Board of Supervisors within 15 days.

Sec. 1365-5. DEFINITION AND DESIGNATION CRITERIA FOR CULTURAL HERITAGE SITES. For purposes of this Ordinance, an improvement, natural feature or site may become a designated Cultural Heritage Site if it meets the following applicable criteria:

a. Landmarks -Satisfy one of the following criteria:

(1) It exemplifies or reflects special elements of the County's social, aesthetic, engineering, architectural or natural history;

(2) It is associated with events that have made a significant contribution to the broad patterns of Ventura County or its cities, regional history, or the cultural heritage of California or the United States;

(3) It is associated with the lives of persons important to Ventura County or its cities, California, or national history;

(4) It has yielded, or has the potential to yield, information important to the prehistory or history of Ventura County or its cities, California or the nation.

(5) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values;

(6) Integrity: Establish the authenticity of the resource's physical identity by evidence of lack of deterioration and significant survival of the characteristics that existed during its period of importance. This shall be evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling and association.

b. Sites of Merit - Satisfy the following criteria:

(1) Sites of historical, architectural, community or aesthetic merit which have not been designated as landmarks or points of interest, but which are deserving of special recognition; and

(2) County approved surveyed sites with a National Register status code of 5 or above.

c. Points of Interest - Satisfy any one of the following criteria.

(1) That is the site of a building, structure or object that no longer exists, but was associated with historic events, important persons or embodied a distinctive character or architectural style; or

(2) That it has historical significance, but has been altered to the extent that the integrity of the original workmanship, materials or style has been substantially compromised; or

(3) That the site of a historic event which has no distinguishable characteristics other than that a historic event occurred at that site, and the site is not of sufficient historical significance to justify the establishment of a landmark.

d. District - Meets the criteria below:

(1) Possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

(2) Has precisely mapped and defined exterior boundaries, which requires a description of what lies immediately on the edge of the district to allow rational exclusion of adjoining areas.

(3) Has at least one of the criteria for significance of Section 1365-5.a. 1-8

(4) Complies with the criteria for integrity contained in Section 1365-5.a.6.

Sec. 1365-6. ADDITIONAL DESIGNATION STANDARDS. In addition to meeting the criteria in Sec. 1365-5 et seq, all the following standards must be met before a site becomes a designated Cultural Heritage Site:

a. It shall have historic, aesthetic or special character or interest for the general public, and not be limited in interest to a special group of persons;

b. Its designation shall not require the expenditure by the County of Ventura of any amount of money not commensurate with the value of the object to be preserved; and

c. Its designation shall not infringe upon the rights of a private owner thereof to make any and all reasonable uses thereof which are not in conflict with the purposes of this Article.

Sec. 1366. Certificate of Appropriateness (COA): Certificates of Appropriateness shall be required for the following categories of sites only: 1. Landmark 2. Points of Interest 3. Demolition of Sites of Merit 4. Demolition of potential sites 5. Designated Cultural Heritage Sites seeking a Planned Development Permit pursuant to Section 8107-37 of the Ventura County Zoning Ordinance. Certificates of Appropriateness (and as they may be conditioned) are authorizations issued by the Cultural Heritage Board, or support staff in accordance with criteria adopted by the Board, which indicate that the proposed maintenance, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, or subdivision of a designated Cultural Heritage Site will not adversely affect its cultural heritage values; or unduly compromise the eligibility of a potential site to become a designated Cultural Heritage Site.

Sec. 1366-1. Prior to commencement of or receipt of necessary permits for maintenance, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, subdivision or relocation, of designated Cultural Heritage Sites or sites potentially eligible for such designation, the land owner shall have:

a. obtained a Certificate of Appropriateness from the Cultural Heritage Board or staff, as the Board may delegate such authority, or

b. filed for a COA and waited the time specified in Section 1366-5 without any action being taken on his request for a COA; or

c. filed for a Certificate of Appropriateness and the relevant time specified in Section 1366-8 has expired;

Sec. 1366-2. The County Resource Management Agency and other applicable County agencies shall report any application for a permit to work on a designated Cultural Heritage Site or potentially eligible site to the Cultural Heritage Board and its staff as soon as the application has been received;

Sec. 1366-3. In evaluating requests for Certificates of Appropriateness, the Cultural Heritage Board and staff shall consider the existing architectural style, design, arrangement, texture, materials, and any other factors with regard to the site's original distinguishing characteristics. Using the Secretary of the Interior's Standards for Historic Preservation Projects as a guide, the Cultural Heritage Board or its staff, as delegated, shall approve a Certificate of Appropriateness, for any proposed work site if, and only if, one of the following findings can be made:

a. The proposed work will neither adversely affect the significant architectural features nor adversely affect the character of historical, architectural or aesthetic interest or value of the site.

b. In the case of construction of a new improvement, addition, building or structure upon the site, the use and exterior of such construction will not adversely affect, and will be compatible with the use and, or exterior of the site.

c. The denial of a Certificate of Appropriateness will deprive the owner of the property of all reasonable use of or economic return on the property.

d. If the applicant presents facts and clear evidence demonstrating that failure to approve the request for a Certificate of Appropriateness will cause a hardship because of conditions peculiar to the structure or other feature involved, or damage to the property owner is unreasonable in comparison to the benefit conferred to the community, the Board may conditionally approve such Certificate, even though it does not meet the standards set forth herein.

e. If the request for a COA involves a non-designated site and the proposed work would not compromise the potential future designation of the site.

Sec. 1366-4. Requests for Certificates of Appropriateness shall be signed by the land owner or their designated agent and filed with the County's Resource Management Agency for processing. Requests shall include plans and specifications, and the relationship of the proposed work to the surrounding environs. The request shall be accompanied by any other information the Cultural Heritage Board determines is required to make an informed judgment of the proposed work according to the standards of review pursuant to Section 1364-12.

Sec. 1366-5. If the Cultural Heritage Board or staff, as applicable, fails to act on a request for a Certificate of Appropriateness within ninety (90) days of submission of a complete COA application, a Certificate of Appropriateness shall not be required; proposed projects on undesignated and designated Cultural Heritage Sites may proceed without an approved COA, provided an action is not pending on the designation of the site, and all other necessary permits have been obtained.

Sec. 1366-6. If no building, planning or other permit is required to pursue work on a designated Cultural Heritage Site or potentially eligible site, where the owner has been notified of the site's eligible status; whoever is responsible for the work, whether it is the tenant, resident or property owner, shall apply to the Cultural Heritage Board staff directly for the appropriate authorization pursuant to Sec. 1364-12 or Sec. 1366.;

Sec. 1366-7. The Cultural Heritage Board or staff may disapprove the issuance of said Certificate or Certificates for any proposed work if, and only if, it makes one of the following applicable findings:

a. The proposed project is to remove or demolish a designated Cultural Heritage site that is determined by the Cultural Heritage Board to be significant and important to the history of the County.

b. The proposed project would adversely affect the historical significance of the site or would not be compatible with the use and/or exterior of the designated Cultural Heritage site.

c. The proposed project would adversely affect the eligibility of a potential site to become a designated Cultural Heritage Site.

A decision of staff may be appealed to the Cultural Heritage Board and a Board decision may be appealed to the Board of Supervisors within 15 days of notification of the decision.

Sec. 1366-8. If the request for a Certificate of Appropriateness for a specific project proposal is denied by the Cultural Heritage Board or staff, the property owner of a designated Cultural Heritage Site shall be prohibited from taking action for 180 days from the date of the disapproval. Not-withstanding the provisions of section 1366-7 or any other provision of the Cultural Heritage Ordinance, following the date of denial of a complete Certificate of Appropriateness application by the Ventura County Cultural Heritage Board or by staff, a Certificate of Appropriateness shall not be required as follows: (a) in the case of a designated or interim basis Cultural Historical Site, one hundred eighty (180) days beyond; and (b) in the case of an undesignated site, immediately following such denial. Said decisions may be appealed to the Board of Supervisors within 15 days or decisions by staff may be appealed to

the Cultural Heritage Board within 15 days. There is no waiting period following the denial of a COA for projects on sites not designated an interim or formal Cultural Heritage Site.

Sec. 1366-9. Non-Action After Certificate of Appropriateness. If the property owner has not acted on the Certificate of Appropriateness within one year and 180 days from the date the Cultural Heritage Board or staff approved such action, the Certificate of Appropriateness shall be void.

Sec. 1367. ACQUISITION OF DESIGNATED CULTURAL HERITAGE SITES. If the decision is made that the historical significance of any designated site justifies the expenditure of public funds, acquisition proceedings may be initiated. If the Board of Supervisors finds a site to be of historical significance and public funds are not available, private funds may be used for acquisition or other arrangements may be made that are satisfactory to the property owner.

Sec. 1368. MUNICIPAL CULTURAL HERITAGE. The Cultural Heritage Board, at the request of a city, may serve as the city's Cultural Heritage Board. However, the provisions of this Ordinance, unless adopted by the City Council, shall have force and effect only in the unincorporated area of the County.

Sec. 1369. FUNDS. The Cultural Heritage Board, or other interested persons, may petition the Board of Supervisors for funds necessary to carry out the purposes of this Article. The Board of Supervisors may expend all reasonable amounts of money needed to carry out the purposes of this Article or to acquire fee title or such lessor ownership rights or rights of possession or negative easements as it deems necessary or expedient to carry out the purposes of this Article.

Sec. 1370. COOPERATION. The Cultural Heritage Board shall cooperate with all County departments and officers when requested, and shall recommend for their consideration matters covered by this Ordinance. All Boards, Commissions, Departments, and Officers of the County shall cooperate with the said Cultural Heritage Board in carrying out the spirit and intent of this Ordinance and shall:

Sec. 1370-1. Notify the Cultural Heritage Board of the discovery of items of historical significance, such as burial grounds, prehistoric artifacts or historical foundations;

Sec. 1370-2. Inform the Board of proposed alteration, demolition or relocation of Designated Cultural Heritage Sites or sites eligible for such designation;

Sec. 1370-3. Inform the Board of proposed changes of all road and geographical names; and

Sec. 1370-4. Inform the Board of all County records of historical significance which are to be disposed of or destroyed.

Sec. 1371. EXPENSES. The necessary and reasonable expenses to the operation of the Cultural Heritage Board, as outlined in Section 1364, shall be the responsibility of the County.

Sec. 1372. STATE HISTORIC BUILDING CODE. The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. The SHBC shall be used for any designated site in the County's building permit procedure.

Sec. 1373. DEFINITIONS. Application of Definitions: Unless the provision or context otherwise requires, the definitions of words and terms as follows shall govern the construction of this Chapter.

"Board" or Cultural Heritage Board". The Ventura County Cultural Heritage Board established by this Ordinance.

"Certificate of Appropriateness". Ventura County Cultural Heritage Board or staff issued authorizations which indicate that the proposed subdivision, rezoning, maintenance, acquisition, stabilization, preservation, reconstruction, protection, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, change, remodeling or other project affecting a potential or designated Cultural Heritage Site will not adversely affect its cultural heritage values; or unduly compromise the eligibility of a potential site to become a designated one.

"Cultural Heritage". Pertaining to the sum total of traditions, body of knowledge, etc. inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual, but continuous modifications by succeeding generations.

"Cultural Heritage Site". An improvement, natural feature, site or district that has completed the legally required procedures stipulated in this Ordinance to have it designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors as a District, Landmark, Site of Merit or Point of Interest.

"District". An area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Historic districts are defined by precise geographic boundaries. Therefore, those with unusual boundaries require a description of what lies immediately adjacent in order to define the edge of the district and to explain the exclusion of adjoining areas.

"Historic fabric". (1) With regard to an historic building, "historic fabric" means the particular materials, ornamentation, and architectural features which are consistent with the historic character of the building. (2) With regard to an historic district, "historic fabric" means all sites, buildings, structures, features, objects, landscaping, street elements, and related design components of the district which are consistent with

the historic character of the district. (3) With regard to an archaeological district, "historic fabric" means sites, standing structures or buildings, historic landscape (land disturbance such as grading or construction), features (remnants of walls), and objects (artifacts) which are consistent with the historic character of the district.

"Landmark". An improvement, natural feature or site of historical, architectural, community or aesthetic merit which meets the criteria specified in this Ordinance and has been so designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors according to the provisions of this Ordinance.

"Owner". Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations or public agencies holding easements or less than fee simple interests, including leaseholds

"Point of Interest". The location of, or site of, a former improvement or natural feature or of an event possessing historical or cultural characteristics which satisfy the provisions of this Ordinance.

"Potential Cultural Heritage Site". An improvement, natural feature or site of historical, architectural, community or aesthetic merit which may meet the criteria specified in this Ordinance and has not yet been officially designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors as a District, Landmark, Site of Merit or Point of Interest.

"Preservation" (treatment). The act or process of applying measures to sustain the existing form, integrity, or historic fabric of an historical building or structure, or the form or vegetative cover of an historic site. It may include stabilization work, as well as ongoing maintenance of the historic fabric.

"Protection" (treatment). The act or process of applying measures to affect the physical condition of an historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover of shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archaeological resources, protective measures may be temporary or permanent.

"Reconstruction (treatment). The act or process of reproducing through construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specified period of time.

"Rehabilitation (treatment). The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

"Restoration" (treatment). The act or process of reproducing the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

"Secretary of the Interior's Standards". The United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, or as most currently promulgated.

"Site". Any parcel or portion of real property, or location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

"Site of Merit". Sites of historical, cultural, architectural or aesthetic merit which have not been officially otherwise designated and have been surveyed according to Federal standards as required by Ventura County's Certified Local Government agreement. Said sites shall also be listed in a County approved survey with a National Register status code of 5 or above and have been so designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors according to the provisions of this Ordinance.

"Stabilization" (treatment). The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which a has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.

"State Historic Building Code". The State Historical Building Code is contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historical structures, districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration or relocation of qualified historic structures designated as historic buildings.

Passed and adopted this 12th day of December, 2000, by the following vote:

AYES: Supervisors:

Lacey, Schillo, Flynn and Long.

NOES: Supervisor Mikels.

ABSENT: None.

Kathy I. Long
CHAIR, BOARD OF SUPERVISORS

ATTEST:

RICHARD D. DEAN, County
Clerk, County of Ventura,
State of California, and
ex-officio Clerk of the
Board of Supervisors thereof

By Roberta Rodriguez
Deputy Clerk

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SUMMARY OF
AMENDMENTS TO THE VENTURA COUNTY CULTURAL HERITAGE ORDINANCE
VENTURA COUNTY ORDINANCE NO. 4225

The following is a summary of Cultural Heritage Ordinance amendments adopted by the Ventura County Board of Supervisors on December 5, 2000 at 800 South Victoria Avenue at 1:30 p.m. A full copy of the Ordinance is posted at the Office of the Clerk of the Board of Supervisors, 800 South Victoria Avenue, Hall of Administration, Ventura, California. The Ordinance provides as follows:

In Section 1361. Purpose and Findings.
Amends to explain rationale supporting strengthening the Ordinance.

In Section 1362. Applicability of Ordinance
Adds Districts, Sites of Merit, and designated Cultural Heritage Sites.
Deletes prohibition against defacement of such sites

In Section 1364-1. Functions and Powers. Evaluation
Deletes and replaces with "Establishment and Evaluation of Potentially Eligible Cultural Heritage Sites" which provides for a list of said sites and notification to owners.

In Section 1364-2. Public Hearings.
Modifies to provide for designating Cultural Heritage Sites.

In Section 1364-3. Recommendations.
Deletes reference to prohibition against altering a site after the Ventura County Cultural Heritage Board determines to designate; said provisions to be located in Section 1365.

In Section 1364-4. Inventory.
Deletes title and replaces with "Maintain Local Register of Historic Places".
Adds the inclusion of State and Federal Sites.
Adds requirement that owners be notified.

In Section 1364-5. State Registration.
Deletes title and replaces with "Recommend Placement in the California Register of Historical Resources".
Modifies to be consistent with new California Register.

In Section 1364-6. Markers.
Modifies to refer to Cultural Heritage Sites
Adds that text and design to be approved by Board.

In Section 1364-7. Zoning.
Deletes reference to landmark or point of interest and substitutes property or area.

In Section 1364-8. Bylaws and Section 1364-9. Amendments.

Modify titles to "Establish Bylaws" and "Recommend Amendments".

In Section 1364-10. Preservation of Landmarks and Points of Interest.

Deletes title and replaces with "Designation of Cultural Heritage Sites".

Modifies to be consistent with new title.

In Section 1364-11. Surveys.

Modifies title to "Conduct Surveys".

Adds reference to State and Federal sites.

In Section 1364-12. Reviews.

Modifies title to "Conduct Reviews".

Adds reference to Cultural Heritage Sites.

Requires review for sites not requiring a Certificate of Appropriateness.

In Section 1365. Declaration of Cultural Heritage Sites.

Modifies title to "Designation of Cultural Heritage Sites"

In Section 1365-1.

Creates authority for Ventura County Cultural Heritage Board to designate Cultural Heritage Sites where there is no objection and prohibits changes to said site for 90 days.

Adds that if owner objects the matter shall be referred to the Ventura County Board of Supervisors (deleting similar provision in Section 1365-2 as a matter of reorganization).

In Section 1365-2.

Adds Districts and Sites of Merit (Sites with National Register status code of 5 or above).

In Section 1365-3

Adds provision for interim designation for 60 days for assessment to be preceded by a 15 day notice to owner (replacing similar provision in Section 1364-3 as a matter of reorganization).

In Section 1365-4.

Adds provision that removal of designation be preceded by a 15 day notice to owner.

Deletes provision for objection by owner and replaces with an appeal to the Ventura County Board of Supervisors.

In Section 1365-5. Landmark Definition and Designation Criteria.

Modifies title to "Definition and Designation Criteria for Cultural Heritage Sites"

Adds reference to Cultural Heritage Sites.

Modifies criteria for such sites to be consistent with State and Federal criteria.

In Section 1365-6. Standards.

Modifies title to "Additional Designation Standards".

In Section 1366. Certificate of Appropriateness.

Adds provision for specific sites requiring such Certificates.

Defines requirements for such Certificates.

In Section 1366-1

Adds provisions for requirement of Certificates of Appropriateness prior to start of necessary permits.

In Section 1366-2

Modifies requirement for notification to Ventura County Cultural Heritage Board for work on designated sites.

In Section 1366-3

Adds provision for staff approval of certain projects and other minor amendments.

In Section 1366-4

Adds provision for requests for Certificates to be signed by the owner.

In Section 1366-5

Adds requirement for a complete Certificate of Appropriateness application prior to action..

Adds provision that projects may move forward if other actions are not pending.

In Section 1366-6

Adds provision for owner notification.

In Section 1366-7

Adds provision for staff approval of certain Certificate of Appropriateness applications.

Adds provision for appeals and other minor modifications.

In Section 1366-8

Adds provision that following the denial of a Certificate of Appropriateness that other Certificate of Appropriateness permits shall not be required 180 days thereafter.

Adds provision for appeal to the Ventura County Board of Supervisors within 15 days of decision.

In Section 1366-9

Minor grammatical changes.

In Section 1367. Landmarks

Modifies title to Acquisition of Designated Cultural Heritage Sites.

Other minor modifications.

In Section 1370. Cooperation.

Minor reorganization and modifications.

Section 1373. Structures of Merit

Deletes.

In Section 1373

Addition of new section, "Definitions."

Adds Definitions: Ventura County Cultural Heritage Board, Certificate of Appropriateness, Cultural Heritage, Cultural Heritage Site, District, Historic Fabric, Landmark, Owner, Point of Interest, Potential Cultural Heritage Site, Preservation (treatment), Protection (treatment), reconstruction (treatment), Rehabilitation (treatment), Restoration (treatment), Secretary of the Interior's Standards, Site, Site of Merit, Stabilization (treatment), State Historic Building Code.

This Ordinance was adopted by the following vote:

AYES: Supervisors Lacey, Schillo, Flynn and Long.

NOES: Supervisor Mikels.

ABSENT: None.

SUMMARY OF AMENDMENTS TO THE VENTURA COUNTY CULTURAL HERITAGE ORDINANCE

The following is a summary of Cultural Heritage Ordinance amendments adopted by the Ventura County Board of Supervisors on December 5, 2000 at 800 South Victoria Avenue at 1:30 p.m. A full copy of the Ordinance is posted at the Office of the Clerk of the Board of Supervisors, 800 South Victoria Avenue, Hall of Administration, Ventura, California. The Ordinance provides as follows:

In Section 1361. Purpose and Findings.

Amends to explain rationale supporting strengthening the Ordinance.

In Section 1362. Applicability of Ordinance

Adds Districts, Sites of Merit, and designated Cultural Heritage Sites.

Deletes prohibition against defacement of such sites

In Section 1364-1. Functions and Powers. Evaluation

Deletes and replaces with "Establishment and Evaluation of Potentially Eligible Cultural Heritage Sites" which provides for a list of said sites and notification to owners.

In Section 1364-2. Public Hearings.

Modifies to provide for designating Cultural Heritage Sites.

In Section 1364-3. Recommendations.

Deletes reference to prohibition against altering a site after the Ventura County Cultural Heritage Board determines to designate; said provisions to be located in Section 1365.

In Section 1364-4. Inventory.

Deletes title and replaces with "Maintain Local Register of Historic Places".

Adds the inclusion of State and Federal Sites.

Adds requirement that owners be notified.

In Section 1364-5. State Registration.

Deletes title and replaces with "Recommend Placement in the California Register of Historical Resources".

Modifies to be consistent with new California Register.

In Section 1364-6. Markers.

Modifies to refer to Cultural Heritage Sites

Adds that text and design to be approved by Board.

In Section 1364-7. Zoning.

Deletes reference to landmark or point of interest and substitutes property or area.

In Section 1364-8. Bylaws and Section 1364-9. Amendments.

Modify titles to "Establish Bylaws" and "Recommend Amendments".

In Section 1364-10. Preservation of Landmarks and Points of Interest.

Deletes title and replaces with "Designation of Cultural Heritage Sites".

Modifies to be consistent with new title.

In Section 1364-11. Surveys.

Modifies title to "Conduct Surveys".

Adds reference to State and Federal sites.

In Section 1364-12. Reviews.

Modifies title to "Conduct Reviews".

Adds reference to Cultural Heritage Sites.

Requires review for sites not requiring a Certificate of Appropriateness.

In Section 1365. Declaration of Cultural Heritage Sites.

Modifies title to "Designation of Cultural Heritage Sites"

In Section 1365-1.

Creates authority for Ventura County Cultural Heritage Board to designate Cultural Heritage Sites where there is no objection and prohibits changes to said site for 90 days.

Adds that if owner objects the matter shall be referred to the Ventura County Board of Supervisors (deleting similar provision in Section 1365-2 as a matter of reorganization).

In Section 1365-2.

Adds Districts and Sites of Merit (Sites with National Register status code of 5 or above).

In Section 1365-3

Adds provision for interim designation for 60 days for assessment to be preceded by a 15 day notice to owner (replacing similar provision in Section 1364-3 as a matter of reorganization).

In Section 1365-4.

Adds provision that removal of designation be preceded by a 15 day notice to owner.

Deletes provision for objection by owner and replaces with an appeal to the Ventura County Board of Supervisors.

In Section 1365-5. Landmark Definition and Designation Criteria.

Modifies title to "Definition and Designation Criteria for Cultural Heritage Sites"

Adds reference to Cultural Heritage Sites.

Modifies criteria for such sites to be consistent with State and Federal criteria.

In Section 1365-6. Standards.

Modifies title to "Additional Designation Standards".

In Section 1366. Certificate of Appropriateness.

Adds provision for specific sites requiring such Certificates.

Defines requirements for such Certificates.

In Section 1366-1

Adds provisions for requirement of Certificates of Appropriateness prior to start of necessary permits.

In Section 1366-2

Modifies requirement for notification to Ventura County Cultural Heritage Board for work on designated sites.

In Section 1366-3

Adds provision for staff approval of certain projects and other minor amendments.

In Section 1366-4

Adds provision for requests for Certificates to be signed by the owner.

In Section 1366-5

Adds requirement for a complete Certificate of Appropriateness application prior to action..

Adds provision that projects may move forward if other actions are not pending.

In Section 1366-6

Adds provision for owner notification.

In Section 1366-7

Adds provision for staff approval of certain Certificate of Appropriateness applications.

Adds provision for appeals and other minor modifications.

In Section 1366-8

Adds provision that following the denial of a Certificate of Appropriateness that other Certificate of Appropriateness permits shall not be required 180 days thereafter.

Adds provision for appeal to the Ventura County Board of Supervisors within 15 days of decision.

In Section 1366-9

Minor grammatical changes.

In Section 1367. Landmarks

Modifies title to Acquisition of Designated Cultural Heritage Sites.

Other minor modifications.

In Section 1370. Cooperation.

Minor reorganization and modifications.

Section 1373. Structures of Merit

Deletes.

In Section 1373

Addition of new section, "Definitions."

Adds Definitions: Ventura County Cultural Heritage Board, Certificate of Appropriateness, Cultural Heritage, Cultural Heritage Site, District, Historic Fabric, Landmark, Owner, Point of Interest, Potential Cultural Heritage Site, Preservation (treatment), Protection (treatment), reconstruction (treatment), Rehabilitation (treatment), Restoration (treatment), Secretary of the Interior's Standards, Site, Site of Merit, Stabilization (treatment), State Historic Building Code.

For more information please call Kim Hocking at (805) 654-2414.

Prepared by: _____
County Counsel

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, DECEMBER 12, 2000 AT 9:00 A.M.

ORD. #4225/4222

ORDINANCE REGARDING
CULTURAL HERITAGE

An Ordinance of the Ventura County Board of Supervisors Amending Division 1, Chapter 3, Article 5 of the Ventura County Ordinance Code Beginning at Section 1360, Dealing with Cultural Heritage, is presented to the Board at this time, and upon motion of Supervisor Lacey, seconded by Supervisor Schillo, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4225.

Board members vote as follows:

Ayes: Supervisors Lacey, Schillo, Flynn and Long.

Noes: Supervisor Mikels.

Absent: None.

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4225.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ventura County Reporter, a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

Planning (2)
RMA
Auditor
Files (3)
Item 20
12/12/00

CERTIFICATE OF PUBLICATION

FOR COURT USE ONLY

CASE NO. & INFO: GI #9003
Summary of Amendments to the Ventura County Cultural Heritage ordinance Ventura

NAME

ROBERTA RODRIGUEZ

800 S. Victoria Ave. Hall Of Administration, 4th Floor
Ventura , CA 93009-1920

STATE OF CALIFORNIA
COUNTY OF VENTURA > **SS**

I, Sara Wortmann, hereby certify that the Ventura County Reporter is a newspaper of general circulation within the provisions of the Government Code of the State of California, printed & published in the City of Ventura, County of Ventura, State of California; that I am the principal clerk of the printer of said newspaper that the annexed clipping is true printed copy and was published in said newspaper on the following dates, to wit:

12/21/00, 12/21/00,

I certify under penalty of perjury that the foregoing is true and correct, at Ventura, California, on the 21 Day of December, 2000

SIGNATURE Sara Wort

PROOF OF PUBLICATION

SUMMARY OF AMENDMENTS TO THE VENTURA COUNTY CULTURAL HERITAGE ORDINANCE VENTURA COUNTY ORDINANCE NO. 4535

The following is a summary of Cultural Heritage Ordinance amendments adopted by the Ventura County Board of Supervisors on December 5, 2000 at 800 South Victoria Avenue at 1:30 p.m. A full copy of the Ordinance is posted at the Office of the Clerk of the Board of Supervisors, 800 South Victoria Avenue, Hall of Administration, Ventura, California. The Ordinance provides as follows: In Section 1361. Purpose and Findings. Amends to explain rationale supporting strengthening the Ordinance. In Section 1362. Applicability of Ordinance. Adds Districts, Sites of Merit, and designated Cultural Heritage Sites. Deletes prohibition against defacement of such sites. In Section 1361-1. Functions and Powers. Evaluation. Revises text relative with "Establishment and Evaluation of Potentially Eligible Cultural Heritage Sites" which provides for a

☐ SEE PG 2

SN 12/26

CASE NO. & INFO: GI #9003

Summary of Amendments to the Ventura County Cultural Heritage ordinance Ventura County Ordinance No. 4225

PROOF OF PUBLICATION CONTINUED

list of said sites and notification to owners. In Section 1364-2. Public Hearings. Modifies to provide for designating Cultural Heritage Sites. In Section 1364-3. Boundaries. Deletes references to "Landmarks and Points of Interest" and adds reference to Cultural Heritage Sites. Modifies to require notification to owners of Cultural Heritage Sites. In Section 1364-4. Findings. Modifies to add findings to be considered prior to designating Cultural Heritage Sites. In Section 1364-5. Notice. Modifies title and requires notice to Local Agencies as well as owners. Adds reference to State and Federal sites. In Section 1364-6. Hearing. Modifies to refer to Cultural Heritage Sites. Adds that land shall desire to be approved by Board. In Section 1364-7. Zoning. Deletes reference to landmark or point of interest and substitutes property or area. In Section 1364-8. Bylaws and Studies. 1364-9. Amendments. Modify titles to "Establish Bylaws" and "Recommend Amendments". In Section 1364-10. Preservation of Landmarks and Points of Interest. Deletes title and replaces with "Designation of Cultural Heritage Sites". Modifies to be consistent with new title. In Section 1364-11. Surveys. Modifies title to "Conduct Surveys". Adds reference to State and Federal sites. In Section 1364-12. Reviews. Modifies title to "Conduct Reviews". Adds reference to Cultural Heritage Sites. Requires review for sites not requiring a Certificate of Appropriateness. In Section1365. Declaration of Cultural Heritage Sites. Modifies title to "Designation of Cultural Heritage Sites". In Section 1365-1. Creates authority for Ventura County Cultural Heritage Board of designate Cultural Heritage Sites where there is no objection and prohibits changes to said site for 90 days. Allows Board to review objects the matter should be returned to the Ventura County Board of Supervisors (deleted this duplicate provision in Section 1365-2 as a matter of reorganization). In Section 1365-3. Adds criteria and rules of Board (Sites with Cultural Heritage status code of the county). In Section 1365-3. Adds provision for interim designation for 90 days for assessment to be preceded by a 15 day notice to owner (deleted provision in Section 1365-3 as a matter of reorganization). In Section 1365-4 Adds provision that approval of designation be preceded by a 15 day notice to owner. Deletes provision for objection to owner and replaces with the appeal to the Ventura County Board of Supervisors. In Section 1365-5. Landmark Designation and Designation Criteria. Modifies title to "Definition and Designation Criteria for Cultural Heritage Sites". Adds reference to Cultural Heritage Sites. Modifies criteria for each sites to be consistent with State and Federal criteria. In Section 1365-6. Boundaries. Modifies title to "Additional Designation Standards". In Section 1366. Certificate of Appropriateness. Adds provision for specific sites requiring such Certificates. Defines requirements for such Certificates. In Section 1366-1. Adds provisions for requirement of Certificates of Appropriateness prior to start of necessary permits. In Section 1366-2. Modifies requirement for notification to Ventura County Cultural Heritage Board for work on designated sites. In Section 1366-3. Adds provision for work approval of certain projects and other minor modifications. In Section 1366-4. Adds provision for standards for Certificates to be applied by the county or modified by it. Adds requirement that a complete Certificate of Appropriateness application be submitted if other permits are also required. In Section 1366-5. Adds provisions for interim applications for owners with 7. Adds provision for work approval of certain Certificates of Appropriateness applications. Adds provision for appeals and other minor modifications. In Section 1366-6. Adds provisions that following the denial of a Certificate of Appropriateness that other Certificate of Appropriateness permits shall not be required 180 days thereafter. Adds provision for appeal to the Ventura County Board of Supervisors within 15 days of decision. In Section 1366-8. Minor grammatical changes in Section 1367. Enforcement. Modifies title to Acquisition of Designated Cultural Heritage Sites. Other minor modifications. In Section 1370. Cooperation. Minor modification and reorganization. Section 1373. Structures of Merit. Deletes. In Section 1374. Addition of new section. Definitions. Adds definitions: Ventura County Cultural Heritage Board, Certificate of Appropriateness, Cultural Heritage, Cultural Heritage Site, District, Historic Fabric, Landmark, Owner, Point of Interest, Potential Cultural Heritage Site, Preservation (treatment), Protection (treatment), reconstruction (treatment), Rehabilitation (treatment), Restoration (treatment), Secretary of the Interior's Standards, Site, Site of Merit, Stabilization (treatment), State Historic Building Code. This Ordinance was adopted by the following vote: AYES: Supervisors Lacey, Schillo, Flynn and Long. NOES: Supervisor Millhiser. ABSENT: None. PRESENT: None.

PROOF OF PUBLICATION

(SECTION 2015.5 CCP)

STATE OF CALIFORNIA
COUNTY OF VENTURA

I am a citizen of the United States and a resident to for the County of aforesaid; I am over the age of eighteen, and not interested in the above entitled matter. I am now, and at all times embraced in the publication herein mentioned, was a principal clerk of the printers and publishers of THE OJAI VALLEY NEWS, a newspaper of general circulation, printed and published Wednesday & Friday at Ojai in the above named County and State; that the Legal Advertisement

Public Notice

of which the annexed clipping is a true printed copy, was published in the above-named newspaper, and not in any supplement thereof, on the following dates, to-wit:

November 29, 2000

that said newspaper was duly and regularly ascertained and established newspaper of general circulation by Decree entered in the Superior Court of the County of Ventura, State of California, on February 14, 1958, under the provision of Chapter 1, Division 7, Title 1 of the California Code of the State of California.

I certify (or declare) under penalty of perjury that the foregoing is true and correct

Jodie L. Miller
Ojai Valley News

Jodie L. Miller

Dated this 29th Day of November 2000, at Ojai Valley News, Ventura County, California


OVN11 30/00
Published Ojai Valley News
November 29, 2000
SUMMARY OF
AMENDMENTS TO THE
VENTURA COUNTY
CULTURAL HERITAGE
ORDINANCE
The following is a summary of Cultural Heritage Ordinance amendments adopted by the Ventura County Board of Supervisors on December 5, 2000 at 800 South Victoria Avenue at 1:30 p.m. A full copy of the Ordinance is posted at the Office of the Clerk of the Board of Supervisors, 800 South Victoria Avenue, Hall of Administration, Ventura, California. The Ordinance provides as follows:
In Section 1361, Purpose and Findings:
Amends to explain rationale supporting strengthening the Ordinance.
In Section 1362, Applicability of Ordinance:
Adds Districts, Sites of Merit, and designated Cultural Heritage Sites.
Deletes prohibitions against defacement of
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ng at (805) 654-
s/W. A. WATERS
Asst.
ty Counsel

DISHWASHER F/T.
Cook p/t. needed immed
Dependis. Apply at 158
Rockaway, Oak View or
(D8)
OPENDABLE home
health nurses aide
needed for paralyzed
female 2 hrs daily, early
FAX US @ 646-4281
649-5143. Ext. 0. (D15)
Oak View or call (805)
158 Rockaway Rd.
Xint. benefits. Apply at
care home. Will train.
Needed for Alzheimer's
All shifts
Residential Aides –
F/T Activity Director &
Sign on bonus
HIRING
CASABLANCA NOW
(800) 263-4960 (D8)
up to $25-$75/hr. P/T-F/T
Internet/Mail Order.
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MALE OR FEMALE
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BASES
MIXED
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BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS SUSAN K. LACEY, FRANK SCHILLO, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN

December 5, 2000 at 1:30 p.m.

222/ORD.#4220/ORD.# 4221/ORD# 4225

Public Hearing regarding County-Initiated Amendments Related to the Preservation of Cultural and Historic Resources to the Non-Coastal Portion of the Ventura County Zoning Ordinance (Chapter 1 of Division89 of the Ventura County Ordinance Code); County-Initiated Amendments to the Subdivision Ordinance (Chapter 2 of Division 8 of the Ventura County Ordinance Code); Historic Preservation Plan; County-Initiated Amendments to the Cultural Heritage Ordinance (Division 1, Chapter 3, Article 5 of the Ventura County Ordinance Code); Ventura County Cultural Heritage Survey, Phase VI, Santa Clara Valley; and Companion Staff Report General Plan Amendment No. 00-3 (Component A).

(X) All board members are present except Supervisor Flynn.

(X) The following persons are heard: Kim Hocking and Tom Berg.

(X) The Board holds a public hearing.

(X) Upon motion of Supervisor Schillo, seconded by Supervisor Lacey, and duly carried, the Board hereby approves the following Planning Commission recommendations; with Supervisor Mikels dissenting:

1. Finds the subject entitlements and programs contained within this transmittal are exempt from the California Environmental Quality Act requirements pursuant to Sections 15308 and 15331 of the CEQA Guidelines, and directs that a Notice of Exemption be filed.

With respect to the Cultural and Historic Resources Zoning Ordinance Amendments:

2. Adopts the proposed findings (Exhibit "1", Part 1.D) and Adopts the attached Ordinance #4220 (Exhibit "11"), Approved the Zoning Ordinance Amendment, as recommended by the Planning Commission.

With respect to the Cultural and Historic Resources Subdivision Ordinance Amendments:

3. Adopts the proposed findings (Exhibit "1", Part 2) and Adopts Ordinance #4221 (Exhibit "12"), Approved the Subdivision Ordinance amendment, as recommended by the Planning Commission.

(X) Upon motion of Supervisor Schillo, seconded by Supervisor Lacey, and duly carried, the Board hereby approved the following Cultural Heritage Board recommendations; with Supervisor Mikels dissenting:

4. Adopts the attached Historic Preservation Plan (Exhibit "5"), as recommended by the Ventura County Cultural Heritage Board.

With respect to the County-initiated Amendments to the Cultural Heritage Ordinance:

5. With respect to the Ordinance relating to Cultural Heritage Ordinance Amendments, the Board reads ordinance in title only and continues to December 12, 2000 at 9:00 a.m.

With respect to the Ventura County Cultural Heritage Survey, Phase VI, Santa Clara Valley:

6. Adopts the attached Survey (Exhibit "7"), as recommended by the Ventura County Cultural Heritage Board.

With respect to the Waiver of County Fees:

7. Directs staff to review the proposals for fee waivers for potential fiscal impacts and return with these items only if determined feasible as part of the Annual setting of County fees.

By: Imelda Garcia
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument Is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy County Clerk

Item 34
12/5/00

DISTRIBUTION: Originating Agency(2), Auditor, File, RMA

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division

Keith A. Turner
Director

December 5, 2000 (Agenda)

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: County-Initiated Amendments Related to the Preservation of Cultural and Historic Resources to the Non-Coastal Portion of the Ventura County Zoning Ordinance (Chapter 1 of Division 8 of the Ventura County Ordinance Code); County-Initiated Amendments to the Subdivision Ordinance (Chapter 2 of Division 8 of the Ventura County Ordinance Code); Historic Preservation Plan; County-Initiated Amendments to the Cultural Heritage Ordinance (Division 1, Chapter 3, Article 5 of the Ventura County Ordinance Code); Ventura County Cultural Heritage Survey, Phase VI, Santa Clara Valley; and Companion Staff Report General Plan Amendment No. 00-3 (Component A)

RECOMMENDATIONS:

As recommended by the Planning Commission:

1. FIND the subject entitlements and programs contained within this transmittal are exempt from the California Environmental Quality Act requirements pursuant to Sections 15308 and 15331 of the CEQA Guidelines, and direct that a Notice of Exemption be filed; and

With respect to the Cultural and Historic Resources Zoning Ordinance Amendments:

2. ADOPT the proposed findings (Exhibit "1", Part 1.D) and ADOPT the attached Ordinance (Exhibit "11"), APPROVING the Zoning Ordinance Amendment, as recommended by the Planning Commission:

With respect to the Cultural and Historic Resources Subdivision Ordinance Amendments:

3. ADOPT the proposed findings (Exhibit "1", Part 2) and ADOPT the attached Ordinance (Exhibit "12"), APPROVING the Subdivision Ordinance amendment, as recommended by the Planning Commission.

As recommended by the Cultural Heritage Board:

With respect to the Historic Preservation Plan:

4. ADOPT the attached Historic Preservation Plan (Exhibit "5"), as recommended by the Ventura County Cultural Heritage Board.

With respect to the County-initiated Amendments to the Cultural Heritage Ordinance:

5. ADOPT the attached Ordinance (Exhibit "13"), APPROVING the Cultural Heritage Ordinance amendments, as recommended by the Ventura County Cultural Heritage Board; and

With respect to the Ventura County Cultural Heritage Survey, Phase VI, Santa Clara Valley:

6. ADOPT the attached Survey (Exhibit "7"), as recommended by the Ventura County Cultural Heritage Board; and

With respect to the Waiver of County Fees:

7. DIRECT staff to review the proposals for fee waivers for potential fiscal impacts and return with these items only if determined feasible as part of the Annual setting of County fees.

FISCAL/MANDATES IMPACT: The proposed fee waivers recommended in Sections 1.c and 2.a on Page 6 of this letter will have an indeterminate fiscal impact if eventually adopted. As noted in the Recommendations and discussion, these will be returned to your Board for consideration and action if found to be feasible.

DISCUSSION:

Background - In the spring of 1996 your Board, upon recommendation by the Ventura County Cultural Heritage Board, authorized an application to the State of California Historical Preservation Office for grant funds to prepare a Historic Preservation Plan. The application was successful and the Plan has been under development. The concern and impetus for the effort is the continued loss of the County's irreplaceable historic structures and sites. The goal of the work is to identify ways to better protect these resources within the County's various relevant ordinances. A working group was formed, including representatives from the Ventura County Cultural Heritage Board, Planning staff, historians and the Chief Administrative Office, to oversee the preservation plan development and to formulate the recommended strategies. The package of recommended strategies was made available for a 30-day public review. Two workshops were held during this time to receive input and comments. Notices were sent to all affected individual property owners, County museums, historical societies, cities, concerned groups and the news media.

All of the attached Ordinance amendments are presented in two formats: (A) the amendments in final Ordinance format are attached as Exhibits "11", "12", & "13" to this Board transmittal and; (B) the amendments in legislative format (with deletions to the existing Ordinance ~~lined through~~ and new wording underlined) are contained in the Planning Commission staff report (Exhibit "1", "3", "4" & "6").

Historic Preservation Plan - The Plan is comprised, among other elements, of Goals, an administrative history and agenda of potential actions for future action. The Planning Commission Staff Report, which includes the Ventura County Cultural Heritage Board Staff Report, (Exhibit "2") includes the particulars of the Plan (Exhibit "5").

The agenda for potential future action identifies preservation goals and possible supporting actions. These goals and potential actions are all consistent with the existing Board adopted Cultural Heritage Ordinance Functions and Powers, Section 1364. Any item requiring further Board of Supervisors authorization, and or funding, will be returned to your Board. The goals and actions range from further cultural heritage surveys to encouraging heritage tourism. Several actions to encourage preservation of historic structures are being recommended to your Board today.

Non-Coastal Zoning Ordinance - The Ordinance was reviewed for impediments to historic preservation and possible enhancements. A combination of deviations from existing standards and incentives, such as lot size and second dwelling unit size, and new uses, such as historic repositories and interpretive centers, to broaden preservation options is proposed. The proposals are summarized in Exhibit "A". Attached as Exhibit "11" are the amendments in Ordinance format. The Ventura County Cultural Heritage Board Staff Report, (Exhibit "2) includes the details of the proposals, and Exhibit "3" includes the amendments in legislative format.

Based on the analysis in the Staff Report and the public testimony, the Planning Commission adopted Resolution R-00-24 (Exhibit "15") on a 5-0 vote. The Resolution recommended that all of the proposed amendments be approved.

Subdivision Ordinance - Review of the Subdivision Ordinance showed that while various other resources are recognized, historic resources are not. These amendments require the following in future subdivisions if there is a potential or designated cultural heritage site in or adjacent to the map area: 1) Document historic resources with submittal of maps, 2) Design subdivision to not adversely affect historic resources, and 3) Recommend denial of maps if they have not received a Certificate of Appropriateness from the Ventura County Cultural Heritage Board. The proposals are summarized in Exhibit "B". Attached as Exhibit "2" are the amendments in Ordinance format. The Planning Commission Staff Report includes the amendments in legislative format (Exhibit "4") and the particulars of the proposals.

Based on the analysis in the Staff Report and the pubic testimony, the Planning Commission adopted Resolution R-00-24 (Exhibit "15") on a 5-0 vote. The Resolution recommended that all of the proposed amendments be approved.

Cultural Heritage Ordinance – The existing Ordinance was also examined for methods to reasonably enhance our preservation efforts as well as to rewrite the proposed Ordinance to current Ordinance readability standards.

The key change which affects private property owners is creation of a new Site of Merit category for qualified historic resources that would provide for demolition review authority by the Ventura County Cultural Heritage Board and a 180-day stay, if denied to allow time for public or private entities to purchase and relocate such historic structures. This designation applies to several hundred sites identified in previous Cultural Heritage Surveys, plus 104 of the potential landmark sites identified in the Phase VI Survey before your Board today. All affected property owners have been notified on two occasions. Also, the Ventura County Cultural Heritage Board would be granted the authority to declare Landmarks that are not protested. Attached as Exhibit "13" are the amendments in Ordinance format. The Planning Commission Staff Report includes the Ventura County Cultural Heritage Board Staff Report (Exhibit "2") and also includes the amendments in legislative format (Exhibit "6") and the particulars on this and the other changes.

Cultural Heritage Survey, Phase VI, Santa Clara Valley - This survey documents (unincorporated area) sites of historic significance within the Santa Clara Valley. One hundred four of the sites surveyed qualify as Sites of Merit and would be affected by the new Cultural Heritage Ordinance provision cited above. The Planning Commission Staff Report, which includes the Ventura County Cultural Heritage Board Staff Report, (Exhibit "2") also includes the details on this matter. A copy of the Survey (Exhibit "7") is included in your packet.

Ventura County Cultural Heritage Board (CHB) Testimony and Proposed Recommendations:

On September 25, 2000, the Ventura County Cultural Heritage Board held a public hearing on this matter in the Oxnard Public Library. For your reference, the Cultural Heritage Board Staff Report is attached as Exhibit "2", and the Cultural Heritage Board's recommendations are on the last page of Exhibit "2".

Several individuals testified:

Mr. Amestoy protested the inclusion of his property as a Site of Merit.

Mr. Walker was supportive but needs funds to help maintain the historic integrity of the site. He also recommended that the Ojai Area Plan traffic policy be amended to allow the Strategy's deviations for lot size and second dwelling units.

Mr. Gates spoke regarding his concerns for privacy.

The Ventura County Cultural Heritage Board (CHB) unanimously adopted recommendations dealing with these issues and others:

1. **Cultural Heritage Ordinance Issues**

   a. **Exclusion as a Site of Merit** - The CHB recognizes this concern as expressed at the hearing and by contacts by other property owners who requested exclusion because they object to the government regulation. Three of the properties that requested such exclusion are listed in the Cultural Heritage Board Staff Report. Since the writing of that Report, six others have contacted staff to request exclusion:

      20896 South Mountain Road
      8950 Ojai-Santa Paula Road
      Piru Elementary School
      17699 South Mountain Road
      2707 West Telegraph Road
      Various Thille properties

      Additionally, four other property owners feel the historic integrity of their property has been eroded sufficiently to justify exclusion.

      The CHB recommended considering each of the above on a case by case basis if the Cultural Heritage Ordinance (CHO) changes are adopted. The new Ordinance provides for such owner objections and referral to the Ventura County Board of Supervisors for the final decision if the Ventura County Cultural Heritage Board's decision is not acceptable to the owner.

b. **Privacy** - The Ventura County Cultural Heritage Board recommends the following changes in the existing CHO: a) Each survey shall contain a privacy statement regarding each property that is privately owned, and b) If owners protest inclusion in the published survey, the information on the property will be kept confidential and unpublished. These proposed changes have been made to the recommended CHO.

c. **Appeal fee** - The new Ordinance provides an appeal for any aggrieved party regarding any designation of a Cultural Heritage Site. The current Ventura County Board of Supervisors-adopted Fee Schedule requires an $800 deposit with a $1,250 ceiling as a fee for appeals. The Ventura County Cultural Heritage Board recommends such appeals be exempted from fees. If the Ventura County Board of Supervisors agrees with this, a separate Fee Resolution amendment is needed, which will be acted upon as part of the Board's annual action on County Fees.

2. **Non-Coastal Zoning Ordinance:**

a. **Fee waivers** - The Ventura County Cultural Heritage Board also recommends that fees be waived for Zoning and Subdivision applications pursuant to the recommended deviations. As noted in the Ventura County Cultural Heritage Board Staff Report, testimony was provided requesting fee waivers. This would provide further incentive to preserve such properties. As a somewhat similar precedent, we have a local example of the City of Oxnard recently waiving development fees on the order of $10,000 per lot to encourage infill projects.

As regards both the Appeal Fee and Permit Fee Waivers, staff recommends that these items only be returned to your Board if determined feasible after analysis of the fiscal impacts.

Planning Commission Testimony and Proposed Findings:

On October 26, 2000, the Ventura County Planning Commission held a public hearing on the proposals. For your reference, the Staff Report, with specific findings and information, is attached as Exhibit "1". One person spoke in favor of the overall recommendations and also recommended the exemption to the Ojai Area Plan. This has been supported by the Ventura County Cultural Heritage Board (addressed in the companion General Plan Amendment Staff Report).

The public notice was distributed to all affected property owners, cities to which the County provides the Cultural Heritage service, museums, historical societies, and concerned citizens and groups for review and comment. One comment letter was received subsequent to the Planning Commission meeting from attorneys for unnamed concerned property owners. The letter is attached as Exhibit "14". The comments received prior to the Planning Commission are contained in Exhibit "9".

The Chief Administrative Office and County Counsel have reviewed this item. If you have any questions concerning this item please contact Nancy Settle, Manager, Regional Projects Section at 654-2465 or Kim Hocking, Project Planner, at 654-2414.

Keith Turner, Director
PLANNING DIVISION

Attachments:

Exhibit "A" *Summary of Proposed Non-Coastal Zoning Ordinance Amendments*
Exhibit "B" *Summary of Proposed Subdivision Ordinance Amendments*

Exhibit "1" *Planning Commission Staff Report – October 26, 2000, including Ordinances in legislative format, the Historic Preservation Plan and the Santa Clara Valley Survey*
Exhibit "2" *Ventura County Cultural Heritage Board Staff Report and Recommendations*
Exhibit "3" *Non-Coastal Zoning Ordinance Amendments*
Exhibit "4" *Subdivision Ordinance Amendments*
Exhibit "5" *Historic Preservation Plan*
Exhibit "6" *Cultural Heritage Ordinance Amendments*
Exhibit "7" *Cultural Heritage Survey Phase VI, Santa Clara Valley*
Exhibit "8" *Ventura County Agricultural Advisory Committee Comments*
Exhibit "9" *Public Comments*
Exhibit "10" *Notice of Exemption*
Exhibit "11" *Proposed Amendments to Zoning Ordinance, Chapter 1 (in Ordinance format)*
Exhibit "12" *Proposed Amendments to Subdivision Ordinance, Chapter 2 (in Ordinance format)*
Exhibit "13" *Proposed Amendments to Cultural Heritage Ordinance, Chapter 3 (in Ordinance format)*
Exhibit "14" *Public Comment received since Planning Commission Meeting and Responses*
Exhibit "15" *Planning Commission Adopted Resolution R-00-24*

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VENTURA COUNTY CULTURAL BOARD
RULES AND REGULATIONS

1. AUTHORITY. These Rules and Regulations are adopted under the provisions of Article V of the Ventura County Ordinance relating to Historical, Cultural or Natural Landmarks, Monuments or Points of Historical Interest, adopted by the Board of Supervisors on February 13, 1968, and amended thereafter.

2. PURPOSE. The Cultural Heritage Board shall advise the Board of Supervisors and the appropriate City Councils on all archaeological, architectural, historical and related matters significant to the heritage and development of the County of Ventura and for the people of the County of Ventura,

3. MEMBERSHIP. The Cultural Heritage Board, pursuant to Section 1363 of the Ordinance, is composed of seven members. These members shall include five supervisorial appointees and two appointees selected by the supervisorial appointees. Their terms of office shall be as provided for in Section 1363 of the Ordinance.

4. ELECTION OF OFFICERS.

   A. Elected officers of the Board shall be the Chairman and Vice-Chairman. The term of office of the Chairman and Vice-Chairman shall be for one calendar year. Election of such officers shall take place at the first meeting of the Board in January of each year. There shall be a written vote if the slate consists of more than one nominee for either office. No Board member may serve more than two (2) consecutive terms in the same office.

   B. It shall be the duty of the Chairman to submit to the Cultural Heritage Board and the Board of Supervisors an annual report of the activities of the Cultural Heritage Board.

5. STANDING COMMITTEES. The following Standing Committees of the Cultural Heritage Board shall be, but not limited to: Planning Committee; Operating Committee; Finance Committee; and Public Information Committee. Each standing committee will be made up of three members of the Board and the Chairman, or Vice-Chairman in his absence, and shall meet as deemed necessary to review and make recommendations to the Cultural Heritage Board. A majority vote shall be at least tow (2) of those persons in attendance. The Deputy Director of the General Services Agency, Recreation Services. or his appointee shall serve as recording secretary. Any action approved by the Standing Committee shall be endorsed by the full Cultural Heritage Board.

6. SPECIALISTS AND EXPERTS. The Cultural Heritage Board shall appoint at any time, specialists and experts in specific fields, such as archaeology, architecture,

history, geology and urban planning. All appointments of advisors are subject to reappointment and review at the February meeting.

7. MEETINGS. The Cultural Heritage Board shall meet in regular session on the Fourth Monday of each month.

   A. Public Hearings. The Cultural Heritage Board shall hold Public Hearings as appropriate and which shall be announced at the Regular Meeting preceding the Public Hearing.

   B. Special. Special Meetings shall be at the discretion of the Chairman who must call a special meeting on the written request of four Cultural Heritage Board members.

   C. Chairmanship. In the absence of the Chairman and Vice-Chairman, the members of a quorum being present shall elect an acting Chairman.

   D. Quorum. The quorum shall consist of four (4) members of the Board. In the event that a regular member should miss a meeting, a Board appointed advisor may serve as a member of the Board in a voting capacity.

   E. Quarterly Attendance Reports. Attendance Reports shall be submitted to the Supervisors and Cultural Heritage Board. Members are expected to attend meetings regularly; more than three consecutive absences may indicate inability to meet the responsibilities of a Board member.

   F. Unavoidable Absence. A board member is expected to notify the Chairman or Secretary of his inability to attend a meeting.

8. ORDER OF BUSINESS. The Order of Business for regular meetings shall be:

   1. CALL TO ORDER and PLEDGE OF ALLEGIANCE

   2. ROLL CALL

   3. APPROVAL OF MINUTES

   4. ADOPTION OF AGENDA

   5. PUBLIC COMMENTS. This time is et aside for citizen's presentations on matters not necessarily appearing on the Agenda.

   6. UNFINISHED BUSINESS

   7. NEW BUSINESS

   8. CORRESPONDENCE

9. REPORTS

A. REPORTS OF CULTURAL HERITAGE BOARD MEMBERS

(list member names)

10. INFORMATION/ANNOUNCEMENTS

11. THINGS TO DO LIST

12. ADJOURNMENT

9. RESIGNATIONS.

A. Supervisorial Appointees. A courtesy resignation shall be submitted in writing one month prior to the close of his term of service by each supervisorial appointee to his respective supervisor, and by each Cultural Heritage Board appointee to the Chairman of the Cultural Heritage Board. Resignation, during the term of service of supervisorial appointees, shall be directed to the respective supervisor.

B. Members-At-Large Appointees. Resignation b a Member-At-Large appointee shall be addressed to the Cultural Heritage Board.

10. PROCEDURE. The Rule of the Chair shall govern procedure at meetings of the Cultural Heritage Board, subject to these provisos:

A. That the Rule of the Chair is subject to override by a majority of voting members in attendance.

B. That when considered desirable, Robert's Rules of Order shall be considered.

11. AMENDMENTS. These Rules and Regulations may be amended by the majority vote of the Cultural Heritage Board at any regular meeting after due notice of proposed amendment.

REVISED: 06-22-87 APPROVED: 06-22-87

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CALIFORNIA CODES
WELFARE AND **INSTITUTIONS CODE**
SECTION **4500**-4519.7

4500. This division shall be known and may be cited as the Lanterman Developmental Disabilities Services Act.

4500.5. The Legislature makes the following findings regarding the State of California's responsibility to provide services to persons with developmental disabilities, and the right of those individuals to receive services, pursuant to this division:

(a) Since the enactment of this division in 1977, the number of consumers receiving services under this division has substantially increased and the nature, variety, and types of services necessary to meet the needs of the consumers and their families have also changed. Over the years the concept of service delivery has undergone numerous revisions. Services that were once deemed desirable by consumers and families may now no longer be appropriate, or the means of service delivery may be outdated.

(b) As a result of the increased demands for services and changes in the methods in which those services are provided to consumers and their families, the value statements and principles contained in this division should be updated.

(c) It is the intent of the Legislature, in enacting the act that added this section, to update existing law; clarify the role of consumers and their families in determining service needs; and to describe more fully service options available to consumers and their families, pursuant to the individual program plan. Nothing in these provisions shall be construed to expand the existing entitlement to services for persons with developmental disabilities set forth in this division.

(d) It is the intent of the Legislature that the department monitor regional centers so that an individual consumer eligible for services and supports under this division receive the services and supports identified in his or her individual program plan.

4501. The State of California accepts a responsibility for persons with developmental disabilities and an obligation to them which it must discharge. Affecting hundreds of thousands of children and adults directly, and having an important impact on the lives of their families, neighbors, and whole communities, developmental disabilities present social, medical, economic, and legal problems of extreme importance.

The complexities of providing services and supports to persons with developmental disabilities requires the coordination of services of many state departments and community agencies to ensure that no gaps occur in communication or provision of services and supports. A consumer of services and supports, and where appropriate, his or her parents, legal guardian, or conservator, shall have a leadership role in service design.

An array of services and supports should be established which is sufficiently complete to meet the needs and choices of each person with developmental disabilities, regardless of age or degree of disability, and at each stage of life and to support their integration into the mainstream life of the community. To the maximum extent feasible, services and supports should be available throughout the state to prevent the dislocation of persons with developmental disabilities from their home communities.

Services and supports should be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age. Consumers of services and supports, and where appropriate, their parents, legal guardian, or conservator, should be empowered to make choices in all life areas. These include promoting opportunities for individuals with developmental disabilities to be integrated into the mainstream of life in their home communities, including supported living and other appropriate community living arrangements. In providing these services, consumers and their families, when appropriate, should participate in decisions affecting their own lives, including, but not limited to, where and with whom they live, their relationships with people in their community, the way in which they spend their time, including education, employment, and leisure, the pursuit of their own personal future, and program planning and implementation. The contributions made by parents and family members in support of their children and relatives with developmental disabilities are important and those relationships should also be respected and fostered, to the maximum extent feasible, so that consumers and their families can build circles of support within the

community.

The Legislature finds that the mere existence or the delivery of services and supports is, in itself, insufficient evidence of program effectiveness. It is the intent of the Legislature that agencies serving persons with developmental disabilities shall produce evidence that their services have resulted in consumer or family empowerment and in more independent, productive, and normal lives for the persons served. It is further the intent of the Legislature that the Department of Developmental Services, through appropriate and regular monitoring activities, ensure that regional centers meet their statutory, regulatory, and contractual obligations in providing services to persons with developmental disabilities. The Legislature declares its intent to monitor program results through continued legislative oversight and review of requests for appropriations to support developmental disabilities programs.

WELFARE AND INSTITUTIONS CODE
SECTION 4543-4548

4543. (a) Because of the vast size, complexity, and diversity of the State of California, the Legislature finds that the planning activities of the State Council on Developmental Disabilities depend upon the direct involvement of local representatives familiar with the structure and operation of services and programs for persons with developmental disabilities. The Legislature further finds that the legal, civil, and service rights of persons with developmental disabilities cannot be adequately guaranteed throughout the state, and the state plan cannot be implemented, unless monitoring responsibility is established on a regional basis through area boards on developmental disabilities.

(b) For administrative purposes and to ensure compliance with federal and state laws, the area boards shall be attached to the state council.

4544. The area boards in existence as of January 1, 2003, shall continue to exist, within the same geographic regions of the state after January 1, 2003, but shall thereafter be constituted and shall operate according to this article.

4545. The State Council on Developmental Disabilities shall periodically conduct a thorough review of the geographic boundaries served by area boards to determine whether existing area board boundaries should be changed, or additional area boards should be established to more effectively implement this division. In conducting this review, the state council shall seek input from area boards, persons with developmental disabilities, family members, service providers, advocates, and other interested parties. Prior to recommending the establishment of new geographic boundaries, the state council shall hold a public hearing within any existing area board geographic area affected by the proposed change. The state council shall submit to the Governor and the Legislature any recommendations for changes in area board boundaries or

recommendations that additional area boards be established. Any area board established after January 1, 2003, shall nominate a member to be appointed by the Governor as a voting member of the state council pursuant to Section 4521.

4546. After January 1, 2003, area boards shall be comprised as follows:

(a) For areas consisting of one to four counties, the area board shall consist of a total of 12 voting members appointed by the governing bodies of the counties, each county appointing an equal number of voting members, and five voting members appointed by the Governor.

(b) For areas consisting of five to seven counties, the area board shall consist of two voting members appointed by the governing body of each county, and five voting members appointed by the Governor.

(c) For areas consisting of eight or more counties, the area board shall consist of one voting member appointed by the governing body of each county, and five members appointed by the Governor.

Of the members first appointed, five shall serve for one year, five shall serve for two years, and the remaining members shall serve for three years. Subsequent members shall serve for three years. In counties with a population of more than 100,000, no member shall serve more than two consecutive three-year terms.

(d) The governing bodies of the counties in each area shall select their appointees from among the following groups, and, to the extent feasible, in the following proportions:

(1) Sixty percent from persons with developmental disabilities or the immediate relatives, guardians, or conservators of these persons.

(2) Forty percent from representatives of the general public.

(e) The appointments made by the Governor shall meet the requirements of paragraph (1) of subdivision (b) of Section 4521.

(f) (1) Prior to making their appointments, the Governor and the governing bodies of counties shall request recommendations from professional organizations, from organizations within the area representing persons with developmental disabilities, and from organizations and agencies within the area that deliver services to these individuals.

(2) In making their appointments, the Governor and the governing bodies of counties shall appoint persons who have demonstrated interest and leadership in human service activities.

(g) (1) In order to prevent any potential conflicts of interest, voting members of area boards shall not be employees of a state, local, or private agency or facility that provides service to a person with a developmental disability, or be members of the governing board of any entity providing this service, when the service is funded in whole or in part with state funds.

(2) For purposes of this section "employees of a state, local, or private agency or facility that provides services to a person with a developmental disability" shall not be deemed to include any of the following:

(A) A parent, relative, guardian, or conservator who receives public funds expressly for the purpose of providing direct services to his or her child, relative, ward, or conservatee, respectively, who is a person with a developmental disability.

(B) A person with a developmental disability who receives employment services through a provider receiving state or federal funds.

(C) A person who serves as a member of the state council.

(h) The Governor shall give consideration to the relative populations of the counties within the area in selecting appointees to the area boards.

(i) A member may continue to serve following the expiration of his or her term until the Governor or appointing body of the county appoints that member's successor. The state council shall notify the Governor or the appointing body of the county regarding membership requirements of the area boards and shall notify the Governor or the appointing body of the county at least 60 days before a member's term expires, and when a vacancy on an area board remains unfilled for more than 60 days.

(j) All members of the area board shall be residents of the area.

(k) The members of an area board shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties as members of the board or of committees established by the board.

4547. (a) Each area board shall meet at least quarterly, and on call of the board chairperson, as often as necessary to fulfill its duties. All meetings and records of the area board shall be open to the public.

(b) (1) Each area board shall, by majority vote of the voting

members, elect its own chairperson from among the appointed members who are persons with developmental disabilities, or parents, immediate relatives, guardians, or conservators of these persons, and shall establish any committees it deems necessary or desirable. The board chairperson shall appoint all members of committees of the area board.

(2) An area board may call upon representatives of all agencies receiving state funds, for assistance and information, and shall invite persons with developmental disabilities, their parents, immediate relatives, guardians, or conservators, professionals, or members of the general public to participate on area board committees.

(3) When convening any task force or advisory group, the area board shall make its best effort to ensure representation by consumers and family members representing the community's multicultural diversity.

4548. (a) Area boards shall locally assist the state council with the implementation of subtitles A and B of Title I of Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.).

(b) Area boards shall protect and advocate the rights of all persons in the area with developmental disabilities.

(c) Area boards shall conduct capacity building activities and provide advocacy for systemic change.

(d) (1) The area board shall have the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of the legal, civil, and service rights of persons who require services or who are receiving services in the area. In carrying out this responsibility, area boards may appoint a representative to assist the person in expressing his or her desires and in making decisions and advocating his or her needs, preferences, and choices, where the person with developmental disabilities has no parent, guardian, or conservator legally authorized to represent him or her and the person has either requested the appointment of a representative or the rights or interests of the person, as determined by the area board, will not be properly protected or advocated without the appointment of a representative.

(2) Where there is no guardian or conservator, the person's choice, if expressed, including the right to reject the assistance of a representative, shall be honored. If the person does not express a preference, the order of preference for selection of the

representative shall be the person's parent, involved family member, or a volunteer selected by the area board. In establishing these preferences, it is the intent of the Legislature that parents or involved family members shall not be required to be appointed guardian or conservator in order to be selected. Unless the consumer expresses otherwise, or good cause otherwise exists, the request of the parents or involved family members to be appointed the representative shall be honored.

(3) Where appropriate pursuant to this section, the area board shall appoint a representative to advocate the rights and protect the interests of a person residing in a developmental center for whom community placement is proposed pursuant to Section 4803.

(4) The area board shall identify any evidence of the denial of these rights, shall inform the appropriate local, state, or federal officials of their findings, and shall assist these officials in eliminating all forms of discrimination against persons with developmental disabilities in housing, recreation, education, health and mental health care, employment, and other service programs available to the general population.

(e) Area boards shall conduct, or cause to be conducted, public information programs for consumers, families, professional groups, and for the general public, to increase professional and public awareness of prevention and habilitation programs, and to eliminate barriers to social integration, employment, and participation of persons with developmental disabilities in all community activities.

(f) Area boards shall encourage and assist in the establishment or strengthening of self-advocacy organizations led by individuals with developmental disabilities.

(g) (1) To the extent that resources are available, area boards shall review the policies and practices of publicly funded agencies that serve or may serve persons with developmental disabilities, to determine if the programs are meeting their obligations under local, state, and federal laws. A regional center may notify the area board when the regional center believes a publicly funded program is failing to meet its obligations in serving persons with developmental disabilities. The regional center may provide the area board with a comprehensive summary of the issues and the statute or regulation alleged to be violated. If the area board finds that the agency is not meeting its obligations, the area board shall inform the director and the managing board of the noncomplying agency, in writing, of its findings.

(2) Within 15 days, the agency shall respond, in writing, to the

area board's findings. Following receipt of the agency's response, if the area board continues to find that the agency is not meeting its obligations, the area board shall pursue informal efforts to resolve the issue.

(3) If, within 30 days of implementing informal efforts to resolve the issue, the area board continues to find that the agency is not meeting its obligations under local, state, or federal statutes, the area board shall conduct a public hearing to receive testimony on its findings.

(4) If the problem has not been resolved within 30 days following the public hearing, the area board may provide the state council with its findings and may request authorization to initiate legal action.

An area board shall not initiate legal action without prior authorization from the state council. However, the area board may assist any other person, agency, or organization that may pursue litigation related to the area board's findings.

(5) The executive director of the state council shall review the findings developed pursuant to this subdivision and may conduct additional factfinding investigations. The executive director shall report his or her findings to the state council within 30 days and shall recommend a course of action to be pursued by the council, the area board, or other state administrative or legislative officials.

(6) The state council shall review the report of the executive director and shall take any action it deems necessary to resolve the problem. If the state council authorizes the area board to initiate legal action, the state council shall make legal assistance available to the area board pursuant to the legal services provisions of Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.).

(h) Area boards shall encourage the development of needed services and supports of good quality that do not result in duplication, fragmentation of services, and unnecessary expenditures. Prior to providing additional funds for major expansion of existing programs, creation of new programs, or establishment of pilot projects to test new methodologies of service delivery for persons with developmental disabilities within an area board catchment area, the department or regional center, as appropriate, shall consult with the area board regarding the appropriateness of those program developments.

(i) In carrying out their review functions, area boards shall solicit the advice of knowledgeable professionals, consumers, and consumer representatives about problems within the service delivery system in the region. In enacting this article, it is the intent of the Legislature that the area boards not duplicate the functions assigned to other agencies that are routinely responsible for

monitoring, regulating, or licensing programs for persons with developmental disabilities. Area boards may call upon these agencies for information and assistance in order to carry out their responsibilities more effectively. Unless otherwise prohibited by law, these agencies shall provide information requested by the area boards, and shall cooperate fully in complying with all reasonable requests for assistance.

(j) (1) Area boards shall remain informed about the quality of services in the area, and shall inform appropriate state and local licensing agencies of alleged fire, safety, health, or other violations of legally established standards, in any facility providing service to persons with developmental disabilities, that may be brought to the attention of the area board.

(2) If an area board receives evidence of criminal misconduct by an individual or agency funded in whole or in part with state funds under this division, the area board shall immediately inform appropriate public safety agencies about the alleged misconduct.

(k) (1) Area boards shall cooperate with county coordinating councils on developmental disabilities, other regional planning bodies, and consumer organizations in the area. Area boards shall comply with the reasonable requests of these groups and may request the assistance of the groups in carrying out area board responsibilities.

(2) The governing body of any county within the area may request that the area board study or investigate programs in the county for persons with developmental disabilities. The area board shall cooperate with county governments to the fullest extent possible within the limitations of the resources of the board.

(l) Each area board shall submit to the state council a summary of its activities and accomplishments in the previous year. The state council, in consultation with area boards, shall determine the timing of, and format for, this summary.

(m) It is the intent of the Legislature that area boards shall maintain local discretion in conducting their advocacy activities. The state council shall not direct the advocacy activities of the area boards, except when specifically authorized by law, or when necessary to ensure compliance with federal requirements.

BYLAWS

ARTICLE I
NAME

The name of this state agency shall be Developmental Disabilities Board, Area IX, hereinafter referred to as "Area Board IX" or "The Board".

ARTICLE II
PURPOSE AND FUNCTIONS

SECTION 1: Area Board IX was established by, and shall operate under the authority of, and in accordance with the provisions of the Lanterman Developmental Disabilities Services Act, Chapters 1-12, Division 4.5 of the Welfare and Institutions Code, hereinafter referred to as the Lanterman Act (or its amended version).

SECTION 2: The duties of Area Board IX shall include but are not limited to those mandated by the Welfare and Institutions Code (W&I Code) (Sections 4590 through 4601):

A. Shall protect and advocate the rights of all persons in the area with developmental disabilities. The Board shall have the authority to pursue legal, administrative and other appropriate remedies to insure the protection of the legal, civil and service rights of persons who require services or who are receiving services in the area.

B. Shall conduct, or cause to be conducted, public information programs for professional groups and for the general public.

C. Shall review the policies and practices of publicly funded agencies that serve or may serve persons with developmental disabilities to determine if such programs are meeting their obligations under local, state and federal statutes.

D. Shall remain informed about the quality of services in the area, and inform appropriate agencies of violations of standards

E. Shall assist the State Council on Developmental Disabilities in the preparation of the state plan by submitting such information concerning the area's services, needs and priorities as may be requested by the State Council.

F. Shall cooperate with the county coordinating councils on developmental disabilities, other regional planning bodies and consumer organizations in the area.

G. Shall encourage the development of needed services of good quality and shall coordinate such developments to prevent duplication, fragmentation of services and unnecessary expenditures.

H. May, but shall not be required to, adopt an area-wide developmental disabilities plan.

Article III
MEMBERSHIP

SECTION 1: Area board IX shall consist of a total of seventeen (17) voting members; twelve (12) members appointed by the governing bodies of the counties (each county appointing an equal number of voting members) and five (5) voting members appointed by the Governor. All members of The Board shall be residents of Ventura, Santa Barbara and San Luis Obispo Counties.

SECTION 2: Membership on The Board shall be limited to two (2) consecutive full terms of three (3) years each. If a member fills only part of a term, that member is eligible for two (2) consecutive additional three (3) year terms.

SECTION 3: A member may resign at any time by giving written notice to the appointing body and the Chairperson of the Board.

SECTION 4: Any member with absences for three (3) consecutive Board meetings, or a total of four (4) absences during a calendar year, shall be subject to a request for termination of his/her appointment. The member first shall be requested by mail to advise The Board Chairperson of his/her reason for inactivity. If a majority of members at the meeting, following receipt of a response to such notification, determine that the response is not satisfactory, or if the member does not respond in thirty (30) days, The Board may notify the appointing authority and request a new appointee.

SECTION 5: The governing bodies of the counties in the area shall select their appointees from among the following groups, and, to the extent feasible, in the following proportions:

A. Persons with developmental disabilities or the parents or guardians or conservators of such persons - 50 percent;

B. Representatives of the general public - 50 percent (W&I Code, Section 4576).

SECTION 6: Prior to making their appointments, the Governor and the governing bodies of counties shall request recommendations from professional organizations, from organizations within the area representing persons with developmental disabilities, and from organizations and agencies within the area that deliver services to such persons. In making their appointments, the Governor and the governing bodies of counties shall appoint persons who have deomonstrated interest and leadership in human service activities (W&I Code, Section 4577).

SECTION 7: In order to prevent any potential conflicts of interest, voting members of the Board shall not be employed as providers of service to persons with developmental disabilities, or be members of the governing board of any entity providing such service, when such service is funded in whole or in part with state funds (W&I Code, Section 4578).

ARTICLE IV
PROCEDURES

SECTION 1: A quorum shall exist when there is a majority (more than 50%) of the appointed members present.

SECTION 2: All votes must be cast in person, not by proxy.

SECTION 3: All actions of The Board and its committees shall be by an affirmative or negative vote of a simple majority of members present at any meeting in which a quorum is present, except that the affirmative votes of a majority of the appointed members of The Board shall be necessary for the appointment or removal of an Executive Director.

SECTION 4: The members of The Board shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties as members of The Board or of committees established by The Board. Such reimbursement shall be in accordance with The Board of Control rules for State employees (W&I Code, Section 4585).

SECTION 5: Unless otherwise provided in these Bylaws, business of The Board and its committees shall be conducted under Robert's Rules of Order, Revised, latest edition.

ARTICLE V
MEETINGS

SECTION 1: Area Board IX shall meet as frequently as deemed necessary by its members to fulfill its duties within the prescribed time, but no less than quarterly (W&I Code, Section 4585).

SECTION 2: Meetings shall be held within the geographic area of The Board on a rotating basis among the Area IX counties.

SECTION 3: All members shall receive written notification, at least (10) days in advance of the regular meeting.

SECTION 4: Special Board meetings may be called at the request of the Executive Director Committee or by a majority of the Board members.

ARTICLE VI
ELECTED OFFICERS

SECTION 1: The officers of The Board shall be: Chairperson, Vice-Chairperson and Secretary. They shall be elected annually, the term of office being for one (1) year. Additional officers may be established as The Board deems necessary.

SECTION 2: Elected officers shall serve in the same office for no more than two (2) consecutive full terms. A Nominating Committee shall be appointed by the Area Board IX Chairperson in April of each year. The Nominating Committee shall submit a report in writing, at least thirty (30) days prior to the last meeting preceding July 1 of each year. Elections shall be conducted at the Area board meeting preceding July 1 of each year. The newly elected officers shall assume office effective July 1. ~~The election shall be held in the final quarter of the calendar year to take effect at the end of the meeting at which the election takes place. The Nominating Committee shall present the proposed state of officers to the Board one (1) month before the election.~~

SECTION 3: A special election to fill any vacancy may be called by the Executive Committee or a majority of The Board membership.

SECTION 4: Removal of an officer shall be for just cause, and considered in a special executive session upon written petition by three (3) or more Board members. Such removal shall require a two-thirds majority vote of the existing membership.

ARTICLE VII
DUTIES OF OFFICERS

SECTION 1: CHAIRPERSON - The Chairperson shall preside at all meetings of The Board and direct all work of any committee. The Chairperson shall be an ex officio member of every committee, appoint the chairpersons of all committees and review the work of the committee(s).

SECTION 2: VICE-CHAIRPERSON - The Vice-Chairperson shall succeed to the Chairpersonship in case of a vacancy and preside at meetings in the absence of the Chairperson. The Vice-Chairperson shall undertake such other responsibilities as the Chairperson or Board.

SECTION 3: SECRETARY - The Secretary shall be responsible for review of the minutes for the meetings and direct staff to provide a written copy to each Board member. The secretary shall maintain a file with copies of minutes of all Board meetings and make this file available.

SECTION 4: The immediate part Chairperson may act as the Board Parliamentarian at the request of the Chairperson.

ARTICLE VIII
COMMITTEES

SECTION 1: There shall be an Executive Committee, a Professional Advisory Committee and such other committees as Area Board IX may from time to time create.

SECTION 2: Unless otherwise provided by these Bylaws or specifically determined by the Board, the Chairperson shall determine the number of members of each committee and appoint its members and chairperson.

SECTION 3: Unless otherwise provided by these Bylaws or specifically determined by The Board, persons who are not voting members of The Board may be appointed to any committee. Any committee may appoint subcommittees to facilitate its work and may request and use the participation and assistance of persons who are not members of The Board or the committee.

SECTION 4: The Executive Committee shall be comprised of the Chairperson, Vice-Chairperson, Secretary, the immediate past two (2) Chairpersons and one (1) or two (2) Board members-at-large shall be at the discretion of The Board.

C. The Executive Director shall work under the direction and guidance of the Executive Committee.

D. The Executive Director shall be responsible for evaluating the performance of the Executive Director and shall submit a written evaluation report to the full Board.

1. A new Executive Director shall be evaluated at the end of six (6) months employment, at twelve (12) months employment, and annually thereafter.

E. The Executive Committee of the Board is authorized to transact business on behalf of The Board when urgent business necessitates action between meetings

ARTICLE IX
PROFESSIONAL ADVISORY COMMITTEE

SECTION 1: Area Board IX shall appoint a Professional Advisory Committee composed of professional persons serving individuals with developmental disabilities. The Professional Advisory Committee shall provide advice, guidance, recommendations and technical assistance to The Board and the Executive Director in carrying out its mandated functions enumerated in Article 4, Chapter 4, Division 4.5, of the Welfare & Institutions Code. The Professional Advisory Committee shall designate one (1) of its members to serve as an ex officio non-voting member of The Board (W&I) Code, Section 4586).

SECTION 2: This Committee shall meet as often as necessary to provide assistance to the Board.

SECTION 3: The Chairperson shall appoint members of the Professional Advisory Committee for one year renewable terms, make reappointments and appoint new members to fill vacancies as necessary.

SECTION 4: The Chairperson for The Board shall appoint the Chairperson of the Professional Advisory Committee.

ARTICLE X
STAFF

SECTION 1: Area Board IX shall employ an Executive Director. The Executive Director shall carry out the policies and assignments of the Board and shall hire and direct personnel in any other staff positions approved by The Board. The Executive Director shall serve, ex officio without vote, on all committees of the Board, except the Nominating Committee.

SECTION 2: The Executive Director shall see that support staff is provided to all committees of the Board, except the Nominating Committee.

ARTICLE XI
LIAISON

The Developmental Disabilities Board, Area IX, shall maintain liaison with organizations providing services to or advocating for persons with developmental disabilities. The Area Board IX Chairperson may appoint members to liaison positions as the need arises.

ARTICLE XII
REVISION TO BYLAWS

These Bylaws may be altered, amended or repealed; and the new Bylaws may be adopted by a vote of two-thirds of the majority of voting members present at any special or gregular meeting of the Board at which a quorum is present. Written notice of a meeting, and the intention to change the Bylaws thereat, must be delivered to each member at least ten (10) days prior to the date of this meeting.

REVISED:

April 29, 1977
June 3, 1977
July 8, 1977
June 2, 1978
November 30, 1979
December 7, 1979
May 2, 1980
February 6, 1981 - Amendment of Article V
June 3, 1983 - Revised
October 28, 1983 - Amendment of Article IV, Section 1
June 10, 1988 - Amendment of Article IV, Sections 1 and 3
May 11, 1980
November 6, 1992



Ordinance Number

2538

Date Adopted

1/18/1972

Subject

VENTURA COUNTY ORDINANCE CONCERNING A REPEAL AND REENACTMENT OF DIVISION 5, CHAPTER 3 OF THE ORDINANCE CODE PERTAINING TO PUBLIC EMERGENCY

Comments

ORDINANCE NO. 2538

A REPEAL AND REENACTMENT OF DIVISION 5, CHAPTER 3, OF THE VENTURA COUNTY ORDINANCE CODE PERTAINING TO PUBLIC EMERGENCY

The Board of Supervisors of the County of Ventura do ordain as follows:

I. Division 5, Chapter 3, is hereby repealed.

II. Division 5, Chapter 3, is hereby reenacted to read as follows:

CHAPTER 3 - PUBLIC EMERGENCY

ARTICLE 1 - GENERAL

Section 5311 - PURPOSES. The declared purposes of this ordinance are to provide for the preparation and carrying out of plans for the protection of persons and property within this county in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this county with all other public agencies, corporations, organizations, and affected private persons.

Section 5311-1 Expenditures. Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County of Ventura.

Section 5312 - DEFINITION. As used in this chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this county caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this county, requiring the combined forces of other political subdivisions to combat.

ARTICLE 2 - DISASTER COUNCIL

Section 5321 - CREATION AND MEMBERSHIP. The Ventura County Disaster Council is hereby created and shall consist of the persons set forth in the following subsections.

Section 5321-1 The chairman of the board, who shall shall be chairman.

Section 5321-2 The director of disaster services, who shall be vice-chairman.

Section 5321-3 The assistant director of disaster services.

Section 5321-4 Such chiefs of emergency services as are provided for in a current emergency plan of this county, adopted pursuant to this chapter.

Section 5321-5 Such representatives of civic, business,

labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the board.

Section 5322 - POWERS AND DUTIES. It shall be the duty of the Ventura County Disaster Council to develop and recommend for adoption by the board emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the chairman or, in his absence from the county or inability to call such meeting, upon call of the vice-chairman.

Section 5323 - DIRECTOR AND ASSISTANT DIRECTOR. There is hereby created the offices of director and assistant director of disaster services. The sheriff of Ventura County shall be the Director of Disaster Services. The Assistant Director shall be appointed by the Director.

Section 5323-1 Director's Powers and Duties. The director is hereby granted the powers set forth in the following subsections.

Section 5323-1.1 To request the board to proclaim the existence or threatened existence of a "local emergency" as defined in Government Code §8558(c) if the board is in session, or to issue such proclamation if the board is not in session, subject to ratification by the board within seven (7) days thereafter or the proclamation shall have no further force or effect.

Section 5323-1.2 To recommend that the Chairman of the Board or the County Executive request the Governor to proclaim a "state of emergency" as defined in Government Code §8558(b) when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.

Section 5323-1.3 To control and direct the effort of the emergency organization of this county for the accomplishment of the purposes of this chapter.

Section 5323-1.4 To direct cooperation between and coordination of services and staff of the emergency organization of this county; and resolve questions of authority and responsibility that may arise between them.

Section 5323-1.5 To represent this county in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

Section 5323-2 Emergency Powers. In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency" as defined in Government Code §8558(a), the director is hereby granted the powers set forth in the following subsections.

Section 5323-2.1 To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected

by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the board.

Section 5323-2.2 To obtain vital supplies, equipment, and such other property found lacking and needed for the protection of life and property and to bind the county for the fair value thereof and, if required immediately, to commandeer the same for public use.

Section 5323-2.3 To require emergency services of any county officer or employee and, in the event of the proclamation of a "state of emergency" in the the county or "state of war emergency", to command the aid of as many citizens of this county as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers.

Section 5323-2.4 To requisition necessary personnel or material of any county department or agency.

Section 5323-2.5 To execute all of his ordinary power as sheriff; all of the special powers conferred upon him by this chapter or by resolution or emergency plan adopted by the board; all powers conferred upon him by any statute, agreement approved by the board, and any other lawful authority.

Section 5323-3 Succession. The director shall designate the order of succession to his office subject to approval by the board, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency.

Section 5323-4 Assistant Director's Duties. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this county; and shall have such other powers and duties as may be assigned by the director.

Section 5324 - EMERGENCY ORGANIZATION. All officers and employees of this county, volunteer forces enrolled to aid them during an emergency, persons commandeered into service under the provisions of Section 5323-2.3, and all groups, organizations, and persons who may, by agreement or operation of law, be charged with duties incident to the protection of life and property in this county during such emergency shall constitute the emergency organization of the County of Ventura.

Section 5325 - EMERGENCY PLAN. The Disaster Council shall be responsible for the development of the County of Ventura Emergency Plan, which shall provide for the effective mobilization of resources of this county, both public and private,

to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the board.

Section 5326 - PUNISHMENT OF VIOLATIONS. It shall be unlawful for any person, during a state of war emergency, state of emergency, or local emergency, to commit any of the acts specified in the following subsections.

Section 5326-1 To willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation or the performance of any duty imposed upon him by virtue of this chapter.

Section 5326-2 To do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give, or likely to give, assistance to the enemy, or imperil the lives or property of inhabitants of this county, or to prevent, hinder, or delay the defense or protection thereof.

Section 5326-3 To wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

ADOPTED this 18th day of January, 1972, by by the following vote:

AYES: Supervisors Jewett, Conlan, Bennett, Schmidt, Laubacher

NOES: None

ABSENT: None

CHAIRMAN, Board of Supervisors

ATTEST:

ROBERT L. HAMM, County Clerk and ex officio Clerk of the Board of Supervisors, County of Ventura, State of California

By
Deputy Clerk

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JANUARY 18, 1972, AT 9:00 O'CLOCK A. M.

* * * * * * *

ORD. 2538/227/236

ADOPTING ORDINANCE NO. 2538; AMENDING ORDINANCE CODE RE PUBLIC EMERGENCY ; DIRECTING PUBLICATION

An ordinance amending the Ventura County Ordinance Code regarding Public Emergency

is presented to the Board at this time, and upon motion of Supervisor Conlan , seconded by Supervisor Bennett , and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 2538.

Upon the roll being called, the members of the Board vote as follows:

Ayes: Supervisors Jewett, Conlan, Bennett, Schmidt, Laubacher

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said ordinance, it is hereby declared and ordered that said ordinance is hereby passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 2538.

It is further ordered that said ordinance shall take effect and be in force at the expiration of thirty (30) days from the date hereof and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Enterprise-Sun and News , a newspaper of general circulation printed and published in the County of Ventura, State of California.

* * * * * * *

COPIES TO:

Sheriff
Civil Defense
County Executive
County Counsel (4)
Item 28A
1/18/72 fw

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JANUARY 18, 1972, AT 9:00 O'CLOCK A. M.

227/236/ORD. 2538

Upon motion of Supervisor Conlan, seconded by Supervisor Bennett, and duly carried, the Board hereby approves the following matter:

county of ventura

Office of Civil Defense and Disaster
William E. Hill, Sheriff
Director
N. H. Soares
Coordinator

January 13, 1972

Board of Supervisors
Courthouse
Ventura, California

Gentlemen:

ORDINANCE REVISION - PUBLIC EMERGENCY

The attached repeal and reinactment of Div 5, Chapter 3 of the Ventura County Ordinance Code pertaining to Public Emergency, is a requirement of the State Office of Emergency Services, and follows the general format and wording suggested by the State Office of Emergency Services.

Substantive changes from the ordinance to be repealed are as follows:

1. The Assistant Director of Disaster Services is now appointed by the Director of Disaster Services instead of by the Board of Supervisors. The appointment by the Director is subject to approval by the Board.

2. Civil Defense is no longer used as a term designating the handling of public emergencies. Henceforth, all matters pertaining to public emergencies will be handled by the County emergency organization, and plans for handling such emergencies will be recommended by the Disaster Council provided for in the ordinance instead of the Civil Defense and Disaster Council which heretofore handled such recommendations. The plan recommended by the Disaster Council is adopted by the Board by resolution.

3. The Sheriff is designated by the ordinance as the Director of Disaster Services.

4. In addition to the Chairman of the Board, the County Executive, upon the recommendation of the Director, may request the Governor to proclaim a "state of emergency".

5. The Assistant Director is designated as the person who shall administer the emergency programs of the County, subject to the supervision of the Director.

c/o County Office Building, Ventura, California 93001 (805) 648-6131, Extension 2551

6. The Disaster Council is responsible for the development of the County of Ventura Emergency Plan which shall provide for the mobilization of the resources of the County in the event of emergency. Such plan shall take effect upon adoption by resolution of the Board. Both a plan for the handling of law enforcement emergencies and a plan for the handling of fire emergencies have previously been adopted by the Board, and it is recommended that the Board instruct the Disaster Council to review these plans and make recommendations regarding the adoption pursuant to the requirements of this ordinance.

It is anticipated that our revised County Emergency Plan can be placed on the agenda for your meeting of January 25, 1972.

Very truly yours,

William E. Hill

William E. Hill, Director
Office of Disaster Services

WEH:bb

COPIES TO:

Sheriff
Civil Defense
County Executive
County Counsel
Files (4)
Item 28
1/18/72 fw

AFFIDAVIT OF PUBLICATION

In the Matter of the Publication

Ordinance No. 2538

STATE OF CALIFORNIA
County of Ventura ss.

Mary Lanning, being duly
I am a citizen of the United States, over twe
age, and am in nowise interested in nor a pa
entitled matter; I am and at all times stated

secretary to

the publisher of

ENTERPRISE-SUN-NEWS

which is and at all times stated herein was
general circulation as that term is defined by
1 of Division 7 of Title 1, of the Government C
and published weekly for the dissemination
graphic news and intelligence of a general cl
bona fide subscription list of paying subscri
is not and has not been devoted to the inte
for the entertainment or instruction of any pa
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tainment or instruction of any number of su
sions, trades, callings, races or denomina
times said newspaper has been established,
lished at regular intervals in the said cou
more than one year next preceding the first
notice herein mentioned; and that said ne
established as a newspaper of general circu
by Article 2, Chapter 1, of Division 7, of Titl
ment Code of this State, by a judgment of
of said County and State, which said judgn
vacated, modified or set aside prior to date
was set in type not smaller than nonpareil,
with words printed in blackface type not sma
describing and expressing in general term
character of the notice intended to be given;

said notice

of which the annexed is a full and true
printed and published in all the regular is

paper for one (1) conse

weeks, to-wit: on Nov. 28, 1972

and further I sayeth not.

I declare under penalty of perjury that the
and correct.

Mary Lanning

Dec. 11 1972
Date

ORDINANCE
NO. 2538

A REPEAL AND REENACTMENT OF DIVISION 5, CHAPTER 3, OF THE VENTURA COUNTY ORDINANCE CODE PERTAINING TO PUBLIC EMERGENCY

The Board of Supervisors of the County of Ventura do ordain as follows:

I. Division 5, Chapter 3, is hereby repealed.

II. Division 5, Chapter 3, is hereby reenacted to read as follows:

CHAPTER 3 - PUBLIC EMERGENCY

ARTICLE 1 - GENERAL

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Section 5311-1 Expenditures. Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County of Ventura.

Section 5312 - DEFINITION. As used in this chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this county caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this county, requiring the combined forces of other political subdivisions to combat.

ARTICLE 2 - DISA[redacted] effort of the emergency organization of this county for the accomplishment of the purposes of this chapter. Section 5323-1.4 To direct cooperation between and coordination of services and staff of the emergency organization of this county and resolve questions of authority and responsibility that may arise between them.

Section 5323-1.5 To represent this county in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

Section 5323-2 Emergency Powers. In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency" as defined in Government Code §8558(a), the director is hereby granted the powers set forth in the following subsections.

Section 5323-2.1 To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the board.

Section 5323-2.2 To obtain vital supplies, equipment, and such other property found lacking and needed for the protection of life and property and to bind the county for the fair value thereof and, if required immediately, to commandeer the same for public use.

Section 5323-2.3 To require emergency services of any county officer or employee and, in the event of the proclamation of a "state of emergency" in the county or "state of war emergency", to command the aid of as many citizens of this county as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers.

Section 5323-2.4 To requisition necessary personnel or material of any county department or agency. Section 5323-2.5 To execute all of his ordinary power as sheriff; all of the special powers conferred [redacted] him by this chapter, chapter, if such act is of such a nature as to give, or likely to give, assistance to the enemy, or imperil the lives or property of inhabitants of this county, or to prevent, hinder, or delay the defense or protection thereof. Section 5326-3 To wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

ADOPTED this 18th day of January, 1972, by the following vote:

AYES: Supervisors Jewett, Conlan, Bennett, Schmidt, Laubacher

NOES: None

ABSENT: None

Thomas E. Laubacher
CHAIRMAN
Board of Supervisors

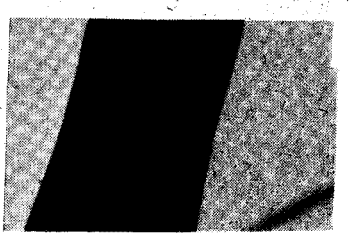
ATTEST:

ROBERT L. HAMM, County Clerk and ex officio Clerk of the Board of Supervisors, County of Ventura, State of California.

By Faye Willard
Deputy Clerk

63. Jan. 28, 1972.

Harlem Clowns will bring
hen they meet team from



ROUGH MINUTES - AGENDA ENTRY & INDEX

Meeting 8-22-72

File # Ordinances

INFORMATIONAL; RECEIVE & FILE: Affidavits of Publication:

Summary #

Agenda # 8-11

8. Enterprise-Sun-News - Ord. 2538 - Public Emergency
9. The Daily News - Ord. 2609 - Special Inspection Fee
10. Press Courier - Ord. 2610 - Appeals Board
11. Santa Paula Chronicle-Ord. 2611 - Business Licenses

CLERK'S REMARKS

NO PACKET MATERIAL - ROUTINE MATTER

Published in:

Dates:

Affidavit of Publication Rec'd:

Special Instructions

Distribution:

Approved

Motion X

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION **9000**-9007

9000. This part shall be known and may be cited as the Public Cemetery District Law.

9001. (a) The Legislature finds and declares all of the following:

(1) There is a continuing need to provide for the respectful and cost-effective interment of human remains to meet the cultural, economic, religious, and social needs of California's diverse communities.

(2) The Legislature authorized the creation of public cemetery districts in 1909 to assume responsibility for the ownership, improvement, expansion, and operation of cemeteries and the provision of interment services from fraternal, pioneer, religious, social, and other organizations that were unable to provide for those cemeteries.

(3) For nearly a century, public cemetery districts have provided communities with the means to publicly finance the ownership, improvement, expansion, and operation of public cemeteries and the provision of interment services, particularly in rural and formerly rural communities.

(4) Interment customs and practices have changed since the creation of the public cemetery districts but communities continue to need the means to own, improve, expand, and operate public cemeteries that provide respectful and cost-effective interments.

(b) In enacting this part, it is the intent of the Legislature to create and continue a broad statutory authority for a class of special districts that can own, improve, expand, and operate public cemeteries that provide respectful and cost-effective interments.

(c) It is also the intent of the Legislature that local officials adapt the powers and procedures provided by this part to meet the diversity of local conditions and circumstances.

9002. The definitions in Chapter 1 (commencing with Section 7000) of Part 1 of Division 7 apply to this part. Further, as used in this part, the following terms have the following meanings:

(a) "Active militia" means the active militia as defined by Section 120 of the Military and Veterans **Code**.

(b) "Armed services" means the armed services as defined by Section 18540 of the Government **Code**.

(c) "Board of trustees" means the legislative body of a district.

(d) "District" means a public cemetery district created pursuant to this part or any of its statutory predecessors.

(e) "Family member" means any spouse, by marriage or otherwise, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of these persons.

(f) "Firefighter" means a firefighter as defined by Section 1797.182.

(g) "Nonresident" means a person who does not reside within a district or does not pay property taxes on property located in a district.

(h) "Peace officer" means a peace officer as defined by Section 830 of the Penal **Code**.

(i) "Principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district.

(j) "Voter" means a voter as defined by Section 359 of the Elections **Code**.

9003. (a) This part provides the authority for the organization and powers of public cemetery districts. This part succeeds the former Part 4 (commencing with Section 8890), as added by Chapter 60 of the Statutes of 1939, as subsequently amended, and any of its statutory predecessors.

(b) Any public cemetery district formed pursuant to the former Part 4 or any of its statutory predecessors that was in existence on January 1, 2004, shall remain in existence as if it has been organized pursuant to this part.

(c) Any indebtedness, special tax, benefit assessment, fee,

election, ordinance, resolution, regulation, rule, or any other action of a district taken pursuant to the former Part 4 or of any of its statutory predecessors which was taken before January 1, 2004, shall not be voided solely because of any error, omission, informality, misnomer, or failure to comply strictly with this part.

9004. This part is necessary to protect the public health, **safety**, and welfare, and shall be liberally construed to effectuate its purposes.

9005. If any provision of this part or the application of any provision of this part in any circumstance or to any person, city, county, special district, school district, the state, or any agency or subdivision of the state is held invalid, that invalidity shall not affect other provisions or applications of this part that can be given effect without the invalid provision or application of the invalid provision, and to this end the provisions of this part are severable.

9006. (a) Any action brought to determine the validity of the organization or of any action of a district shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the **Code** of Civil Procedure.

(b) Any judicial review of an action taken pursuant to this part shall be conducted pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the **Code** of Civil Procedure.

9007. (a) Except as provided in this section, territory, whether incorporated or unincorporated, whether contiguous or noncontiguous, may be included in a district. Territory that is already within a public cemetery district or another type of special district that provides cemetery facilities and services shall not be included within a public cemetery district.

(b) Except as provided in this part, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government **Code**, shall govern any change of organization or reorganization of a district. In the

case of any conflict between that division and this part, the provisions of this part shall prevail.

(c) A district shall be deemed an "independent special district," as defined by Section 56044 of the Government **Code**, except when a county board of supervisors has appointed itself as the board of trustees.

El Rancho Simi Cemetery District

Bylaws

NAME

The name of this special district shall be El Rancho Simi Cemetery District, hereinafter called, "District."

ARTICLE I

1. DESCRIPTION AND PURPOSE

The description and purpose of the District shall be, in part, as follows:

The El Rancho Simi Cemetery is a Public Cemetery District, providing burial for all qualifying district residents and their families. The Cemetery District is comprised of five members or "trustees" who are appointed by the Ventura County, District 4 Supervisor, and are collectively the "governing board" of the special district independent of oversight by their appointing agency (the County of Ventura). It is an endowment care interment cemetery.

ARTICLE II

1. BOARD OF TRUSTEES

The number of trustees may be either three or five by law, and may be changed upon petition by a majority of trustees of the District. The El Rancho Simi Cemetery District is governed and managed by five trustees, as specified in the petition for the formation of this District. The Trustees are appointed by the Ventura County Board of Supervisors upon the recommendation of the District 4 Supervisor.

The Trustees' terms run four years each to coincide with the supervisorial term. In the event of an unexpected vacancy, the 4th District supervisor will fill the vacancy for the unexpired remainder of the term. Trustees may be re-appointed by the supervisor for multiple terms, not to exceed the term of office of the 4th District Supervisor.

The Board of Trustees shall exercise all District powers under the authority of the District, and shall control all business and affairs of the District as directed under the Special District Cemetery Laws of the State of California (Health and Safety Code Section 8890-9010).

2. POWER OF BOARD OF TRUSTEES

The Board of Trustees shall have the power to:

- Make all rules, regulations and policies within the boundaries of the law that regulate both public cemeteries and cemetery districts.
- To select and remove at its pleasure any of the agents and employees of the District, to prescribe their powers and duties, and to fix their compensation and require from them security for faithful service;
- To borrow money, incur indebtedness for the District and to cause to be executed, and delivered therefore, in the District's name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecation, or other evidences of debt and securities therefore: raise and disburse funds; buy, sell and exchange properties;
- To have custody and management of land, buildings, equipment and all properties of the District; and,
- To perform all other duties and to have other powers as may be necessary to carry out the purpose of the District.

ARTICLE III

1. ELECTION OF OFFICERS

The officers of the District will be elected by a simple majority vote of the Board of Trustees on an annual basis and for a term of one year. In the event a vacancy occurs in any office, a special election may be held to fill that office for the completion of that term.

2. OFFICERS AND THEIR DUTIES

Officers of the District shall be a Chairman, Vice Chairman, Secretary and Treasurer.

Officers shall be selected or removed by quorum action of the Board of Trustees. Duties of the officers shall be:

The ***Chairman*** shall have the executive supervision of the activities of the District within the scope provided by these bylaws and any laws governing the oversight of public cemeteries or special districts. The Chairman shall preside at all meetings and shall appoint the chairmen of committees and delegates not otherwise provided for. The Chairman shall also be the spokesperson for the Cemetery District and all inquiries from the media or public shall be directed to the Chairman.

The ***Vice Chairman*** shall assume the duties of the Chairman in the event of absence, incapacity, or resignation of the Chairman.

The ***Secretary*** shall keep a book of minutes of all meetings of the Trustees, with the time and place of holding, whether regular or special, and if special, how authorized, the notice thereof given, the names of those present at Board meetings, the number of members present at meetings and the proceeding thereof. The Secretary may require District Staff to actually prepare the minutes and notices, but it shall be the Secretary's responsibility to insure compliance with the bylaws of this District and the law. Failure to comply with public meeting laws is the responsibility of the entire Board of Trustees, who task the Secretary with compliance.

The ***Treasurer*** shall keep and maintain or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the District, including accounts of its assets, liabilities, receipts, disbursements, gains, losses and capital. The Treasurer may require and monitor District Staff directed to deposit all moneys and other valuables in the name of and to the credit of the District with such depositories as may be designated by the Board of Trustees. The Treasurer of the District shall direct disbursement of the funds of the District in such manner as may be ordered by the Board of Trustees. The Treasurer shall be responsible for the custody of funds and assets of the District until such time as they may be deposited. The Board of Trustees and the Treasurer may direct District Staff to account for the funds and for administrative duties, including reports to the Board of Trustees regarding all income, inquiries and payments, however, the District shall ultimately have full fiduciary responsibility. Funds of the District shall be paid out by numbered checks with dual signatures. At regular Board Meetings, the Trustee shall order staff to prepare a summary report relative to the status of the District, which will include income and expenses. Each request for payment will require a proper invoice or bill before a check will be issued.

The Board of Trustees shall establish the following committees in addition to any committees created by board at their wish:

- By Laws Committee
- Finance and Budget Committee
- Property Committee
- Public Relations Committee
- Long Term and Short Term Goal/Planning Committee
- Record/Endowment Committee

ARTICLE IV

1. MEETINGS

The Board of Trustees of the El Rancho Simi Cemetery District shall meet monthly on the second Wednesday of each month, or at such time and place as the Board determines. Special meetings may be called by the Chairman.

The Annual Meeting shall be held in the month of March each year, or as soon thereafter as circumstances allow.

Those members in attendance at a properly called meeting will constitute a quorum with no less than two thirds of the currently appointed members present. At the meeting of the Board of Trustees, a majority of Board membership shall constitute a quorum.

Trustees shall be expected to attend all Board Meetings. Upon missing three consecutive meetings without prior notice or just cause, the remaining Trustees may recommend dismissal and the 4th District Supervisor will recommend any replacement.

A notice of each meeting shall be posted as appropriate under the Brown Act, with one posting at the Simi Valley City Hall offices, 2929 Tapo Canyon Road, Simi Valley, CA 93063. It will be the responsibility of the District's paid staff to post the agenda of the meeting at least 72 hours before the meeting time, and said agenda will include the date, time, location and the agendized business of the Trustees of the Cemetery District. Each member of the Board of Trustees will be notified in advance of the public posting, via U.S. Mail, fax or electronic mail, without exception.

2. PARLIAMENTARY AUTHORITY:

Roberts Rules of Order shall govern the proceedings of the District except in such cases as are governed by the By Laws or the law.

ARTICLE V

1. 2003 BYLAWS:

The Trustees of the El Rancho Simi Cemetery District (the "District") ENACTS as follows:

1) This Bylaw may be cited as the "Cemetery Bylaw 2003."

2) The following lands owned by the District are set aside for cemetery use:

   a) El Rancho Simi Cemetery District, comprising

   A portion of Lot Twenty Nine (29) as the same is designated and delineated upon that certain map entitled "Map of the Cal Mutual Benefit Colony of Chicago's Subdivision of the South 1/3 of Lot 9, Township 2 North, Range 18 West of the Rancho Simi" as recorded in the office of the County Recorder of Ventura County in Book 3, Miscellaneous Records (Maps) at page 19 and described as:

   All of that parcel designated and delineated upon that certain map entitled "Map of the Simi Cemetery being a part of Lot 29 at Cal Mutual Benefit Colony of Chicago's Subdivision of the South ½ of Lot 9, Township 2 North, Range 18 West of the Rancho Simi," filed in the office of the County Recorder of Ventura County on October 26, 1896, in Map File "A" records of

said County, together with a strip of land twenty eight (28) feet wide lying west of and adjacent to the east line of Lot 29 and extending from the above described parcel southerly to the southerly line of said Lot Twenty nine (29).

2. Use of Cemetery Space

The District shall grant to any person upon payment of the approved sum set out in schedules approved by the Trustees, and subject to the terms and condition of Section 4 hereof, permission for the use by him, or his executors or administrators, of any one or more grave spaces, columbarium niches, or a combination of both, which may be vacant and unencumbered in the cemeteries.

1) Lots in the Cemetery are conveyed for burial purposes only, subject to such rules and regulations as are now or hereafter put in force by the trustees.
2) No burials will be permitted in the Cemetery without a permit from proper authorities. Burial orders must be signed by persons ordering burials before graves are opened. Cement or steel vaults must be used with all burials.
3) No person shall use grave space in that portion entitled The Pioneer Cemetery reserved for members of those families identified and recognized as "pioneer families" as set forth in Paragraph 10.
4) The District reserves to itself the right to refuse to sell the use of grave spaces to any individual.

3. Fees and Charges

1) The Trustees shall fix the size and sale price of grave spaces, fix the price of opening graves and disinterments. Information with reference thereto will be given upon inquiry by the appointed Cemetery Authority.
2) Schedule "A" sets out cemetery fees, including fees for interment, disinterment, use of grave space, care of graves. Internment, transfer of use and occupation privileges, and the charges for goods offered for sale by the District. Cemetery fees shall be paid at the Offices of the District at the time of application and at the time of purchasing goods or services sold or provided by the District in connection with the operation of the cemeteries.

4. Interment and Inurnment

1) No remains other than human remains shall be interred or inurned in the cemeteries, and no interment or inurnment shall be made until the appropriate fee, as approved by the Board has been paid to the District.

2) No interments or inurnments shall be made in the cemeteries except between the hours of 8:00 a.m. and 4:00 p.m.

3) No deceased person shall be interred in the sections of the Cemetery, which are reserved under Section 4 of this bylaw, if the identity shown on the burial permit differs from that of a person to whom the permission for use and occupation of the relevant space was granted by the District.

4) Only those persons and their spouses residing in Simi Valley prior to 1900, and their direct blood descendents and spouses, may be interred in the Pioneer Cemetery, with the absolute discretion to approve such burials retained by the Board of the District.

5) All interments of human remains and cremated remains must comply with all applicable State of California statutes and regulations and the terms and conditions of the Trustees.

6) Each grave liner used in the Cemetery shall be made of reinforced concrete not less than one and one-half inches thick, or shall be approved purpose-built fiberglass liner, and capable of covering the entire casket or coffin.

7) Columbaria shall be the only above-ground disposition of human remains permitted in the Cemetery.

8) Applications for columbarium niche plates must be made in a form approved by the Board.

9) No one other than the District, its authorized representatives or agents, or those authorized by a court of cemetery jurisdiction, shall dig or open any grave, install or remove memorial tablets, markers, monuments, curbing, etc., construct foundations produced by other agencies, or carry out, or cause to be carried out, the general work of the cemeteries to maintain them in a neat and tidy condition, unless permission is first obtained from the District.

5. Funding

1) All income to the District shall be paid into the District Fund and regulated as set forth in the appropriate County rules and regulations.

2) All expenses of the District shall be paid from the District Fund.

3) The District Fund shall be maintained at a bank, which is a member of the FDIC.

4) All expenses must be approved by the Board of the District and be retained to support the maintenance and operation of the Cemetery.

6. Memorials

1) All markers, stones, or monuments must be approved by the Cemetery authorities.

2) A memorial may be installed on a grave in the cemetery upon payment of the applicable sum approved by the Trustees, and is subject to the following:

a. Any plot holder, next-of-kin, or legal representative of the deceased may authorize the District to remove curbs and cappings and reseed the lawn, and shall pay to the District the sum for such services as approved by the Trustees.

b. In the Pioneer Cemetery, memorials may match the appearance, setting, and size of adjacent markers. Memorials in the remainder of the Cemetery must be installed with their top surface level and flush with the surface of the ground.

c. All grave markers or memorials must conform with the specifications as approved by the Trustees.

3) No grave or grave space shall be defined by a fence, railing, curbing, hedge, or by other marking save by a memorial marker, tablet or monument, as set out in Section 18 hereof.

4) The Trustees reserve the right to exclude from any lot, any headstone, monument, or other structure, trees, plastic or real flowers, plants or other object, which may conflict with the regulations, or which may be considered injurious to the general appearance of the grounds, lawns or plots.

7. General

1) No person or persons not employed by the Cemetery authorities shall excavate any earth, lay or remove any sod, alter the grade of any lot within the Cemetery either on or about his own lot or the lots of others, or plant, remove or trim any shrub or tree.

2) Adornment of the gravesite:

- Cut flowers, wreaths, and floral offerings may be placed on graves but may be removed at the discretion of District staff.
- No artificial flowers may be used.
- No glass containers may be used for any purpose in the cemeteries.
- No person other than an employee or agent of the District shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs, or rocks in the cemeteries.

3) No person shall remove, damage, or deface any memorial, monument, fence, gate, structure, plant, lot, or improvement in the cemeteries.

4) No person shall disturb the quiet and good order of, or otherwise violate the cemeteries.

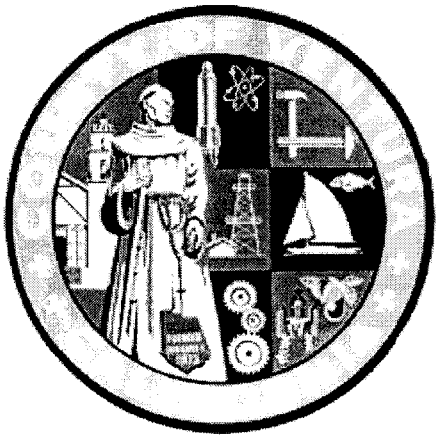
5) The District reserves the right to change the grading of a cemetery or of any sections, thereof, from time to time, and to remove or regrade roads, drives and walks. The right to lay, maintain and operate, or alter the pipelines or gutters for sprinkling systems, drainage, etc., is also expressly reserved. The District reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress

and egress over grave spaces for the purpose of passage to and from other grave spaces.

6) The District reserves and shall have the right to correct ant errors that may be made by it, either in making interments, disinterments or removals, or in the inscriptions, transfer, or conveyance by substituting and conveying in lieu thereof other interment rights of equal value and similar location as far as possible, or as may be selected by the District or, in the sole discretion of the District, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the District reserves the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The District shall not be liable in respect of any such errors, except as aforesaid.

7) The Trustees reserve the right of passing other rules and regulations or amending these rules and regulations at any time the occasion arises.

8) Any previous bylaws are hereby repealed.



Ordinance Number

4274

Date Adopted

11/5/2002

Subject

VENTURA COUNTY ORDINANCE AMENDING THE COUNTY BUILDING CODE AND ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN MODEL CODES AS FOLLOWS: CALIFORNIA BUILDING CODE, 2001 EDITION AND UNIFORM HOUSING CODE, 1997 EDITION

Comments

VENTURA COUNTY

BUILDING CODE

2001 EDITION

Ventura County Ordinance

Compiled by

THE RESOURCE MANAGEMENT AGENCY
DIVISION OF BUILDING AND SAFETY

Ventura

800 South Victoria Avenue, Ventura, CA 93009
(805) 654-2771

East County

3855-F Alamo, Rm. 2019-A
Simi Valley, CA 93065
(805) 582-8064

4i9-1.02

ATTACHMENT "A"

The Ventura County Building Code, as shown herewith, is a compilation of the following ordinances adopted by the Ventura County Board of Supervisors.

Ordinance no.	Effective date
3773	June 19, 1986
3778	July 31, 1986
3904	August 11, 1989
4002	August 14, 1992
4130	June 12, 1997
4188	July 15, 1999

VENTURA COUNTY BUILDING CODE

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ORDINANCE NO. 4274

AN ORDINANCE OF THE COUNTY OF VENTURA AMENDING THE VENTURA COUNTY BUILDING CODE AND ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN MODEL CODES AS FOLLOWS: CALIFORNIA BUILDING CODE, 2001 EDITION; UNIFORM HOUSING CODE, 1997 EDITION; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; CALIFORNIA ELECTRIC CODE, 2001 EDITION; CALIFORNIA PLUMBING CODE, 2001 EDITION; THE CALIFORNIA MECHANICAL CODE, 2001 EDITION; AND APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE, 2001 EDITION, TOGETHER WITH AMENDMENTS THERETO.

The Board of Supervisors of the County of Ventura ordains as follows:

The Ventura County Building Code (VCBC) is hereby amended to read as follows:

ARTICLE 1 - ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND OTHER MODEL CODES BY REFERENCE

CHAPTER 1 - ADOPTION INTO THE VENTURA COUNTY BUILDING CODE

Section 101 VENTURA COUNTY BUILDING CODE DEFINED.

101.1 ELEMENTS. The Ventura County Building Code contained herein is comprised of the following elements:

a) The specified portions of the California Building Standards Codes known as Title 24, Parts 2, 3, 4, 5, 6, 8 and 10; and

b) The model codes referenced by the California Building Standards Code and the model codes herein adopted by reference being:

1) The Uniform Building Code, 1997 Edition.
2) The National Electrical Code, 1999 Edition.
3) The Uniform Mechanical Code, 2000 Edition.
4) The Uniform Plumbing Code, 2000 Edition.
5) The Uniform Code for Building Conservation, 1997 Edition.
6) The Uniform Housing Code, 1997 Edition.
7) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition; and

c) The Ventura County Amendments contained in this ordinance to the above referenced codes.

Taken together, the codes and amendments described above constitute the Ventura County Building Code.

101.2 AMENDMENTS. Ventura County amendments to the California Building Standards Code and the other adopted model codes are found in Articles 3 through 9 of this code.

Section 102 ADMINISTRATION. The administrative provisions referenced in Article 2 - General Application Amendments are applicable to all portions of the Ventura County Building Code.

Section 103. FILING WITH THE CLERK OF THE BOARD. Not less than one (1) certified copy of this Code and of each of the codes adopted by reference herein are on file in the office of the Clerk of the Board of Supervisors, and all such certified copies of the codes shall be kept at that office for public inspection while this Code is in force.

Section 104. COPIES OF CODE FOR SALE TO THE PUBLIC. Copies of the Ventura County Building Code shall be made available in the office of the Division of Building and Safety for examination. Purchase of the codes by the public at a price not to exceed the actual cost thereof to the County plus a reasonable handling charge as established by the Building Official may be available depending on the stock on hand.

CHAPTER 2 - ADOPTION OF THE CALIFORNIA BUILDING CODE (CBC)

Section 101. ADOPTION. That building code known as the "California Building Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 2 - a portion of the "California Building Standards Code", which incorporates by reference the 1997 edition of the Uniform Building Code with adopted California amendments, together with Appendices Chapter 3, Division I; Chapter 3, Division II; Chapter 4, Division II; Chapter 12, Division I; Chapter 12, Division IIA; Chapter 15; Chapter 16, Division IV; Chapter 18; Chapter 29; Chapter 30; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33 promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose and subject matter of which, among other things, is to protect the public health and safety as set out in Section 101.2 of the Uniform Building Code, is hereby adopted and enacted as the primary building code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this Ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Building Code are found in Article 3 of this Code.

CHAPTER 3 - ADOPTION OF THE CALIFORNIA ELECTRICAL CODE (CEC)

Section 101. ADOPTION - That Electrical Code known as the "California Electrical Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 3 - a portion of the "California Building Standards Code", which incorporates by reference the 1999 edition of the National Electrical Code with necessary California amendments, promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269; the purpose of which, among other things is to provide minimum standards for the design, installation, maintenance, and use of electrical wiring and electrical apparatus in order to safeguard persons and property from electrical hazards, is hereby adopted and enacted as the primary Electrical Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein, with specific modifications as indicated in Article 4:

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Electrical Code are found in Article 4 of this code.

CHAPTER 4 - ADOPTION OF THE CALIFORNIA MECHANICAL CODE (CMC)

Section 101. ADOPTION. That mechanical code known as the California Mechanical Code," 2001 Edition and also known as the California Code of Regulations (C.C.R.), Title 24, Part 4 - a portion of the "California Building Standards Code", which incorporates by reference the 2000 edition of the Uniform Mechanical Code with necessary California amendments, and Appendices A, B, C, and D promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, and as amended herein, the purpose and subject matter of which, among other things, is to protect public health and safety as stated in Section 102 of said code, is hereby adopted and enacted as the primary mechanical code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Mechanical Code are found in Article 5 of this code.

CHAPTER 5 - ADOPTION OF THE CALIFORNIA PLUMBING CODE (CPC)

Sec. 101 ADOPTION. That plumbing code known as the "California Plumbing Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 5 - a portion of the "California Building Standards Code", which incorporates by reference the 2000 edition of the Uniform Plumbing Code with necessary California amendments, together with Uniform Plumbing Code Appendices A, B, C, D, E, G-A, H, I, J, K and L promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, the purpose and subject matter of which is to protect public health and safety by establishing minimum regulations for the installation, alteration, or repair or plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Plumbing Code are found in Article 6 of this code.

CHAPTER 6 - ADOPTION OF THE UNIFORM HOUSING CODE (UHC)

Section 101. ADOPTION - That Housing Code known as the "Uniform Housing Code," 1997 Edition which was promulgated and published by the International Conference of Building Officials, 5360 South Workingman Mill Road, Whittier, California 90601, the purposes and subject matter of which among other things is to protect the public health and safety as set out in Section 102 of said Code, is hereby adopted and enacted as the primary Housing Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herewith with specific modifications as indicated below.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the Uniform Housing Code are found in Article 7 of this code.

CHAPTER 7 - ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

Section 101 ADOPTION. That code known as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose of which, among other things, is to protect the public health and safety as set out in Section 102 of this Code, is hereby adopted and enacted as the Code for Abatement of Dangerous Buildings in the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein with specific modifications as indicated below. This Code will be referred to herein as the Dangerous Buildings Code.

Sec. 102 AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments Ventura County amendments to the Dangerous Buildings Code are found in Article 8 of this code.

CHAPTER 8 - ADOPTION OF APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE (CCC)

Sec. 101 ADOPTION: That building conservation code known as the "California Conservation Code", 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 10 - a portion of the "California Building Standards Code" which incorporates by reference Appendix Chapter 1 of the 1997 edition of the Uniform Code for Building Conservation, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as amended herein, the purpose and subject matter of which, among other things, is to promote public safety and welfare by reducing the risk of death or injury from the effects of earthquakes on existing unreinforced masonry bearing wall buildings as stated in Section A101 of said code, is hereby adopted as the primary unreinforced masonry building conservation code of the County and made a part of this code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Sec. 102 AMENDMENTS: Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to Appendix Chapter 1 of the Uniform Code for Building Conservation are found in Article 9 of this code.

ARTICLE 2 - AMENDMENTS OF GENERAL APPLICATION TO ALL OF THE ADOPTED STATE AND MODEL CODES

CHAPTER 1 - ADMINISTRATION

Section 101 TITLE, PURPOSE AND SCOPE

101.1 TITLE. This ordinance shall be known as the "Ventura County Building Code," may be cited as such, and will be referred to herein as "this Code."

This ordinance shall adopt certain State and model codes by reference, together with amendments thereto, as published herein. These referenced codes and amendments shall have the same force and effect as if fully set forth herein.

101.2 PURPOSE. The Board of Supervisors expressly finds that the purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, relocation, and maintenance of all buildings and structures within the County and certain equipment specifically regulated herein.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this code.

101.18 AUTHORITY. This code is adopted pursuant to the statutory authority of Health and Safety Code Section 17910 et seq., known as the "State Housing Law." It is further adopted in conformity with the provisions of Sections 50022.1 to 50022.10, inclusive of the Government Code relating to the adoption of codes by reference.

101.19 APPLICABILITY. This code shall apply within all of the unincorporated territory of Ventura County.

101.20 INTENT. It is the intent of this Article to provide administrative control over all of the applicable sections of the adopted State and model codes even if these sections are not specifically identified in each of the adopted codes.

101.21 CONFLICTS. Wherever conflicts occur between the provisions of this Code and the separate codes adopted by reference hereby, or between different sections within such individual code or codes, the provisions which are more strict or which set the highest standard of health and safety shall govern.

Where conflicts occur between provisions of this code and other duly enacted County codes and ordinances, those provisions becoming law last in time shall govern.

Wherever in this code reference is made to the Appendix, the Appendix shall not apply unless specifically adopted.

101.22 SEVERABILITY. If any article, chapter, section, sub-section, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations. The Board of Supervisors hereby declares that it would have passed this ordinance, and each article, chapter, section, sub-

section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, chapters, sections, sub-sections, sentences, clauses, and phrases be declared unconstitutional or invalid.

101.23 SECTION NUMBERING AND CROSS-REFERENCING SYSTEM FOR CODE AMENDMENTS. To facilitate cross-referencing between the adopted codes as published and the amendments contained herein, amendments are numbered to correspond to the uniform and model code sections which are affected. Thus, "Article 3, Chapter 18 Section 1804" in this ordinance is an amendment to, and supersedes Chapter 18, Section 1804 as published in the California Building Code.

Generally, each numbered sub-section of the adopted codes, for example, UBC subsection 1804.2, is deemed to be separate and distinct from others for the purpose of amendment. An amendment to one sub-section changes only that portion and does not by omission of reference amend or delete any other part of the Section such as UBC Section 1804.7.

Sec. 103 VIOLATIONS.

103.1 GENERAL. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, building service equipment, machine or equipment or cause or permit the same to be done in violation of this Code or to violate any provision of this Code.

103.3 INFRACTIONS. It shall be an infraction of law for any person to remove, deface, or alter a posted notice of the Building Official or duly appointed representative when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this code.

103.4 MISDEMEANORS. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, misdemeanor/infraction, or infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Each and every violation of any provision of this Code is a misdemeanor unless designated by this Code to be an infraction or a misdemeanor/infraction.

103.5 MISDEMEANORS/INFRACTIONS. Every violation of this Code designated a misdemeanor/infraction shall be a misdemeanor; provided that, where the District Attorney has determined that such action would be in the best interests of justice, the District Attorney may specify in the accusatory pleading that the violation shall be an infraction and the violation shall then be prosecuted as an infraction.

103.6 PUNISHMENTS. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both such fine and imprisonment. Any person convicted of an infraction, the penalty for which is not otherwise prescribed, shall be punished by (a) a fine not exceeding one hundred dollars ($100) for the first violation; (b) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance provision within one year; and (c) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance provision within one year.

Sec. 104 - ORGANIZATION AND ENFORCEMENT

104.1 CONTINUANCE OF DIVISION. There is hereby continued within the County the "Division of Building and Safety" of the Resource Management Agency, which division shall be under the administrative and operational control of the Building Official designated by the appointing authority.

104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.2.1 ENFORCEMENT OF CODES. The Building Official is hereby authorized and directed to enforce all the provisions of this Code and of the codes adopted by reference hereby. The decision of the Building Official in enforcing the provisions of this Code or of the codes adopted by reference, or in interpreting the provisions thereof, or in exercising the authority delegated thereby shall be final, subject to appeal as provided in this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Whenever in this Code or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards, or rules or regulations as part of this Code or of any of the codes adopted by reference hereby unless set out in full herein, but they shall be considered and may be used by the Building Official as guides to assist in determining whether or not there has been compliance with the provisions of this Code. The Building Official shall not be bound by the provisions of any such other codes, standards, interpretations, or rules or regulations not expressly adopted by reference in this Code in determining such compliance.

104.2.2 DEPUTIES. In accordance with the prescribed procedures and with the approval of the appointing authority of the County, the Building Official may, from time to time, appoint such number of officers, inspectors, assistants and other employees as shall be necessary to carry out the functions of the Division of Building and Safety and act as duly authorized representatives of the Building Official.

104.2.3 RIGHT OF ENTRY. Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, hazardous, or insanitary, the Building Official or his authorized representative may enter such building, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons having charge or control of the building, structure, or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

104.2.4 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code, or in violation of applicable ordinances of other County agencies, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Whenever the Building Official finds that a building or structure for which a permit has been issued may be flooded or is subject to erosion hazard if the work is completed in the manner proposed, or that the completion of such work will cause the flooding of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of the Ventura

County Flood Control District (P.W.A.), or other qualified County officer for a determination as to such danger. If the Director of the aforementioned District or other qualified County officer reports that substantial danger exists, the Building Official shall order work stopped until plans to alleviate such danger have been reviewed and approved by said Director or County officer.

Failure to order work stopped or to make such referral or both shall not be construed as a representation that danger of flooding or erosion does not or will not exist if the work is completed in the manner proposed.

104.2.5 OCCUPANCY VIOLATIONS. Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that in the event of an unsafe building Section 102 in the Uniform Building Code shall apply.

104.2.6 LIABILITY. The Building Official or his authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the legal department of the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this code.

104.2.11 REPORTS AND RECORDS. The Building Official shall submit a report to the proper County official not less than once a year covering the work of the department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this Code.

The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

104.2.12 POWER OF CITATION. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code section 836.5, the Building Official and certain of his authorized subordinates as hereinafter provided shall have the power of arrest without warrant whenever they have reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a

violation of the provisions of this Code or any other ordinance or statute which the Building Official has a duty to enforce.

The persons who are authorized to make arrests as herein provided shall consist of the Building Official and those of his subordinates as he may from time to time designate, whose duties include inspection and enforcement activities for Ventura County.

In any case in which a person is arrested pursuant to this section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C (commencing with section 853.6) of the California Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this section.

104.2.13 NOTICE OF INTENT TO RECORD NOTICE OF NONCOMPLIANCE AND RECORDATION OF NOTICE OF NONCOMPLIANCE. Whenever the Building Official determines that work has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Building Official shall post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall described the property, shall set forth the noncomplying conditions, and shall inform the owner(s) that the Building Official shall record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeal.

A. If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeal, the Building Official shall record a Notice of Noncompliance.

B. If a timely appeal is filed with the Board of Appeal and the Board finds that the noncomplying conditions have not been corrected and need to be corrected, the Building Official shall record a Notice of Noncompliance.

Under either A or B above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall described the property, shall set forth the noncomplying conditions, and shall state that the property owner(s) have been notified.

If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or removed, the Building Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the noncomplying conditions have been corrected or removed. A fee as set forth in the Ventura County Building Code Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

104.2.14 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT. Whenever the Building Official ascertains that any building service equipment regulated in the referenced technical codes has become hazardous to life, health or property, or becomes insanitary, he shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written order itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When any building service equipment is maintained in violation of this code and in a violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

104.2.15 AUTHORITY TO DISCONNECT UTILITIES. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to a building, structure or building service therein regulated by this code, or the referenced technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupants of the building or structure of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupants of the building or structure, in writing, of such disconnection immediately thereafter.

104.2.16 RECONNECTION AFTER ORDER OF DISCONNECTION. No person shall make connections from any energy, power or fuel supply, nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24 (CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

Sec. 106 PERMITS

106.1 PERMITS REQUIRED. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, building service equipment, machine, equipment, or cause the same to be done, without first obtaining the necessary permit for each such building or structure from the Building Official. The terms "erect, construct, enlarge, alter, repair," etc. as used above shall be deemed to include any and all electrical, plumbing, mechanical, grading, or other work regulated by this Code.

106.1.1 STREAMLINED PERMITS FOR CERTAIN AGRICULTURAL BUILDINGS, GREENHOUSES AND SHADE STRUCTURES. The provisions of this code with respect to plan review and inspection shall not apply to certain agricultural buildings, greenhouses and shade structures as specified herein, provided that all of the following conditions are met:

1. The building or structure is used exclusively as an agricultural building as defined in the Uniform Building Code (U.B.C.), and is not designed, equipped or intended for human occupancy or any use other than as an agricultural building, and

2. The building or structure is detached, single story, not over 15 feet in height as defined in the U.B.C., and is of conventional wood frame (Type V-N) construction, and

3. The floor area of the building or structure does not exceed the following limits:

   a. On sites of 10 acres or more in size: 3,000 square feet.

   b. On sites 2 acres or more but less than 10 acres in size: 1,500 square feet, except for nurseries.

   c. On sites 2 acres or more but less than 10 acres in size: 3,000 square feet for nurseries licensed by the Agricultural Commissioner.

   d. On sites less than 2 acres in size: none.

   e. Shade cloth structures without permanently affixed sides: 12,000 square feet, and

4. The building is determined to be exempt from requirements for preparation of plans by a professional engineer or architect as set forth in the California Professional Engineer's or Architect Act, and

5. A Zoning Clearance as an agricultural building, greenhouse or shade structure for the building or structure is approved by the Planning Division, and

6. Approval from the Environmental Health Division is obtained for properties with septic systems, and

7. Approval from the Flood Control Department of the Public Works Agency is obtained as required, and

8. Approval from the Ventura County Fire Department is obtained relative to access, water supply, fire sprinkler, brush clearance and high fire hazard area requirements for any barn or storage structure designed and constructed to house farm implements, hay, grain, poultry or livestock in excess of 1,500 square feet in area; and where a review for other types of agricultural buildings up to 3,000 square feet in area in not required; and

9. Approval from the Development and Inspection Services Division of the Public Works Agency is obtained when a grading permit is required, and

10. A code complying exit is provided from the building or structure, and

11. There is no plumbing, mechanical or electrical work proposed for the building or structure.

106.1.1.1 FEES FOR STREAMLINED AGRICULTURAL BUILDING PERMITS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to agricultural buildings, greenhouses and shade structures qualifying for the above procedure under the provisions of that subsection.

106.1.1.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.1.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

106.1.2 PERMITS FOR SMALL AGRICULTURAL PRODUCE STANDS. The provisions of this Code with respect to plan review and inspection shall not apply to agricultural produce stands, as specified herein, provided that all of the following conditions are met:

1. A Zoning Clearance for the produce stand is approved by the Planning Division.
2. Approval for the sale of agricultural products is obtained from the Environmental Health Division.
3. Approval from the Environmental Health Division is obtained for properties with septic systems.
4. The produce stand is used exclusively for the sale of agricultural produce only.
5. The floor area of the building does not exceed 400 square feet and is a single story, conventional wood frame structure of type V-N construction.
6. An area equivalent to at least 65% of the area of the longest side is left open and unobstructed during business hours.
7. A code complying exit is provided from the structure.

106.1.2.1 FEES FOR SMALL AGRICULTURAL PRODUCE STANDS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to produce stands qualifying for exemption under the provisions of this subsection.

106.1.2.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.2.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

106.1.3 WAIVER OF PERMIT. The Building Official may, by administrative order, waive permit requirements for work which is not inimical to the public health, safety or welfare, or which because of its temporary nature or special purpose, does not fall within the purview or intention of this Code.

106.1.4 EMERGENCY BUILDING PERMITS. The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

Emergency repairs to plumbing, electrical, and mechanical installations may be initiated prior to obtaining the required permits, provided that such work was urgently necessary and it was impractical to obtain the permits prior to commencement of the work. Permits for all such work shall be obtained as soon as it is practical to do so.

Sec. 106.2 EXEMPTED WORK. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, patio covers, playhouses, playground or athletic equipment and similar uses provided the floor area does not exceed 120 square feet.

2. Fences not over 6 feet high measured from highest point of grade, unless supporting a surcharge or structural element.

3. Oil derricks.

4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

5. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and wood decks not more than 30 inches above grade at any point and not over any basement or story below, nor supporting any structure above.

8. Painting, papering, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported completely by an exterior wall of Group R, Division 3 or Group U, Division 1 Occupancies when projecting not more than 54 inches nor encroaching into required yards.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

13. Freestanding signs not more than 10 feet in height and not more than 72 square feet in area and wall signs not more than 200 square feet in area.

14. Residential television and radio antennas and dish antennas not more than 3 feet in diameter with an approved zone clearance.

15. Commercial antennas not over 15 feet in height when in compliance with the County Zoning Ordinance.

16. Electrolier standards and flag poles not over 35 feet in height when in compliance with the County Zoning Ordinance.

17. Readily removable plastic covered hoop structures without in-ground footings or foundations that are not more than 8' in height.

18. Agricultural wind generating machines except that an electrical or gas permit is required if they are connected to a commercial utility.

19. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade and not more than 1,000 square feet of roof area.

Unless otherwise exempted, separate plumbing, mechanical and electrical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Sec. 106.3 - APPLICATION

106.3.1 APPLICATION FOR PERMIT. To obtain a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

1. Give such information as may be required by the Building Official, County Agencies, or State Law.

2. Be accompanied by such plans, diagrams, computations, schedules, specifications and other data as may be necessary to determine compliance with this Code and other applicable codes, laws, ordinances, rules and regulations.

106.3.2 SUBMITTAL DOCUMENTS.

Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal

documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Computations, diagrams, schedules, soil reports, geological or geotechnical reports, and other data sufficient to show the correctness and adequacy of the plans shall be submitted when required by the Building Official.

A Survey of a lot may be required by the Building Official to assure that a structure is located in accordance with requirements, and/or is situated with respect to Mean Sea Level such that it complies with regulations governing construction in flood-prone areas.

Sec. 106.4 - PERMITS ISSUANCE

106.4.1 PERMIT ISSUANCE AND DENIAL. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees have been paid, he shall issue a permit therefor to the applicant.

Except where special building designs or other mitigating measures have been approved by the Building Official and cooperating officials of other County agencies, a building permit may be denied where physical features of a building site are such that a denial of the building permit is deemed necessary to safeguard life or limb, health, property, or public welfare. Physical features which justify the denial of a permit shall include but shall not be limited to:

1. Precipitous cliffs or other nearby vertical land masses of unknown stability.
2. Unstable soils or geologic conditions.
3. Terrain which is subject to flooding, inundation, or sever soil erosion.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been found complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building or structure will be granted.

106.4.1.1 PERMIT ISSUANCE: RESTRICTIONS. The issuance of permits shall be restricted to those applicants or their authorized representatives who are entitled by the regulations and the exemptions in the State Contractor's License Law, Business and Professions Code, and other applicable statutes to perform work regulated by this Code.

1. Owner-Builder permits may be issued to a property owner building or improving his/her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

(a) The residence is not intended or offered for sale.

(b) The homeowner has actually resided in the residence for the 12 month period prior to the completion of the work for which the permits is issued.

2. Owner-Builder permits may be issued to a property owner building or improving structures thereon who contract for such projects with licensed contractors pursuant to Division 3, Chapter 9, of the California Business and Professions Code.

3. Tenant Improvement permits may be issued to tenants when authorized by the building owner for work within the tenant space.

106.4.4 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days after the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the work authorized by such permit does not receive final inspection approval within 3 years from the issuance date of the permit. Before such work may be recommenced, a new or renewed permit shall first be obtained to do so. The fee therefor shall be based upon the valuation and extent of work remaining to complete the project, but such fee shall not exceed one-half the current permit fee providing no changes have been made or will be made in the original plan and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may perform work under that permit when he is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may, without requiring payment of an additional permit fee, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Demolition permits issued for the correction of violations shall expire after 30 days.

For the purpose of this Section "suspended or abandoned" shall be measured as elapsed time between approved REQUIRED INSPECTIONS as delineated in UBC Sections 108.5 through 108.7.

106.4.5 SUSPENSION OR REVOCATION OF PERMIT. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code or for just cause.

106.4.6 PERMITS TRANSFERABLE. Permits required by this Code may be transferred from the original permittee to second parties when legal requirements have been satisfied, when approved by the Building Official, and when applicable fees have been paid.

106.4.7 ANNUAL MAINTENANCE PERMITS. The Building Official may, upon receipt of the required fee, issue an annual maintenance permit to any authorized person, firm, or corporation regularly engaged in the repair, replacement, or facility maintenance of electrical, plumbing, or mechanical systems regulated by this Code. The annual maintenance permit shall cover maintenance work which is performed on the specific premises of a person, firm or corporation and shall entitle the holder to be issued permits for said work on a monthly basis in lieu of obtaining individual permits prior to each installation or alteration of electrical wiring, plumbing, or mechanical equipment.

The holder of an annual maintenance permit shall report all work done under the permit on a form furnished for the purpose not more than fifteen (15) days following the end of each calendar

month, or as otherwise approved by the Building Official. Each such report shall be accompanied by required fees.

Annual Maintenance Permits shall only be applicable to commercial and industrial facilities.

Sec. 107 - FEES

107.1 GENERAL. Fees for permits and services rendered pursuant to this Code shall be assessed as set forth in this Code, and in accordance with the Ventura County Building Code Fee Schedule as established by the Board of Supervisors.

107.2 BUILDING PERMIT FEES. The fee for each building permit shall be as set forth in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.2.1 ELECTRICAL PERMIT FEES. The fee for each electrical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.2 MECHANICAL PERMIT FEES. The fee for each mechanical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.3 PLUMBING PERMIT FEES. The fee for each plumbing permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.4 OTHER FEES. Other fees charged for services by the Division of Building and Safety shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.3 PLAN REVIEW FEES. When a plan or other data are required to be submitted by Sec. 106.3.2, a plan review fee shall be paid at the time of submitting plans and data for plan review. Said plan review fee shall be 75 percent of the building permit fee as shown in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The plan review fees specified in this subsection are separate fees from the permit fees, and are in addition to the permit fees.

The amount of the plan review fee for the initial submittal of a "Standard Plan" as defined herein shall be the full plan review fee as specified above. The plan review fee for subsequent submittals of a plan which qualifies as a "Standard Plan" shall be one-half of the initial plan review fee. "Standard Plan is hereby defined as a prototype plan for a building or structure which is to be utilized at more than one site, and which incorporates the same essential structural features, design, dimensions and calculations as the original approved plan. A "Standard Plan" shall be void three years after its original approval or upon revision of the applicable codes under which it was initially reviewed, or at the discretion of the Building Official."

When plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged but such fee shall not exceed one-half the initial plan review fee. Corrected plans which are resubmitted to the Division of Building and Safety for approval subsequent to initial plan review shall not be subject to an additional plan review fee. The fee for

additional plan review may be waived by the Building Official when the time consumed in the performance of such service totals less than one-half hour.

107.4 EXPIRATION OF PLAN REVIEW. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When plans are resubmitted for checking after expiration of plan review and no changes have been made or will be made in the original plans and specifications for the work, and no code changes have occurred, the plan review may be renewed for 180 days and the plan review fee may be one-half the current plan review fee provided the re-submittal has not exceeded one year from the expiration date.

107.5 INVESTIGATION FEES: WORK WITHOUT PERMIT.

107.5.2 FEE. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the Ventura County Building and Safety Fee Schedule.

The payment of such investigation fee shall not exempt any person from compliance with all applicable provisions of this code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

107.6 FEE REFUNDS. The Building Official may authorize the refunding of fees upon written application by the original permittee, within the limitations set forth herein:

(a) Permit issuance fees shall be nonrefundable except as provided in subsection (c) below.

(b) Any fee totaling thirty-five dollars ($35) or less, exclusive of any issuance fee, if any, shall be nonrefundable except as specified in subsection (c) below.

(c) 100% of any fee erroneously paid or collected shall be refundable, except for that portion paid for State Seismic Fee (SMIP).

(d) 90% of any plan review fee, less a cancellation fee, shall be refundable when the permit application is withdrawn or canceled prior to commencement of plan review.

(e) 90% of any permit fee, less a cancellation fee and State of California Seismic Fee (SMIP), shall be refundable when none of the work covered by such permit has commenced.

(f) 90% of any Board of Appeals hearing fee, less a cancellation fee, shall be refundable when such hearing is canceled prior to the issuance of a Notice of Hearing pertaining to the case.

Failure of the permittee to make written application for a refund within 180 days of cancellation or expiration of a plan review, permit, hearing, or request for service for which a fee has been paid, shall constitute a waiver of entitlement to a refund. No partial refund shall be authorized nor credit be applied against other fees which may be payable to the Division of Building and Safety when a construction project is canceled or abandoned subsequent to partial completion of the building or work authorized by a permitted.

107.7 CANCELLATION FEE. Refunds of fees for permits and services associated with construction projects which are canceled or withdrawn prior to commencement of plan review, inspection, or performance of other service by the Division of Building and Safety shall be subject to a cancellation fee as set forth in the Ventura County Building and Safety Fee Schedule.

Sec. 108 - INSPECTIONS

108.1. GENERAL.

All construction or work for which a permit is required shall be subject to inspection by the building official to ensure compliance with the requirements of this Code and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701.5.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official by telephone, orally, or in writing when said work is ready for inspection. Such notification shall be given at least one working day before such inspection is desired.

No portion of any building, structure, wiring, plumbing, ductwork or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official. The Building Official shall have authority to remove, or to require the removal of, any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, ductwork, electrical, or mechanical equipment, as necessary to verify compliance with the approved drawing or codes.

108.4 APPROVALS REQUIRED. Work shall not be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required in subsection 108.5 in the UBC and by other applicable laws and ordinances.

There shall be a final inspection and approval on all buildings when completed and ready for occupancy. An approval for occupancy and the issuance of a clearance by the Building Official for the connection of utilities to any building or structure shall be contingent upon compliance with provisions of this Code and any other applicable laws and ordinances.

When, in the judgment of the Building Official, unusual conditions exist which justify the connection of utilities prior to completion of a building or structure, a temporary clearance may be issued for such connection.

SECTION 109 - CERTIFICATE OF OCCUPANCY

109.3 CERTIFICATE ISSUED. After the building official inspects the building or structure and finds no violations of the provisions of this code, including type of occupancy and use of the building, or other laws or regulations enforced by the code enforcement agency, the building official shall issue a Certificate of Occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and mailing address of the owner.
4. The name and mailing address of the tenant.
5. A description of that portion of the building, including floor area (in square feet) for which the certificate is issued.

6. A statement that the described portion of the building has been inspected for compliance with this code for the group and division of occupancy and the use for which the designated occupancy is classified.

7. The name of the building official.

8. The date that the Certificate of Occupancy was issued.

The Certificate of Occupancy shall run concurrently with the tenancy of the building. Subsequent tenants shall be required to obtain a Certificate of Occupancy in their name.

109.4 TEMPORARY OR PARTIAL CERTIFICATE. Upon application by the owner, and for reasonable cause, if the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the entire building is completed, a Temporary or Partial Certificate of Occupancy may be issued for a portion or portions of the building. Such Temporary or Partial Certificate must include compliance with this code for all required access and exiting systems, toilet facilities and fire protection equipment and systems.

Upon completion of the entire structure all Temporary or Partial Certificates shall be surrendered to the building official in exchange for a final Certificate of Occupancy, as specified in UBC Section 109.3.

ARTICLE 3 - AMENDMENTS TO THE CALIFORNIA BUILDING CODE (CBC)

CHAPTER 2 - DEFINITIONS

Sec. 200 - GENERAL AMENDMENTS

See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more specific shall apply.

Sec. 201 - DEFINITIONS

201.1.1 DEFINITIONS. Whenever in this Code, or in any of the codes herein adopted, the following names or terms are used, they shall have the meanings set out herein.

Section 202-A
"APARTMENT HOUSE" shall mean any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums and townhouses.
Section 203-B
"BUILDING OFFICIAL" or **"building official"** shall mean the person appointed by the Director of the Resource Management Agency charged with the administration of the Division of Building and Safety, or a duly authorized representative.
Exceptions: 1. For the purpose of administering APPENDIX Chapter 33 - of the Uniform Building Code as amended, Excavation and Grading, the term "Building Official" shall mean the Director of Public Works Agency, or a duly authorized representative. The Director of Public Works Agency or his duly authorized representative shall assume the power of citation for enforcement of APPENDIX Chapter 33 - as said Power of Citation is described in ARTICLE II - Chapter 1, Section 104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL, subsection 104.2.12 - POWER OF CITATION, in this ordinance.

2. For the purpose of administering those requirements of Chapter 7 and APPENDIX K of the Uniform Plumbing Code pertaining to the approval, permitting and inspection of private sewage disposal systems, the term "Building Official" shall mean the Environmental Health Officer or the Director of Building and Safety, or a duly authorized representative. The Environmental Health Official or his duly authorized representative shall assume the power of citation for the enforcement of Chapter 7 and APPENDIX K of the UPC as said Powers of Citation are described in ARTICLE 2 - Chapter 1, Section 104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL, Subsection 104.2.12 - POWER OF CITATION, in this ordinance.
3. For the purposes of administering provisions of the Uniform Housing Code pertaining to the abatement of health hazards, the term "Building Official" shall mean the manager of the Division of Building and Safety and/or the Environmental Health Officer, or a duly authorized representative.

"BUILDING SERVICE EQUIPMENT" Shall mean the plumbing, mechanical, electrical, and elevator equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of a building or structure for its designated use and occupancy.

Section 204-C
"CHIEF ELECTRICAL INSPECTOR," "ADMINISTRATIVE AUTHORITY" and all other terms and designations indicating the person authorized and directed to carry out, enforce and

exercise governmental rights, privileges and duties shall, unless expressly indicated otherwise, mean the Building Official and any duly authorized deputies, assistants, and inspectors.

"CITY," "COUNTY," and other terms designating the local governmental entity having jurisdiction, shall mean the County of Ventura or the area under its jurisdiction.

Section 205-D

"DIRECTOR OF PUBLIC WORKS" shall mean the Director of Public Works except that it shall mean the Building Official for purposes of directing work of repair or demolition having an estimated cost of $4,000 or less pursuant to Section 1401.3 in the Uniform Housing Code and Section 701.3 in the Dangerous Buildings Code.

Section 206-E

"ENVIRONMENTAL HEALTH OFFICER" or **"ENVIRONMENTAL HEALTH OFFICIAL"** shall mean the duly appointed Director of the Environmental Health Department of the County or a duly authorized representative.

Section 207-F

"FIRE DEPARTMENT" shall mean the Ventura County Fire Protection District or the fire service agency having jurisdiction.

207-F **"FLOOD HAZARD AREA"** is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Control Department of the Public Works Agency.

Section 208-G

GRADE (Adjacent Ground Elevation for Structures within FLOOD HAZARD AREAS) is the point of elevation 12 inches above the highest elevation of the paved portion of the roadway adjacent to the subject lot, or the minimum height above mean sea level, whichever is the highest, as determined by the Flood Control Division of the Public Works Agency. (The Flood Control minimum elevation relates to the lowest habitable floor elevation; therefore, "GRADE" shall be established as the lowest habitable floor minus 6 inches in determining Reference Datum for measuring the maximum height of a structure.)

209-H **HABITABLE SPACE** (room) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls storage or utility space, and similar areas, are not considered habitable space.

EXCEPTION: For structures located within Flood Hazard Areas, bathrooms, toilet compartments, closets and laundry areas shall be considered as Habitable Space.

Section 217-P

"PERSON," "FIRM," or **"CORPORATION"** shall mean any and all entities of whatsoever nature or kind, including but not limited to individuals, owners, tenants, lessees, unions or organizations, cooperatives and trusts, corporations, partnerships whether general or limited, and unincorporated associations and shall include the plural as well as the singular number, the male and female gender, and all governmental entities subject in whole or in part to this Code and the codes adopted by reference herein.

Section 220-S

STORY, FIRST, is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided that such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.

EXCEPTION: For structures located within Flood Hazard Areas, see Section UBC 208 for definition of "GRADE (adjacent Ground Elevations for Structures within FLOOD HAZARD AREAS).

CHAPTER 6 - TYPES OF CONSTRUCTION

SECTION 607 - HIGH FIRE HAZARD AREAS

Sec. UBC 607.1 HIGH FIRE HAZARD AREA DEFINED. For the purpose of this code, certain areas in the unincorporated territory of the County shall be classified as the High Fire Hazard Area by the Ventura County Fire Protection District. The High Fire Hazard Area is defined as any area within 500 feet of uncultivated brush, grass, or forest-covered land wherein an authorized representative of said District determines that a potential fire hazard exists due to the presence of such flammable growth.

Sec. UBC 607.2 CONSTRUCTION REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Buildings or structures hereafter erected, constructed or moved within or into designated high fire hazard areas, including mobilehomes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section. Although their installation is encouraged, neither manual nor automatic fire extinguishing systems or similar water spraying devices may be substituted for the fire protection set forth herein.

607.2.1 ROOFS. Roof coverings shall be fire retardant Class A. as specified in Section 1504 in the UBC.

607.2.2 EXTERIOR WALLS. Fire-resistive protection of exterior walls and openings, as determined by location on property, shall be as required by Section 503 in the UBC.

EXCEPTION: No exterior wall covering of a building shall provide less fire resistance than that afforded by: 7/8-inch exterior cement plaster; 1-inch nominal thickness solid wood siding; 1/2-inch textured plywood siding having a groove depth of 1/8-inch or less; 7/16-inch hardwood siding; 5/8-inch particleboard, exterior type 2-M; or 5/8-inch exterior plywood, T1-11, having a groove depth of 1/4-inch or less. Fire-retardant treated or untreated wood shingle or shake siding shall not be permitted.

607.2.3 UNDERFLOOR AREAS. Where underfloor areas are not enclosed by fire-resistive construction conforming to the requirements of subsection 607.2.2 above, the underside of the floor system shall be fire-protected as set forth in subsection 607.2.4.

607.2.4 PROJECTIONS AND OTHER BUILDING ELEMENTS EXPOSED TO FIRE. Architectural projections such as roof overhangs and soffits, balconies and decks, and other elements of building which have combustible structural elements in the horizontal plane, shall be protected with materials approved for 1-hour fire-resistive construction on the lower, fire-exposed side and shall have 1-hour fire-resistive supporting columns unless the details of construction conform to those for heavy timber as described in Section 605 in the UBC.

EXCEPTIONS: 1. Combustible structural members in horizontal projections may be unprotected timbers of size 4 x 6 or larger when used as rafters or as stair, balcony, or deck supports or for similar purposes.

2. Patios, carports, arbors and open latticework sunshades may be constructed of any materials allowed by this Code.

3. Balconies and decks 30 inches or more above grade may have flooring of not less than 2-inch nominal thickness lumber or material of equivalent fire resistance. Such flooring may be spaced not more than 1/4-inch apart and need not be fire protected on the underside.
   Balconies and decks less than 30 inches above grade shall be solidly floored without gaps and shall be fire-protected on the underside as required by this Section. In lieu of fire protection, such balconies and decks may be enclosed from floor surface to grade in the manner prescribed for exterior walls in subsection 607.2.2 of this Section.
4. Combustible exterior columns directly supporting roofs, stairs, balconies, and decks may be size 4 x 4 or larger. Columns and beams supporting interior floor loads may be size 6 x 6 or larger.

607.2.5 VENTILATION OPENINGS. Attic or foundation ventilation opening or louvers shall not be located at or within 18", measure vertically, of eaves or rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire in adjacent hazardous grass or brush areas.

607.3 WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of UBC 607.2.1 through 607.2.5 above, in whole or in part, for specific construction projects within the High Fire Hazard Area when such waiver is approved by an authorized representative of the Ventura County Fire Protection District, based upon site conditions which justify a reduction in fire resistance.

CHAPTER 16 - DIVISION I - STRUCTURAL FORCES

Sec. 1611 OTHER MINIMUM LOADS.

1611.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1803 SOIL CLASSIFICATION - EXPANSIVE SOIL.

1803.2 EXPANSIVE SOIL. The expansive characteristics of soil shall be determined by procedures in accordance with UBC Standard Number 18-1 and the soils shall be classified according to Table Number 18-1-B of this Code. Foundations for structures bearing on soils with an expansion index greater than 20, as determined by UBC Standard Number 18-2, shall require special design consideration. In the event the soil expansion index varies with depth, the weighted index shall be determined according to Table Number 18-1-C in the UBC. The Soil Expansion Index shall be listed in all soils investigation reports.

A test to determine the soil expansion index shall be conducted for each building site except that in subdivisions the frequency of testing need not exceed one test per five contiguous lots or one test per five acres, whichever are is smaller. Such tests shall be made after rough grading is completed. Tests shall include a determination of the expansion index for the most expansive soil encountered within the top four feet at each test location whether in cut or fill or a combination thereof.

The expansion index for soil on subdivision lots which have not been individually tested shall be assumed to correspond to the highest reading determined by tests on proximate lots.

Section 1804 FOUNDATION INVESTIGATION.

1804.1. GENERAL. The classification of the soil at each building site shall be determined when required by the Building Official. Such determination shall be made by a California-licensed civil engineer experienced in soil engineering.

1804.2 INVESTIGATION. The classification of soil shall be based on observation and necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be required to evaluate soil strength, the effect of moisture variation on soil bearing capacity, compressibility, liquefaction and expansiveness.

In Seismic Zones 3 and 4, when required by the building official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

EXCEPTIONS: 1. The building official may waive this evaluation upon receipt of written opinion of a qualified geotechnical engineer or geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy with or without attached garages and single-story accessory structures thereto.

3. Group U, Division 1 Occupancies.

4. Fences.

5. Detached single-story Group U, Division 3 occupancies.

Whenever, in the opinion of the Building Official, the adequacy and stability of a building site cannot be determined by the test borings or excavations required by this Section he may require a special geologic, geotechnical, hydrologic, seismic, or other investigation and report. Geologic investigations such as those for hillside stability or seismic hazards shall be conducted by a California-certified Engineering Geologist.

1804.7 DRAINAGE AND MOISTURE PROTECTION.

1804.7.1 GENERAL. Provisions shall be made for the control and drainage of surface water around buildings. Concentrated drainage such as rainwater from gutters and downspouts, scuppers, and roof valleys shall be diverted away from building foundations by means of concrete splash blocks and/or other approved non-erosive devices. Underfloor access crawl holes, vents, and similar

openings below grade shall be provided with curbs extending not less than six (6) inches above adjacent grade to prevent surface water from entering the underfloor area.

1804.7.2 ROOF GUTTERS AND DOWNSPOUTS. When buildings are located on expansive soil having an expansion index greater than 50, gutters, downspouts, piping, and/or other non-erosive devices shall be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.

1804.7.3 VAPOR BARRIER. An approved vapor barrier shall be installed below concrete slab-on-grade floors of all residential occupancies in such a manner as to form an effective barrier against the migration of moisture into the slab. When sheet plastic material is employed for this purpose it shall be not less than 6 mils (.006 inch) in thickness. The installation of a vapor barrier shall not impair the effectiveness of required anchor bolts or other structural parts of a building.

Foundations at the perimeter of concrete floor slabs shall form a continuous moisture barrier of portland cement concrete or solid grouted masonry to the depths required by Table UBC 18-1-D in the ordinance.

1804.7.4 GROUNDWATER. Where the probability of groundwater intrusion into underfloor areas is found to exist, foundations and crawl spaces shall be designed to mitigate ponding, excess moisture conditions, and settlement of footings. (Refer to APPENDIX CHAPTER 18 for waterproofing and dampproofing of foundations.)

1806 FOOTINGS.

Section 1806.1. GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with Chapter 18, Division II and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings, foundations, and concrete slab floors at or below grade shall be constructed to comply with Table UBC 18-1-D (Rev.) and footnotes thereto in this ordinance, except when an approved alternative design is provided based on a foundation investigation. UBC Table 18-1-D and footnotes thereto in the UBC is hereby deleted in its entirety, and is replaced by VCBC Table UBC 18-1-D (Rev.) and footnotes thereto, published herewith.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind or wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards. See Section 3302 for subsoil preparation and wood form removal.

1806.11 HOLD-DOWN CONNECTORS.

1. All bolt-holes shall be 1/16" (max) over-sized at the connection of hold-downs to posts.

2. Hold-down connection bolts/nuts shall be torqued ½ turn beyond finger tight or as required by manufacturer.

3. Approved plate washers, in-lieu of cut washers, shall be provided for all plywood shearwall sill plate anchor bolts. See Table "A" below.

4. Approved plate washers, in-lieu of cut washers, shall be provided for hold-down connector bolts at shearwall wood flanges. See Table "A" below.

TABLE - A

MINIMUM SIZE FOR SQUARE PLATE WASHERS

BOLT SIZE	PLATE SIZE
1/2"	3/16" x 2" x 2"
5/8"	1/4" x 2 1/2" x 2 1/2"
3/4"	5/16" x 2 3/4" x 2 3/4"
7/8"	5/16" x 3" x 3"
1"	3/8" x 3 1/2" x 3 1/2"

1806.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Where additional foundation plate anchor bolts are required after foundations are completed, drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

1806.13 GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table UBC 18-1-D (Rev.), whichever is deeper, reinforced as specified for continuous foundations in Table UBC 18-1-D, shall be provided at garage door openings.

1806.14 FIREPLACE FOOTINGS. Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table UBC 18-1-D (Rev.).

TABLE 18-1-D (REV.)
MINIMUM FOUNDATION REQUIREMENTS*

WEIGHTED EXPANSION INDEX	FOUNDATION FOR SLAB & RAISED FLOOR SYSTEM (4) (8)							CONCRETE SLABS (8)		PREMOISTENING OF SOILS UNDER FOOTINGS, PIERS AND SLABS (4) (5)	RESTRICTION ON PIERS UNDER RAISED FLOORS
	NUMBER OF STORIES	STEM THICKNESS	FOOTING WIDTH	FOOTING THICKNESS	ALL PERIMETER FOOTINGS (5)	INTERIOR FOOTINGS FOR SLAB AND RAISED FLOORS (5)	REINFORCEMENT FOR CONTINUOUS FOUNDATIONS (2) (6)	3-1/2" MINIMUM THICKNESS			
					DEPTH BELOW NATURAL SURFACE OF GROUND AND FINISH GRADE			REINFORCEMENT (3)	TOTAL THICKNESS OF SAND (10)		
		(INCHES)									
0 - 20 Very Low (non-expansive)	1 2 3	6 8 10	12 15 18	6 7 8	12 18 24	12 18 24	1-#4 top and bottom	#4 @ 48" o.c. each way, or #3 @ 36" o.c. each way	2"	Moistening of ground recommended prior to placing concrete	Piers allowed for single floor loads only
21-50 Low	1 2 3	6 8 10	12 15 18	6 7 8	15 18 24	12 18 24	1-#4 top and bottom	#4 @ 48" o.c. each way, or #3 @ 36" o.c. each way	4"	120% of optimum moisture required to a depth of 21" below lowest adjacent grade. Testing required.	Piers allowed for single floor loads only
51-90 Medium	1 2	6 8	12 12	6 8	21 21	12 18	1-#4 top and bottom	#3 @ 24" o.c. each way	4"	130% of optimum moisture required to a depth of 27" below lowest adjacent grade. Testing required	Piers not allowed
	3	10	15	8	24	24	#3 bars @ 24" in ext. footing Bend 3' into slab (7)				
91-130 High	1 2	6 8	12 12	8 8	27 27	12 18	2-#4 Top and Bottom	#3 @ 24" o.c. each way	4"	140% of optimum moisture required to a depth of 33" below lowest adjacent grade. Testing required.	Piers not allowed
	3	10	15	8	27	24	#3 bars @ 24" in ext. footing Bend 3' into slab (7)				
Above 130 Very High	Special design by licensed engineer/architect										

*Refer to next page for footnotes (1) through (11).

FOOTNOTES TO TABLE UBC 18-1-D (Rev)

1. Premoistening is required where specified in Table UBC 18-1-D in order to achieve maximum and uniform expansion of the soil prior to construction and thus limit structural distress caused by uneven expansion and shrinkage. Other systems which do not include premoistening may be approved by the Building Official when such alternatives are shown to provide equivalent safeguards against the adverse effects of expansive soil.

2. Reinforcement for continuous foundations shall be placed not less that 3" above the bottom of the footing and not less than 3" below the top of the stem.

3. Reinforcement shall be placed at mid-depth of slab.

4. After premoistening, the specified moisture content of soils shall be maintained until concrete is placed. Required moisture content shall be verified by an approved testing laboratory not more than 24 hours prior to placement of concrete.

5. Crawl spaces under raised floors need not be premoistened except under interior footings. Interior footings which are not enclosed by a continuous perimeter foundation system or equivalent concrete or masonry moisture barrier complying with UBC 1804.7.3 in this ordinance shall be designed and constructed as specified for perimeter footings in Table UBC 18-1-D (Rev.).

6. Foundation stem walls which exceed a height of three times the stem thickness above lowest adjacent grade shall be reinforced in accordance with Chapter 21 and Sec. 1914 in the UBC, or as required by engineering design, whichever is more restrictive.

7. Bent reinforcing bars between exterior footing and slab shall be omitted when floor is designed as an independent, "floating' slab.

8. Where frost conditions or unusual conditions beyond the scope of this table are found, design shall be in accordance with recommendations of a foundation investigation. Concrete slabs shall have a minimum thickness of 4 inches when the expansion index exceeds 50.

9. The ground under a raised floor system may be excavated to the elevation of the top of the perimeter footing, except where otherwise required by engineering design or to mitigate groundwater conditions.

10. When subsoil drainage is required by the building official, refer to Sec. UBC APPENDIX 18.

11. Where a post-tensioning slab system is used, the width and depth of the perimeter footings shall meet the requirements of this table.

CHAPTER 23 - WOOD

TABLE 23-II-G MAXIMUM DIAPHRAGM DIMENSION RATIOS

MATERIAL	HORIZONTAL DIAPHRAGMS	VERTICAL DIAPHRAGMS
	Maximum Span-Width Ratios	Maximum Height-Width Ratios
1. Diagonal sheathing, conventional	3:1	1:1
2. Diagonal sheathing, special	4:1	2:1
3. Wood structural panels and particleboard, nailed all edges	4:1	2:1
4. Wood structural panels and particleboard, blocking omitted at intermediate joints	4:1	NP

TABLE 23-II-1-1 — ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES IN POUNDS PER FOOT FOR WOOD STRUCTURAL PANEL SHEAR WALLS WITH FRAMING OF DOUGLAS FIR-LARCH OR SOUTHERN PINE.[1, 2, 3, 4]

PANEL GRADE	MINIMUM NOMINAL PANEL THICKNESS (INCHES)	MINIMUM NAIL PENETRATION IN FRAMING (INCHES)	PANELS APPLIED DIRECTLY TO FRAMING					PANELS APPLIED OVER ½-INCH (13 mm) OR ⅝-INCH (16 mm) GYPSUM SHEATHING				
			Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm				Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm			
				6	4	3	2		6	4	3	2
	x 25.4 for mm			x 0.0146 for N/mm					x 0.0146 for N/mm			
Structural I	5/16	1 1/4	6d	150	225	293	383	8d	150	225	293	383
	3/8	1 1/2	8d	173[5]	270[5]	345[5]	458[5]	10d[6]	210	323	413	548
	7/16			191[5]	296[5]	379[5]	503[5]					
	15/32			210	323	413	548					
	15/32	1⅝	10d[6]	255	383	499	653	–	–	–	–	–
C-D, C-C Sheathing, plywood panel siding and other grades covered in U.B.C. Standard 23-2 or 23-3	5/16	1¼	6d	135	203	263	338	8d	135	203	263	338
	3/8			150	225	293	383		150	225	293	383
	3/8	1½	8d	165[5]	240[5]	308[5]	398[5]	10d[6]	195	368	368	480
	7/16			180[5]	263[5]	338[5]	439[5]					
	15/32			195	285	368	480					
	15/32	1⅝	10d[6]	233	345	450	578	–	–	–	–	–
	19/32			255	383	499	653					
			Nail Size (Galvanized Casing)					Nail Size (Galvanized Casing)				
Plywood panel siding in grades covered in U.B.C. Standard 23-2	5/16	1¼	6d	105	158	206	270	8d	105	158	206	270
	3/8	1½	8d	120	180	233	308	10d[6]	120	180	233	308

1 All panel edges backed with 2-inch (51 mm) nominal or wider framing. Panels installed either horizontally or vertically. Space nails at 6 inches (152 mm) on center along framing members for ⅜-inch (9.5 mm) and 7/16-inch (11 mm) panels installed on studs spaced 24 inches (610 mm) on center and 12 inches (305 mm) on center for other conditions and panel thicknesses. These values are for short-time loads due to wind or earthquake and must be reduced 25 percent for normal loading.

Allowable shear values for nails in framing members of other species set forth in Table 23-III-FF of Division III shall be calculated for all other grades by multiplying the shear capacities for nails in Structural I by the following factors: 0.82 for species with specific gravity greater than or equal to 0.42 but less than 0.49, and 0.65 for species with a specific gravity less than 0.42.

2 Where panels are applied on both faces of a wall and nail spacing is less than 6 inches (152 mm) on center on either side, panels joints shall be offset to fall on different framing members or framing shall be 3-inch (76 mm) nominal or thicker and nails on each side shall be staggered.

3 Framing at boundary and panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered for all plywood shear walls with shear values exceeding 300#/ft. Nailing edge distance for 3x boundary and panel edge members shall be ½-inch minimum.

4 The maximum allowable shear for 3-ply plywood, less than ⅝-inch thickness, shall not exceed 200#/ft. when used in shearwalls and framing of Douglas Fir-Larch or Southern Pine.

5 The values for ⅜-inch (9.5 mm) and 7/16-inch (11 mm) panels applied direct to framing may be increased to values shown for 15/32-inch (12 mm) panels, provided studs are spaced a maximum of 16 inches (406 mm) on center or panels are applied with long dimension across studs.

6 Fr[illegible]g at adjoining panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered where 10d nails having penetration into framing of more than 1⅝ inches (4[illegible]) are spaced 3 inches (76 mm) or less on center.

CHAPTER 25 - GYPSUM BOARD AND PLASTER

Section 2513 - SHEAR-RESISTING CONSTRUCTION WITH WOOD FRAME.

2513.4 HEIGHT TO LENGTH RATIO. The maximum allowable height-to length ratio for the construction in this section shall be 1 to 1. Wall sections have height-to-length ratios in excess of 1½ to 1 shall be blocked.

TABLE 25-I - ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES
IN POUNDS PER FOOT FOR VERTICAL DIAPHRAGMS OF
LATH AND PLASTER OR GYPSUM BOARD FRAME WALL ASSEMBLIES[1]

	TYPE OF MATERIAL	THICKNESS OF MATERIAL	WALL CONSTRUCTION	NAIL SPACING[2] MAXIMUM (inches)	SHEAR VALUE	MINIMUM NAIL SIZE[3]
		x 25.4 for mm		x 25.4 for mm	x 14.6 for N/m	x 25.4 for mm
1.	Expanded metal, or woven wire lath and portland cement plaster	7/8"	Unblocked	7	90	No. 11 gage 1 1/2" long, 7/16" head[4]
2.	Gypsum lath	3/8" lath and 1/2" plaster	Unblocked	7	30	No. 13 gage, 1 1/8" long, 19/64" head, plasterboard blued nail
3.	Gypsum sheathing board[5]	1/2" x 2' x 8'	Unblocked	7	30	No. 11 gage, 1 3/4" long, 7/16" head, diamond-point, galvanized
		1/2" x 4' 1/2" x 4'	Blocked Unblocked	7 7	30 30	
4.	Gypsum wallboard or veneer base[5]	1/2"	Unblocked	7	30	5d cooler (0.086" dia., 1 5/8" long 15/64" head) or wallboard (0.086" dia., 1 5/8" long, 9/32" head)
				7	30	
			Blocked	7	30	
				7	30	
		5/8"	Unblocked	7	30	6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head)
				7	30	
			Blocked	7	30	
				7	30	
			Blocked Two ply	Base ply: 7 Face ply: 7	60	Base ply - 6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head) Face ply - 8d cooler (0.113" dia., 2 3/8 long, 9/32" head) or wallboard (0.113" dia., 2 3/8" long, 3/8" head

[1]These vertical diaphragms shall not be used to resist loads imposed by masonry or concrete construction. See Section 2513.2. Values shown are for short-term loading due to wind or due to seismic loading in Seismic Zones 0, 1, 2A and 2B. Values shown must be reduced 25 percent for normal loading. The values shown in Items 2, 3 and 4 shall be reduced 50 percent for lading due to earthquake in Seismic Zones 3 and 4.

[2]Applies to nailing at all studs, top and bottom plates and blocking.

[3]Alternate nails may be used if their dimensions are not less than the specified dimensions.

[4]Required minimum nailing shall be No. 11 gage x 1 1/2" long galvanized nails with lath burred to 1/4" from the face of the building paper. Staples and self-barring lath shall not be permitted.

[5]Frame wall assemblies constructed of Portland cement plaster, gypsum sheathing board or gypsum wall board are not permitted to carry shear loads at ground floor of multi-level buildings.

CHAPTER 40

RELOCATED BUILDINGS AND TEMPORARY STRUCTURES

Sec. 40.1. GENERAL REQUIREMENTS. Buildings or structures moved into or within the County shall comply with the provisions of this Code for new buildings or structures except when otherwise permitted by this Code or by State law.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Sec. 40.2. PERMIT(S) REQUIRED. It shall be unlawful for any person, firm, or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office, or similar structure which is relocated as construction requires, into or within the County without first obtaining a permit to do so from the Building Official.

EXCEPTION: Buildings moved to the business premises of a house mover for the purpose of temporary storage.

Sec. 40.2.1 NOTIFICATION OF RELOCATED BUILDING. Prior to issuance of relocation permit for any structure and as a part of the application therefor, a Notice of Relocated Building, on a form furnished by the Building Official, shall be posted at the site of the building proposed to be relocated and at the proposed new site location. This public notice shall be maintained for a minimum of 15 days from the date of the application for relocation permit. During this period, interested parties may submit written comments to the Building Official regarding said proposed relocation. (refer to Sec. 40.5 DENIAL OF PERMIT.)

Sec. 40.3. APPLICATION AND INVESTIGATION FEE. To obtain a permit to relocate a building or structure the applicant shall first file an application therefor as required by Section 106.3 in this ordinance. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by the required investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be non-refundable. If the building to be moved is located outside the County, the applicant shall pay an additional fee as set forth in the Ventura County Building and Safety Fee Schedule to cover increased costs of inspection and mileage.

40.3.1 The Building Official shall make the following findings prior to issuing the permit:

1. That there is evidence of full compliance with the zoning provisions of Ventura County Ordinance Code, Division 8 - PLANNING AND DEVELOPMENT.
2. That the building shall comply, or shall be altered to comply, with current building, electrical, heating and air conditioning, and plumbing code requirements.
3. That all necessary and required documentation has been submitted for review, including, but not limited to, plans and specifications for all required or proposed improvements at the new location, a soils investigation report, a current termite inspection report, a water "will serve" letter from a recognized water provider or an approved water well certificate, a sewer "will serve" letter from a recognized sanitation district or an approved septic system certificate, and a surety bond in the amount determined by the Building Official as set forth in Sec. 11-16 of this Code.

Sec. 40.4. INVESTIGATION AND REPORT. The Building Official shall cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report shall list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions, or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety, or welfare.

The investigation report shall remain valid for a period of 180 days after the building or structure has been inspected, after which time a new investigation and report may be required by the Building Official.

Sec. 40.5. DENIAL OF PERMIT. The Building Official may deny the issuance of a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous.
2. Is infested with pests or is insanitary.
3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair.
4. Is so dilapidated, defective, or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated.
5. Because of age, size design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

Sec. 40.6. SECURITY REQUIRED. The Building Official shall not issue a permit to relocate a building or structure unless the applicant therefor shall first post with the Building Official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the State as surety; a cash bond naming the County of Ventura as payee; or an assignment of certificates or shares issued by a lending institution doing business in this state and insured by the FDIC. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this Section shall:

1. Be in form joint and several.
2. Name the County of Ventura as obligee.
3. Guarantee that the required work will be completed or, when ordered by the Building Official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition.
4. Be in an amount equal to the estimated cost, plus 10 percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official.
5. State therein the legal description or address of the property to which the building or structure is to be relocated.

Sec. 40.7. CONDITIONS OF SECURITY. Every performance bond, cash bond, or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within 180 days from the date of issuance of the permit.

2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety.
3. The term of each bond posted pursuant to this Article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.
4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.
5. Upon default by the principal, the surety shall cause all required work to be performed as set forth in the conditions of the investigation report and relocation permit.
6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean, and restore the site.

Sec. 40.8. PERMIT ISSUANCE AND FEES. Before a permit is issued for the relocation of a building and its reconstruction, repair, and completion at a new site, all required plan review and permit fees shall be paid. The required permits, together with the investigation report, shall comprise the "relocation permit" for the purposes of this Article.
The value to be used in computing the relocation building permit and plan review fees shall be as set forth in Sec. 107.2 in this Code, based upon the estimated cost of all construction necessary to complete the structure.

Sec. 40.9. EXPIRATION OF PERMIT. Permits for the relocation, reconstruction, and repair of a building or structure shall be null and void in accordance with the provisions of Section 106.4.4 in this Code if the building or structure is not relocated to the proposed site and/or the required work commenced within 6 months of the date of issuance of such permits.

Sec. 40.10. PROCEDURE UPON DEFAULT.

40.10.1 PERFORMANCE BOND. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond.
The notice of default shall state the conditions of the bond which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work.
Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified.
The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned, and restored to the satisfaction of the Building Official.

EXCEPTION: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided:

1. A written agreement is executed between Surety and the Division of Building and Safety under which the Division assumes responsibility for causing completion of required work or demolition of the structure; and
2. A cash bond is posted by the Surety in the amount of the performance bond, payable to the County of Ventura, to enable the Building official to cause the required work of repair or demolition to be performed in accordance with Section 40.10.2 in this ordinance.

40.10.2 CASH BOND. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

40.10.3 ASSIGNMENT OF SHARES. When an assignment of share has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or shares or any portion thereof by the lending institution and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contract or otherwise.

Sec. 40.11 RELEASE OF SECURITY.

40.11.1 PERFORMANCE BOND. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.

40.11.2 CASH BOND. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successors or assigns, except any portion thereof that may have been used, cashed, or deducted as provided elsewhere in this Article.

40.11.3 ASSIGNMENT OF SHARES. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the Building Official shall notify the lending institution and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this Article.

CHAPTER 41 - SWIMMING POOLS, ORNAMENTAL POOLS, AND APPURTENANT FENCING

SECTION 41.1 - GENERAL

41.1.1 SCOPE. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

4.1.2 STANDARDS OF QUALITY. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard list below is a recognized standard. (See Section 3504.)

- ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

SECTION 41.1.3 - DEFINITIONS.

For the purpose of this Article certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "swimming pool."

Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346.

Barrier (enclosure) is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

Grade is the underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "spa, nonself-contained" and "spa, self-contained."

In-Ground Pool. See definition of "swimming pool."

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the rounds of a private single-family home.

Separation Fence is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually have a filter, heater and a motor-driven blower. It may be installed indoors or outdoors , on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Spa, Self-Contained, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Swimming Pool, is any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. The term "swimming pool," does not apply to plumbing fixtures such as bathtubs or hydro-therapy tubs; nor does it apply to man-made lakes, reservoirs or farm ponds used primarily for public park purposes, ornamentation, water conservation, irrigation, ground-water recharging basins, or watering of livestock. It shall apply to any water-filled excavation, lined or unlined, within three (3) feet of any structure or property line. (Public pools shall comply also with CCR Title 24).

Swimming Pool, Indoor, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor, is a swimming pool that is not an indoor pool.

Sec. 41.2. POOL DESIGN AND CONSTRUCTION

41.2.1 GENERAL. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, and mechanical codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.

41.2.2 EXPANSIVE SOIL DESIGN. Pools constructed below grade shall be designed on the assumption that their construction is to be in an area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 p.c.f.).

> EXCEPTION: Where tests indicate that soils at a pool site are non-expansive or have low expansion characteristics from the ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less that 30 p.c.f.

In highly expansive soils having an expansion index of 91-130, pools shall be designed for not less than 60 p.c.f. equivalent fluid pressure.

In very highly expansive soils having an expansion index over 130, pool design shall be subject to special requirements based on a site investigation, soil testing, and engineering analysis by a registered civil engineer to determine appropriate design parameters for the site.

41.2.3 HYDROSTATIC UPLIFT. In areas of anticipated high water table or moderate to highly expansive soil an approved hydrostatic relief system or device shall be installed.

41.2.4 THERMAL PROTECTION FOR PLASTIC PIPING. Between the inlet of pool water heating equipment and any plastic water piping connected thereto, a check valve shall be installed to prevent thermal damage to such piping due to backflow.

> EXCEPTION: When rapid or high-rate filters are employed a check valve may be omitted.

Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than five feet of approved metal pipe shall be installed for the purpose of dissipating heat.

41.2.5 SAFEGUARDING SUCTION DRAINS. Bottom drains and suction intakes in pools and spas shall be covered with grates or other protective devices which cannot be removed except with tools. The slots or openings in these covers shall be of such area, shape, and arrangement as to prevent bathers from being drawn thereto with such force as to constitute a safety hazard.

41.2.6 GRAB BARS. Wherever egress from a pool is restricted by the presence of a vertical wall or other barrier which extends more than 12" above the water surface at the pool edge, permanent continuous grab bars, handrails, or other approved equivalent devices shall be installed within 12 inches above the water surface. Such devices shall be capable of being securely grasped, and shall be adequate to support the weight of a user of the pool.

Sec. 41.3. DECKS

41.3.1 GENERAL. A deck shall be provided around below-grade swimming pools except when special engineering design is furnished which indicates that such deck is not necessary for the purpose of maintaining the structural integrity of the pool and/or for controlling surface water and moisture content in the soil adjacent to the pool. Decks shall not be required for spas and hot tubs.

41.3.2 DECK DESIGN AND CONSTRUCTION. Required decks shall be constructed of concrete or other approved impervious material and shall be sloped to provide positive drainage away from the perimeter of the pool. Except as provided below, decks shall have a minimum width of four feet and shall be at least 3-1/2 inches in thickness. Reinforcement shall be #3 bars spaced not over 24 inches o.c. each way, or equivalent reinforcing.

Approved joints shall be provided in the deck at corners, at maximum 10-foot intervals, and wherever necessary in order to control cracking, to allow for differential movement, and to minimize damage to the deck from such movement should it occur.

Joints in decks and coping shall be made watertight with an approved permanent resilient sealant.

41.3.3 CUTOFF WALLS. At the outer perimeter of pool decks a cutoff wall of approved material shall be installed below-grade to a depth of at least 15 inches so as to form a permanent and effective vertical moisture barrier.

EXCEPTIONS: 1. A cutoff wall may be omitted when a deck at least six feet wide is installed.

2. Decks less than four feet in width may be installed provided that the required cutoff wall is increased in depth beyond the minimum by an amount equal to the reduction in deck width.

41.3.4 PRE-SATURATION, HIGHLY EXPANSIVE SOILS. When the soil below a deck has an expansion index of 91 or greater it shall be saturated with water to a depth of at least 18 inches prior to installation of the deck.

41.3.5 DECK BONDING. When decks are to be installed, whether structurally required or not, the reinforcing installed therein shall be electrically bonded together with the pool shell reinforcing and metal parts of electrical equipment associated with the pool water recirculating system and with miscellaneous metal accessories, such as pool slides, diving boards and spring boards, in accordance with NEC Sec. 680-22.

Sec. 41.4. DRAINAGE AND DISPOSAL

41.4.1 SURFACE WATER. Surface water from pool decks shall be collected and conducted through non-erosive devices to a street, storm drain, or other approved watercourse or disposal area.

41.4.2 WASTE WATER. Pool waste water shall be disposed of in accordance with the requirements of the Environmental Health Officer.

41.4.3 DRYWELLS. Drywells shall not be employed for pool wastewater disposal except when specifically approved for the purpose and when it has been determined that such installation is not likely to have adverse effects on the structural stability of the pool or other structures on the site. The Building Official may require a percolation test, soils report, and/or geological report to make such a determination.

Sec. 41.5. SPECIAL INSPECTION. Special inspection as required by Section 1701.5.12 in the UBC shall be provided for pneumatically placed concrete (gunite) in swimming pools.

Sec. 41.6. BARRIER REQUIREMENTS.

41.6.1 OUTDOOR SWIMMING POOL. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch diameter sphere.

   Exceptions:

   1. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.

   2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3. Chain link fences used as the barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate barrier shall have no opening greater that ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 41.6.1 shall be provided.

   Exception: When approved by the building official, one of the following may be used:

   1. Self-closing and self-latching devices installed on all doors with direct access to the pool and the release mechanism located a minimum of 54 inches above the floor.

   2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

   3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 though 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. Outdoor Swimming Pools with an approved safety pool cover shall not be required to provide other barriers.

8. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 7, above, may be approved by the building official of the jurisdiction issuing the applicable building permit.

41.6.2 INDOOR SWIMMING POOL. For an indoor swimming pool, protection shall comply with the requirements of Section 41.6.1, Item 5.

41.6.3 SPAS AND HOT TUBS. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 41.6.1.

Exception: Spas or hot tubs equipped with a listed safety cover shall be exempt from the requirements of Section 41.6.1.

CHAPTER 42 - MOBILEHOMES AND COMMERCIAL COACHES

Sec. 42.1. DEFINITIONS. For the purposes of this Article the terms "mobilehome," "commercial coach," "mobilehome accessory structure," and "foundation system" shall have the meanings set forth in Title 25, California Code of Regulations, and shall also apply to "manufactured housing" and "factory-built housing".

Sec. 42.2. SCOPE. The provisions of this Article shall apply to mobilehomes and commercial coaches installed outside mobilehome parks in all locations where the County of Ventura is the primary enforcement authority for applicable provisions of the State Mobilehome Parks Act, Subchapter 1 of Chapter 2, California Code of Regulations, Title 25.

Sec. 42.3. INSTALLATION PERMIT REQUIRED. No person, firm, or corporation shall install, occupy, or use a mobilehome, mobilehome accessory structure, or commercial coach or cause the same to be done without first obtaining an installation permit therefor. Said installation permit shall be issued subject to compliance with applicable laws and ordinances, including but not limited to:

1. Terms and conditions of a zoning clearance, including time limits established thereby.
2. Requirements for an approved foundation system.
3. Requirements for approved electrical, plumbing, and sewage disposal facilities.
4. Payment of installation permit fees in addition to fees for permits, services or clearances which may otherwise be required.

Sec. 42.4. SPECIAL REQUIREMENTS, COMMERCIAL COACHES

42.4.1 ALLOWABLE AREA. The area of commercial coach units connected in multiple shall not exceed the allowable floor area for the occupancy housed therein and the Type of Construction, in accordance with Section 504 in the UBC.

42.4.2 LOCATION ON PROPERTY. Commercial coaches shall be positioned on a site with sufficient setback from property lines so as to comply with the requirements of Section 503 in the UBC for fire-resistive protection of exterior walls and openings without the necessity for altering the structure or finish materials of the exterior walls of the coach.

42.4.3 STAIRS AND EXITS. Stairs, ramps, handrails, guardrails, landings, and exits shall be provided for commercial coaches as specified in Chapter 10 in the UBC. Such coaches shall also conform to applicable standards of the State of California for making buildings accessible by physically handicapped persons.

42.4.4 SANITARY FACILITIES. Commercial coaches shall be provided with sanitary facilities in accordance with the requirements of this Code which are applicable to the particular occupancy housed therein. Sanitary facilities shall also conform to the applicable standards of the State of California for accessibility to physically handicapped persons.

Sec. 42.5. REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The requirements of Section UBC 607.2 in this ordinance shall be applicable to mobilehomes, mobilehome accessory structures, manufactured or factory-built housing, and commercial coaches installed within High Fire Hazard areas.

Sec. 42.6. SUBSTANDARD OR DANGEROUS MOBILEHOMES AND COMMERCIAL COACHES. All mobilehomes, commercial coaches, or portions thereof, whether permanently or temporarily installed, which are determined to be substandard or dangerous as defined in the Uniform Housing Code or the Dangerous Buildings Code as amended by this ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in such codes.

Sec. 42.7 RECREATIONAL VEHICLES

42.7.1 DEFINITION

See Section 18010 of the California Code of Regulations, Health and Safety Code which reads as follows:

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

(Amended by Stats. 1990, Ch. 765, Sec. 3.)

42.7.2 ALLOWABLE USE

Recreational vehicles may only be used as "temporary dwellings during construction", as long as a building permit for new residential construction or major remodeling is in full force and effect and subject to Zoning Clearance conditions.

Recreational vehicles cannot be used as permanent dwellings or permanent accessory structures on private property, except as specifically allowed under California State law.

CHAPTER 43 - POST-DISASTER RECOVERY AND RECONSTRUCTION

SECTION 43.1 POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

43.1.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Division of Building and Safety as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

43.1.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the County of Ventura following each natural or man-made disaster.

43.1.3 DEFINITIONS.

43.1.3.1 Building Official is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.1.3.2 Safety assessment is a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a natural or man-made disaster.

43.1.4 PLACARDS. The following official placards shall be used to designate the condition of buildings or structures following a disaster.

43.1.4.1 INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

43.1.4.2 RESTRICTED OR LIMITED ENTRY may be posed on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

43.1.4.3 UNSAFE - Do Not Enter or Occupy may be posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

43.1.4.5 SECURING OF UNSAFE BUILDINGS OR STRUCTURES - Buildings or structures that have been determined by the building official to pose a threat to life safety or to be unsafe due to damage may be required by the building official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures shall not be removed without authorization from the building official.

43.1.4.6 REMOVAL OF PLACARDS - Once the placard has been attached to a building or structure, it shall not be removed, altered or covered until authorized by the building official.

43.1.5 VIOLATION. Any violation of Article 3, Chapter 43 of this code is a misdemeanor and shall be subject to punishment according to the provisions of Article 2, Chapter 1, Section 103.

Section 43.2 POST DISASTER ABATEMENT

43.2.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors.

43.2.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura.

43.2.3 DEFINITIONS. For the purpose of the chapter, the following definitions apply:

43.2.3.1 EVENT shall mean any occurrence which results in the declaration of a disaster by the Board of Supervisors, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

43.2.3.2 HISTORIC BUILDING OR STRUCTURE shall be any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

43.2.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

43.2.4 ABATEMENT CRITERIA

43.2.4.1 NOTICE OF DETERMINATION. Except as provided in subsection 43.2.4.2 below, the Building Official shall serve a written Notice of Determination to each property owner as found on the latest available copy of the County Assessor's Role. Said Notice of Determination shall be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and shall also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice shall specify that within forty-eight (48) hours from the time of issuance of the Notice of Determination, the owner or other part of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by the Building Official.

43.2.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice shall be required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the County to give the owner notice prior to abatement, the Building Official may cause the nuisance to be abated by the County with County resources or County contractees.

43.2.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the Building Official within

48 hours of delivery of such notice of determination by the Building Official. Such appeal shall be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should and/or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official shall rescind in writing his former Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan, or should the Building Official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the General Board of Appeals.

43.2.4.4 GENERAL BOARD OF APPEALS HEARING. At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses, submit evidence and to cross-examine the witnesses of the County. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the General Board of Appeals shall act to either uphold, overrule or modify the determination and order of the Building Official . The determination and order of the Building Official shall be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within twenty-four (24) hours of the time the oral decision is rendered.

If the General Board of Appeals upholds the decision of the Building Official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order shall be vacated. The decision of the General Board of Appeals shall be final on the date it is rendered.

43.2.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record shall execute such plan within twenty-four (24) hours of obtaining approval of the plan from the Building Official, or his designee. Within twenty-four (24) hours of completion of the abatement work the owner or other interested party of record shall provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Hazard, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall be reviewed and approved by the Building Official before permanent repairs are performed.

43.2.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Hazard or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public

nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the Building Official.

43.2.4.7 PUBLIC NUISANCE. All structures or portions thereof which, after inspection by an unauthorized County Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be abated by the owner in accordance with the procedures specified in sections 43.2.4.4 and 43.2.4.5.

43.2.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any provisions herein to the contrary, the Building Official is authorized to suspend abatement work by the County, or the County's contractees, and to allow the property owner or other part of legal interest to complete the abatement work.

43.2.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this Chapter.

43.2.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

43.2.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

43.2.5.1 NOTIFICATION OF IMMINENT HAZARD. Within 10 days after the event, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

43.2.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right of way.

43.2.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code.

43.2.5.2 CONDEMNATION PROCEEDINGS. If, ten (10) days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code. The Building Official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

43.2.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building Official shall submit a request to demolish to the Federal Emergency Management Agency, in

accordance with the National Historic Preservation Act of 1986, as amended. Said request shall include all substantiating data.

Section 43.3 DISASTER REPAIR AND RECONSTRUCTION

43.3.1 INTENT. This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The Chapter does not allow exemptions from the Building, Fire Electrical, Mechanical, Plumbing, other codes, or County Ordinances.

43.3.2 APPLICATION OF PROVISIONS.

43.3.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura following each disaster after a local emergency has been declared by the Board of Supervisors.

43.3.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an engineering evaluation as defined in Section 43.3.3.

43.3.3 DEFINITIONS. For the purpose of this chapter, the following definitions apply:

43.3.3.1 ARCHITECT is a person licensed by the State of California to practice architecture as prescribed by the State of California Business and Professions Code.

43.3.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering as prescribed by the State of California Business and Professions Code.

43.3.3.3 CURRENT CODE shall mean the edition of the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County of Ventura in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the Board of Supervisors, County of Ventura.

43.3.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs. All engineering evaluations shall include the engineer's or architects's stamp, wet-signature and license expiration date.

43.3.3.5 ESSENTIAL SERVICE FACILITY shall mean those buildings or structures designated by the County of Ventura to house facilities necessary for emergency operations subsequent to a disaster.

43.3.3.6 REPLACEMENT VALUE is the dollar value, as determined by a Building Official, for replacing a damaged structure with a new structure of the same size, same type of construction and same occupancy, and located on the same site.

43.3.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

43.3.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

43.3.3.9 BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.3.4 REPAIR CRITERIA

43.3.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

43.3.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system shall be repaired with all bracing required by current code.

43.3.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements shall be repaired and/or brought into conformance with the structural requirements of the current codes.

43.3.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the fire and life safety and structural requirements of the current applicable codes.

43.3.4.5 CHIMNEY VALUE EXCLUSION. In group R, Division 3 occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 43.3.5.

43.3.5 REPAIR CRITERIA FOR CHIMNEYS.

43.3.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 31 of the Uniform Building Code. Damaged portions of chimneys shall be removed in accordance with the following criteria.

43.3.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney shall be braced to the roof structure using an approved method.

43.3.5.3 SINGLE STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the firebox.

43.3.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where anchorage is found.

43.3.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound

condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

43.3.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 31 of the Uniform Building Code, alternate systems may be used in accordance with the alternate methods and materials provisions of the Uniform Building Code when approved by the Building Official.

43.3.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure using an approved method.

43.3.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

43.3.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

43.3.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair shall be as included in Section 43.3.4 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code shall apply.

43.3.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

43.3.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the California Conservation Code as adopted by the County of Ventura.

APPENDIX CHAPTER 3, DIVISION II
AGRICULTURAL BUILDINGS

Section 327 - CONSTRUCTION, HEIGHT AND ALLOWABLE AREA

327.2 SPECIAL PROVISIONS FOR AGRICULTURAL BUILDINGS. The area of a Group U, Division 3 Occupancy in a one-story building shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width, regardless of the type of construction.

EXCEPTION: The area of a one-story Group U, Division 3 Occupancy which is used elusively for growing flowers, plants, fruits, vegetables, shrubs, trees, or similar horticultural products (horticultural structure) shall not be limited if the setback from all property lines to the building is not less than twenty (20) feet and if such setback area is maintained open and accessible for fire fighting purposes. In no case shall the distance from property lines be less than that required by zoning regulations. The maximum travel distance to an exit may be increased by 100 feet if the building or structure is provided with an approved fire sprinkler system.

The area of a two-story Group U, Division 3 Occupancy shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width and is provided with an approved automatic fire-extinguishing system throughout, conforming to UBC standard No. 9-1.

Buildings using plastics shall comply with Type V-N construction. Plastics shall be approved plastics as defined in Chapter 2 and regulated by Chapter 26. For foam plastic, see Section 2602.

EXCEPTIONS: 1. When used as skylights or roofs, the areas of plastic skylights shall not be limited.

2. Except where designs must consider snow loads, plastics less than 20 mil (0.51 mm) thick may be used without regard to structural considerations. The structural frame of the building, however, shall comply.

Refer to Section 106.1.1 in this ordinance for permit exceptions which apply to specified agricultural buildings.

APPENDIX CHAPTER 18 - WATERPROOFING AND DAMPPROOFING FOUNDATIONS

Section 1825 - OTHER DAMPPROOFING REQUIREMENTS

1825.1. SUBSOIL DRAINAGE. When required by the building official due to the requirements of Sec. UBC Appendix 1820 and 1821, a base material shall be installed under the floor slab and under-slab drain system shall be installed around the foundation perimeter in accordance with this section.

> EXCEPTION: When the finished ground level is below the floor slab level for more than 25 percent of the perimeter of the building, the base material required by Section 1825.2 need not be provided, and the foundation drain required by Sections 1825.1 - 1825.3 need be provided only around that portion of the building where the ground level is above the floor slab level.

1825.2 BASE MATERIAL. When subsoil drainage is required under Appendix Section 1824, the requirements of Table UBC Table 18-D-1 for a sand bed under slab-on-grade construction shall be superseded by the requirements of this subsection.

Concrete slab-on-grade floors shall be placed over base material not less than 4 inches (102 mm) in thickness consisting of gravel or crushed stone containing not more than 10 percent material that passes a No. 4 sieve, and no material that is retained on a 1½ inch sieve.

Over this base material, dampproofing material shall be installed in compliance with Section 1822. The dampproofing material shall be overlain with a protective layer of 2 inches of sand. Special care shall be taken to prevent damage to the damp proofing membrane. All punctures or tears in the membrane shall be immediately patched and sealed.

APPENDIX CHAPTER 30
ELEVATORS, DUMBWAITERS, ESCALATORS
AND MOVING WALKS

Section 3008 PURPOSE

3008.1 MINIMUM REQUIREMENTS. The purpose of this appendix is to safeguard life, limb, property and public welfare by establishing minimum requirements regulating the design, construction, alteration, operation and maintenance of elevators, dumbwaiters, escalators and moving walks, and by establishing procedures by which these requirements may be enforced.

3008.2 STATE STANDARDS This appendix is intended to supplement the State of California Elevator Codes and Standards, and is applicable only to those areas not superseded by mandate of the State Codes and Standards.

APPENDIX CHAPTER 33 EXCAVATION AND GRADING

SECTION 3305 SCOPE This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

For the purposes of this Chapter, the term **"Building Official"** shall mean the Director of Public Works, as defined in Article 3, Sec. 203-B of this ordinance.

The standards listed below are recognized standards and as such are not adopted as part of this code (see Sections 3502 and 3503).

1. Testing

1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures

1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method

1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method

1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method

1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

3305.1 MINISTERIAL AND DISCRETIONARY PERMITS. The issuance or denial of a grading permit pursuant to this Code is a ministerial act for the purposes of Section 21080, subdivision (b) (1), of the Public Resources Code except in the following four cases:

1. Where the average natural slope within the area to be graded exceeds 10% and the amount of excavation or fill exceeds 10,000 cubic yards (7645.5 m^3);
2. Where the average natural slope within the area to be graded exceeds 35% and the mount of excavation of fill exceeds 1,000 cubic yards (764.6 m^3);
3. Where the proposed graded slopes exceed 25 feet (7620 mm) in vertical height; or
4. Where the proposed grading is to occur within a waterway or wetland' within an area officially designated by the County as a Sensitive Ecological, Archaeological, Scenic, or Biologically Sensitive Area; or within a recognized severe geologically hazardous area.

In each of the four cases listed above, the issuance or denial of a grading permit is discretionary for the purposes of Section 21080, subdivision (a), of the Public Resources Code except in the following three cases in which such issuance or denial is a ministerial act:

1. Where the grading permit is required by a condition imposed upon a discretionary entitlement previously approved by the County of Ventura and the effects of the grading for which the grading permit is required were addressed in an environmental document prepared and certified with respect to that previously approved entitlement; or

2. Where the grading is related to oilfield operations, involving the exploration for or the development or production of oil, and all of the following conditions are satisfied;

(a) The grading will be restricted to an area on which such oilfield operations may lawfully take place pursuant to an outstanding use permit for such operations issued by the county;

(b) The proposed graded slopes will be less than 40 feet (12192 mm) in vertical height;

(c) Before the grading commences, grading bonds are submitted to the Building Official guaranteeing all erosion control facilities, slope planting and slope maintenance necessary to meet then existing county standards; and

(d) Within 60 days of completion of the grading, all slopes created or modified thereby are hydromulched with a native plant and an irrigation system sufficient to ensure establishment of such native plants is installed.

3. Where the grading is related to oilfield operations involving the exploration for or the development of production of oil, and is limited to one or more of the following:

(a) Routine maintenance or repair of existing drill sites or existing roads which does not materially alter the location, size or configuration of the original sites or roads;

(b) Routing dredging of waste materials for which a permit has been issued by the Environmental Health Division of Ventura County Resource Management Agency.

The only discretionary powers to be exercised in conjunction with the issuance or denial of discretionary grading permits shall be exercised by the Building Official, or by the Board of Supervisors on appeal. Those discretionary powers shall be limited to all of those discretionary powers, (i) to issue the permit subject to conditions or changes in the project needed to mitigate significant environmental effects which would otherwise result from the grading, (ii) to deny the permit in order to avoid such effects, or (iii) to issue the permit despite such effects, as are conferred upon the lead agency by the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code) and are generally described in Section 15040 through 15043 of the State CEQA Guidelines (Section 15000 et seq. of Title 14 of the California Administrative Code).

With respect to a discretionary grading permit, the Building Official shall issue or deny the permit only after holding a public hearing, considering the applicable environmental document, if any, and certifying that such document has been prepared in compliance with the California Environmental Quality Act. The Building Official shall give at least 15 days written notice of such hearing to the applicant for the permit and to any owner of real property in the vicinity of the proposed grading whose property interest might be substantially affected by issuance or denial of the permit. The notice shall specify the time, date and place of the hearing, shall give a general description of the grading to which the permit application pertains, shall give a general description of the property on which the grading would occur, and shall state that any interested person will be given an opportunity to present relevant evidence at the hearing. The hearing shall be limited to, and any decision of the Building Official shall be based upon, the environmental issues with respect to which the Building Official has been granted discretion by this section.

Any interested person may appeal the issuance or denial of a discretionary grading permit by filing with the Building Official the appeal fee prescribed by the Board of Supervisors together with a notice of appeal on a form satisfactory to the Building Official within 10 days after the issuance or denial. The hearing on appeal shall be noticed and conducted by the Board of Supervisors in the same manner as the original hearing before the Building Official, except that the notice shall also be given to the appellant. The decision of the Board of Supervisors on appeal shall be issued in writing after the hearing on appeal and shall be final and conclusive when issued. A copy of the decision shall be served upon the applicant for the permit and upon the appellant. If the decision is to order the issuance of a grading permit previously denied or to modify a grading permit previously issued by the Building Official, the written order shall constitute the permit and shall include appropriate conditions.

A ministerial grading permit shall be operative immediately upon issuance. A discretionary grading permit shall become operative on the 15th calendar day after its issuance or, in the case of an appeal, on the date the Board of Supervisors issues its decision upholding or ordering issuance.

SECTION 3306 - PERMITS REQUIRED

3306.1. PERMITS REQUIRED. Except as specified in Section 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the building official.

3306.2 EXEMPTED WORK. A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.

2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells or tunnels or utilities.

6. Mining, quarrying, excavating, processing, stockpiling of rock. sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. Exploratory excavations under the direction of soil engineers or engineering geologists. This shall not exempt grading of access roads or pads for exploration equipment.

8. An excavation which (1) is less than 2 feet (610 mm) in depth, or (2) which does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).

9. A fill less than 1 foot (305 mm)in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth not intended to support structures, which does not exceed 50 cubic yards ($38.3m^3$) on any one lot and does not obstruct a drainage course.

10. Grading under an approved hillside erosion control plan in compliance with the hillside erosion control ordinance.

11. When approved by the building official, sand and gravel backfill behind retaining walls.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

Sec. 3307 HAZARDS.

3307.1 HAZARDS DECLARED A PUBLIC NUISANCE. Any existing excavation, embankment or fill on private property which has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, or fails to comply with the provisions of this Code is hereby declared to be a public nuisance.

3307.2 NOTICE AND ORDER TO ABATE. Whenever the Building Official has determined that such a nuisance exists, he/she shall issue a notice and order to the record owner of the property upon which the nuisance is located. The notice and order shall contain:

(1) The street address, if any, and a legal description sufficient for identification of the property upon which the nuisance is located.;

(2) A statement that the Building Official has found the excavation, embankment or fill to be on a public nuisance and a concise description of the conditions which render it a public nuisance;

(3) An order requiring that all applicable permits be secured and that the nuisance be abated within a specified time determined by the Building Official to be reasonable in circumstances;

(4) A statement that, if the nuisance is not abated within the time specified, the County man cause the work to be done and charge the cost thereof against the property or its owner;

(5) A statement that any person having a legal interest in the property may appeal from the notice and order to the Board of Grading Appeals if the appeal is made in writing as provided in this Section and is filed with the Clerk of the Board of Supervisors within 30 days of service of the notice and order; and

(6) A statement that failure, neglect or refusal to abate the nuisance within the time set forth in the notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals is a misdemeanor.

3307.3 SERVICE OF NOTICE AND ORDER. The notice and order shall be served and posted by the Building Official in the manner and subject to conditions set forth in subdivisions 3307.3, 3307.4 and (e) 3307.5 of Section 401 of the Uniform Code for the Abatement of Dangerous Buildings ("DBC"), as adopted by Article VI of the Ventura County Building Code, with respect to notices and orders relating to dangerous buildings.

3307.4 RECORDATION OF CERTIFICATE RESPECTING NUISANCE. If compliance is not had with the notice and order within the time specified therein or, if an appeal has been filed pursuant to this Section, within the time specified by the Board of Grading Appeals, the Building Official shall file in the Office of the County Recorder for recordation a certificate describing the property and certifying (1) that the excavation, embankment or fill constitutes a public nuisance, and (2) that the owner has been so notified. Whenever the nuisance shall thereafter have been abated, the Building Official shall file in the office of the County Recorder for recordation a new certificate describing the property and certifying that the nuisance has been abated.

3307.5 APPEAL FROM NOTICE AND ORDER. Any person entitled to service under subdivision 3307.3 of this Section may, upon payment of the fee prescribed by the Board of Supervisors for such purposes, appeal from the notice and order to abate the filing with the Clerk of the Board of Supervisors a written appeal in the form prescribed by the Building Official. The appeal shall be filed within 30 days after the date of service of the notice and order. Upon receipt of an appeal, the Clerk shall present it at the next regular or special meeting of the Board of Supervisors which, at such meeting, shall fix a date, time and place for the hearing of the appeal by the Board of Grading Appeals. Notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Clerk either by causing a copy of such notice to be delivered personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his/her address shown on the appeal. Enforcement of a notice and order to abate shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. In connection with the hearing,

the Board of Grading Appeals, and any member thereof, may administer oaths and affirmations and issue subpoenas. The hearing shall be conducted by the Board of Grading Appeals in the manner set forth in DBC Section 604. If, after the hearing, the Board of Grading Appeals determines that the excavation, embankment or fill does not constitute a public nuisance, it shall allow the appeal and cancel the notice and order to abate. If, after the hearing, the Board of Grading Appeals determines otherwise, it shall deny the appeal and set a date by which the nuisance must be abated, which date shall be no earlier that the last day of the period set forth in original notice and order to abate. The decision of the Board of Grading Appeals is final when made.

3307.6 COMPLIANCE WITH NOTICE AND ORDER REQUIRED. It shall be unlawful for any person, firm or corporation to who or to which a notice and order to abate is directed pursuant to this Section to fail, neglect or refuse to obey such order within the time specified in such notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals.

3307.7 ABATEMENT BY COUNTY UPON FAILURE TO COMPLY WITH NOTICE AND ORDER TO ABATE. If the nuisance is not abated within the time set forth in the notice and order to abate or, in the case of an appeal. by the date set by the Board of Grading Appeals, the Board of Supervisors may, without further notice or hearing. direct that the nuisance be abated by the County. Such abatement by the County shall not excuse any prior failure, neglect or refusal to comply with the notice and order to abate and shall be in addition to whatever other remedies may be provided by this Code or other provisions of law.

3307.8 SUMMARY ABATEMENT BY COUNTY IN EMERGENCY. If the nuisance threatens substantial injury to persons or property which is, in the opinion of the Building Official, so imminent as to require immediate corrective measures, the County may summarily abate such nuisance without complying with the provisions of subdivisions 3307.2 through 3307.7 of this Section; provided, however, that the Building Official shall give such notice to the owner of the property as may be practicable in the circumstances.

3307.9 MANNER OF ABATEMENT BY COUNTY; RIGHT OF ENTRY. Abatement by the County may be done directly by County personnel or through contractors in the same manner and subject to the same restrictions as public works. The County and its contractors may enter upon private property to effect such abatement.

3307.10 DETERMINING COST OF ABATEMENT BY COUNTY. The Building Official shall keep an itemized account of the costs of abatement by the County pursuant to subdivision 3307.7 or 3307.8 of this Section and, upon completion of the abatement work, shall prepare an itemized written report showing such cost. The Building Official shall thereupon forward a copy of the report to the Clerk of the Board of Supervisors who shall set a date (at least 10 days after receipt of the report), time and place for a hearing before the Board of Supervisors respecting such report and any objections thereto. Notice of such hearing shall be served and posted at least 10 days prior to the hearing in the manner and subject to the conditions set forth in subdivision 3307.3 of this Section with respect to the notice and order to abate. Such notice of hearing shall contain:

(1) The street address, if any, an a legal description sufficient for identification of the property affected by the report;

(2) A statement that the report has been prepared and is available for inspection in the office of the Building Official;

(3) A statement that the Board of Supervisors will hold a hearing to consider the report and any timely objections thereto;

(4) The date, time and place of such hearing;

(5) A statement that any interested person wishing to object to such report must file, prior to the hearing, a written statement of the grounds for the objection.

Any interested person may file written objections prior to the hearing. Each such objection shall contain a statement of the grounds therefor. A contention that the condition abated did not constitute a public nuisance shall be a ground for objecting to the report only if the report relates to a summary abatement pursuant to subdivision 3307.8 of this Section. At the hearing, the Board of Supervisors shall receive and consider the report, any timely written objections thereto, and such other information as it may deem proper. At the conclusion of the hearing, the Board of Supervisors may make such corrections in the report as it may deem just and, when it is satisfied that the report (as submitted or corrected) is correct, it shall, by resolution, determine the total amount of such cost of abatement attributable to each parcel of land upon which the abatement attributable to each parcel of land upon which the abatement took place.

3307.11 REIMBURSEMENT OF COUNTY FOR COST OF ABATEMENT. At any time within 10 days after the Board of Supervisors has adopted a resolution pursuant to subdivision 3307.10 of this Section determining the cost of abatement by the County, the Building Official may receive payment of such amount and issue receipts therefor. If payment is not received within such period of time, the Building Official shall forward a copy of the resolution to the Auditor-Controller.

3307.11.1 SPECIAL ASSESSMENT FOR COST OF ABATEMENT BY COUNTY. For cost of abatement by the County, pursuant to subdivision 3307.7 or 3307.8 of this Section, for which payment is not made pursuant to subdivision 3307.11 of this Section, shall be a special assessment against the parcel on which the nuisance has been located. Such special assessment shall be levied for the fiscal year commencing on the July 1 next following receipt by the Auditor-Controller of the resolution of the Board of Supervisors determining the amount of such cost. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchases for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

SECTION 3308 - DEFINITIONS. Section 3308 in the Appendix is hereby amended to include in addition to all of the definitions contained therein, the definitions of "Engineering Geologist", and "Isolated and Self Contained Area" as follows:

ENGINEERING GEOLOGIST. Is a certified engineering geologist duly licensed by the state who applies the geological sciences to engineering practice for the purpose of assuring that the geological features affecting the location, design, construction, operation and maintenance of engineering works are recognized and adequately addressed.

ISOLATED, SELF-CONTAINED AREA is that portion of a parcel of land or of contiguous parcels of land under single ownership which meets any one of the following three criteria:

1. The portion is used for growing crops or raising livestock for sale, but not for building sites or for the construction of earthfills which will impound water to a depth of more than 5 feet (1524 mm).
2. The portion contains water impounding structures constructed under the direct control of the U.S. Department of Agriculture, Soil Conservation Service.
3. The portion contains oilfield operations, involving the exploration for or the development or production of oil, which are established under an existing land use entitlement and all of the following criteria are met:

(a) The portion is not visible from a publicly maintained street, road or highway within 1.0 horizontal mile (1.609 km) of such portion;

(b) The portion is not visible from a private residence located within 1.0 horizontal mile (1.609 km) of such portion unless the owner and the tenant or such residence have signed a written waiver of this criterion; and

(c) The portion is so located and configured that grading thereon cannot cause a significant increase in the volume of silt or debris deposited on downstream property owned by any person other than the owner of the portion.

SECTION 3309 - GRADING PERMIT REQUIREMENTS

3309.3 GRADING DESIGNATION. All grading in excess of 1,000 cubic yards (764.6m^3) shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 1,000 cubic yards (764.6 m^3) shall be designated "regular grading" unless the permittee, chooses to have the grading performed as engineered grading, or the Building Official determines that special conditions or unusual hazards exist in which case grading shall conform to the requirements for engineered grading.

3309.9 PERMIT ISSUANCE. The provisions of Section 106.4 as published in the UBC are applicable to grading permits, except that every grading permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the grading and other improvements authorized by such a permit are not completed within 1 year from the date of such permit. The Building Official may extend the time for completion of the grading and other improvements authorized by the grading permit in increments not exceeding 1 year if circumstances beyond the permittee's control have prevented the completion of the project, and necessary time extension fees have been paid.

The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

Sec. 3310 GRADING PERMIT FEES. Grading permits and grading plan review fees shall be as set forth in schedules enacted by the Board of Supervisors. Except as otherwise specified in such schedule, grading permit and grading plan review fees shall not be refundable.

SECTION 3314 - SETBACKS

3314.1 SETBACKS-GENERAL. Cut and fill slopes shall be set back from site boundaries in accordance with this Section. The setbacks and other restrictions specified by this Section are minimum standards and may be increased by the Building Official or by recommendation of a civil engineer, soils engineer, or engineering geologist where necessary to assure slope stability, prevent damage to adjacent properties from deposition or erosion, provide access for slope maintenance and drainage, or otherwise provide for safety of the public.

SECTION 3315 - DRAINAGE AND TERRACING

3315.1 DRAINAGE AND TERRACING-GENERAL. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this Section for cut or fill slopes steeper than 1 unit vertical in 4 units horizontal (25% slope).

ARTICLE 4 - AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE (CEC)

ARTICLE 90 - INTRODUCTION

Sec. 90.1 POWERS AND DUTIES OF THE BUILDING OFFICIAL

90.1.1 CONNECTION TO ELECTRICAL INSTALLATIONS. Except where work is done under an annual electrical maintenance permit, it shall be unlawful for any person, firm, or corporation to make connection from a source of electrical energy or to supply electrical service to any electrical wiring, device, appliance, or equipment which requires a permit for installation, or to cause or permit same to be done, or to continue or allow to continue any such connection unless such person, firm, or corporation shall have obtained evidence from the Building Official that such equipment is authorized to be energized.

90.1.2 AUTHORITY TO ABATE. Any electrical wiring or equipment regulated by this Code, which is unsafe or which constitutes a fire or health hazard or is otherwise dangerous to human life is, for the purpose of this Section, unsafe. Any use of equipment regulated by this Code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Any such unsafe electrical wiring or equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure set forth in the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedure as may be adopted by the County. As an alternative, the Building Official or an authorized representative may institute any other appropriate action to prevent, restrain, correct, or abate the violation.

90.1.3 AUTHORITY TO CONDEMN WIRING AND EQUIPMENT. Whenever the Building Official ascertains that any electrical wiring or equipment, or portion thereof, regulated by this Code has become hazardous to life, health or property, a written order shall be issued to cause such wiring or equipment to be either removed or restored to a safe condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective equipment after receiving such notice.

90.1.4 EXEMPTED WORK. An electrical permit will not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.
2. Repair or replacement of fixed motors, transformers or approved fixed appliances of same type and rating and in the same location.
3. Temporary decorative lighting energized by cord or cable having an attachment plug end to be connected to an approved receptacle.
4. Reinstallation of attachment plug receptacles but not the outlets therefor.
5. Replacement of an overcurrent device of the same capacity and in the same location.
6. Repair or replacement of electrodes or transformers of the same size and capacity for approved signs or gas tube systems.
7. Removal of abandoned electrical wiring.
8. Electrical wiring, devices, appliance or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
9. Low-energy power, control and signal circuits of Class II and III as defined in this code.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

90.1.5 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 1 - GENERAL

Sec. 110.5. CONDUCTORS. Conductors normally used to carry current shall be of copper unless otherwise provided in this Code. Where the conductor material is not specified, the sizes given in this Code shall apply to copper conductors. Where other materials are used, the size shall be changed accordingly.

For aluminum and copper-clad aluminum conductors, see Tables 310-16 through 310-84 and Notes thereto in the NEC. Aluminum wire used under the provisions of this Code shall be a minimum of #6 A.W.G. conductors.

Sec. 110.8. WIRING METHODS. Only wiring methods recognized as suitable are included in this Code. The recognized methods of wiring shall be permitted to be installed in any type of building or occupancy, except as otherwise provided in this Code.
Wiring installations and equipment in existence at the time of passage of this Code may have their existing use continued if such use was legal at the time of passage and provided such continued use is not unsafe.

CHAPTER 2 - WIRING AND PROTECTION

Sec. 250-50(e). "UFER" GROUND REQUIRED. Notwithstanding other provisions of Section 250-50 in the NEC, the electrical service grounding electrode for new construction where concrete footings in direct contact with earth are employed shall be a bare copper conductor installed as specified in Section 250-50(c) in the NEC.

CHAPTER 3 - WIRING METHODS AND MATERIALS

Sec. 336.4. USES PERMITTED. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in agricultural buildings, one-family and two-family dwellings and accessory structures, in multi-family dwellings, and other structures, except as prohibited in Section 336-5. Cables in such structures shall be protected from physical damage. Where installed in cable trays, cables shall be identified for the use.

(FPN): See Section 310-10 for temperature limitation of conductors.

(a) **Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

(b) **Type NMC.** Type NMC cable shall be permitted:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16-in. (1.59-mm) thick, and covered with plaster, adobe, or similar finish.

(c) **Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

CHAPTER 7 - SPECIAL CONDITIONS

ARTICLE 700. EMERGENCY SYSTEMS:

FPN No. 6: For additional requirements for emergency power systems, refer to NFPA-20 "REQUIREMENTS FOR FIRE PUMP WIRING."

ARTICLE 5 - AMENDMENTS TO THE
CALIFORNIA MECHANICAL CODE (CMC)

CHAPTER 1 - ADMINISTRATION

Section 102 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Section 115 - FEES

Sec. 115.1. GENERAL. Refer to Article 2, Chapter 1 Section 107 in this ordinance.

Sec. 115.6 FEE REFUNDS. Refer to Article 2, Chapter 1 Section 107.6 in this ordinance.

CHAPTER 8 - CHIMNEYS AND VENTS

SECTION 812 - TYPES OF CHIMNEYS

812.1 FACTORY-BUILT CHIMNEYS. Factory-built chimneys shall be installed in accordance with the terms of their listing, the manufacturer's installation instructions and the applicable requirements of this code. Factory-built chimneys shall terminate as required for unlisted single-wall metal chimneys in Table 8-4.

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators.

EXCEPTION: Factory built chimneys for residential-type appliances and fireplaces may terminate three (3) feet above the roof opening and two (2) feet above any point of the building within ten (10) feet.

ARTICLE 6 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE (CPC)

CHAPTER 1 - ADMINISTRATION

Section 101.15 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Sec. 102.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL.

102.2.7 AUTHORITY TO ABATE. Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined in this Code, is hereby declared to be a nuisance.
Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this Section, the Administrative Authority shall require the nuisance or violation to be abated. If such abatement is refused, the Administrative Authority shall have recourse to every remedy provided by law to secure abatement.

Sec. 102.3 VIOLATIONS AND PENALTIES

102.3.2 PENALTIES - See Article 2, Chapter 1, Section 103 in this ordinance.

Section 103.1 - PERMITS

103.1.2 EXEMPTED WORK. A plumbing permit will not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste or vent piping, provided that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace all or part thereof with new material, the same shall be considered as new work, and a permit shall be obtained and inspections made, as provided in this code.

103.1.2.2 The clearing of stoppages or the repair of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, or the installation of new water closets on existing drainage connections, providing such repairs or reinstallation do not involve or require the replacement or rearrangement of valves or pipes. If it becomes necessary to remove and replace or rearrange valves, water piping, traps, drainpipe, soil, waste or vent pipes, the same shall be considered as new work, and a permit shall be obtained and inspections made as provided in the code.

103.1.2.3 EXEMPTIONS WITHIN SANITARY DISTRICTS. The provisions of this Code relating to building sewers as defined herein and to permits and fees therefor shall not apply within the boundaries of a sanitary district when the Building Official has determined that such district has adopted and is enforcing ordinances or regulations which are equal to or more restrictive than those contained in this Code.

CHAPTER 2 - DEFINITIONS

Section 202.0 - DEFINITIONS

SEEPAGE PIT. A seepage pit is a rock-filled excavation which receives the effluent from a septic tank and is so designed as to permit such effluent to seep through the bottom and sides of the pit into the surrounding soil.

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Sec. 601.0 RUNNING WATER REQUIRED

Section 601.1.2 REQUIREMENTS FOR WATER WELLS

(a) When the potable water supply for a structure is to be provided by a well, the well must pass the applicable pump and recovery test specified in the Ventura County Water Works Manual, as amended from time to time, for the purpose of demonstrating that the well is likely to remain an adequate source of potable water throughout the expected useful life of the structure.

EXCEPTIONS: A well shall not be required to pass the pump and recovery test if the structure to be served by it:

1. Is connected to a public water system or a state small water system as defined in Section 4010.1 of the Health and Safety Code; or
2. Overlies an aquifer that has been determined by the administrative authority to be adequate to meet all existing and projected demands made upon it for potable water without experiencing overdraft; or
3. Overlies an aquifer that may experience overdrafting but that has nonetheless been determined by the administrative authority, based upon a study and report prepared pursuant to the Ventura County Water works Manual, to be adequate to meet all existing and projected demands made upon it for potable water throughout the expected useful life of the structure.

(b) This section does not preclude the adoption and imposition of additional or more stringent well test requirements and standards in connection with subdivision approvals, conditional use permits, or other discretionary (as opposed to ministerial) permits.

CHAPTER 7 - SANITARY DRAINAGE

Sec. 701.0 MATERIALS OF DRAINAGE SYSTEMS.

701.1 Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, schedule 40 ABS DWV, schedule 40 PVC DWV, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

701.1.1 No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

701.1.2 ABS and PVC DWV piping installations shall be limited to residential construction, not more than two (2) stories in height.

701.1.3 No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (.3m) below ground.

Sec. 713.0 SEWER REQUIRED

713.4 CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEMS. When the applicant seeks to install a conventional private sewage disposal system, the public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.

APPENDIX CHAPTER K - PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. K-1. PRIVATE SEWAGE DISPOSAL: GENERAL REQUIREMENTS. (a) Where permitted by Section 305.2 of the UPC, as adopted and amended by this Code, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The type of system shall be determined on the basis of information contained in the soil report concerning location, soil porosity, groundwater, depth of fractured rock or impervious formations, and hillside stability, and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits, into a combination of subsurface disposal field and seepage pits, into a mound system or into a subsurface sand filtration system.

(d). SEWAGE DISPOSAL EXPANSION AREA. All private sewage disposal systems shall be so designed that additional seepage pits, subsurface drain fields, mound systems or subsurface sand filtration systems, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the 100% expansion area.

(f). PRIVATE SEWAGE DISPOSAL RESTRICTIONS. When there is insufficient lot area or improper soil or geological conditions for adequate and safe sewage disposal for the building or land use proposed, and the Administrative Authority so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Administrative Authority have been submitted and approved. The Administrative Authority may grant exceptions to the requirements of the Code in case of practical difficulty or unnecessary hardship provided that the installation is equivalent to the standards established by this Code and is not inimical to the health, safety or welfare of the general public.

(i). APPROVAL OF ALTERNATE SYSTEMS. Alternate sewage disposal systems as defined in this Code may be installed only by special permission of the Administrative Authority which shall be given only if the Administrative Authority is satisfied that the systems will conform to the following requirements:

1. Treated or untreated effluent shall not be discharged onto the surface of the ground.

2. Wastewater shall be disposed of on the parcel where it is generated, except as provided for in Section 721.2 of the UPC.

3. The reliability of proposed designs for alternate private sewage disposal systems shall be well-documented.

4. The system shall be capable of easy maintenance.

5. Installation and repair shall not require the use of extraordinary materials, parts, or equipment.

6. The system shall require a minimum of mechanical components for its operation.

7. The system shall not be highly energy consumptive.

8. Operation of the system shall not create health hazards, water pollution, or nuisance conditions.

Sec. K-3. AREA OF DISPOSAL FIELDS AND SEEPAGE PITS. The minimum effective absorptive area of disposal fields in square feet of trench bottom, and of seepage pits in square feet of sidewall, shall be predicated on the required septic tank capacity in gallons. The required absorption area shall be as set forth in Table UPC Appendix K-6 in this ordinance for disposal fields, and as set forth in Table K-4 in the UPC for seepage pits. In addition, disposal fields and seepage pits shall conform to the following:

1. When disposal fields are installed, a minimum of one hundred fifty (150) square feet of trench bottom shall be provided for each system exclusive of any hardpan, rock, clay or other impervious formations. Sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption areas. Such increase shall be limited to 50% of the required absorption area.

2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least 50% greater than the requirement for trenches. Perimeter sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption area.

3. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formation. The minimum required area of porous formation shall be provided in one or more seepage pits.

4. No excavation for a leach line or leaching bed shall extend with five (5) feet of the water table nor to a depth where sewage may contaminate an underground water stratum which may be usable for domestic purposes. The applicant shall supply satisfactory evidence of groundwater depth when required by the Administrative Authority.

5. Plastic leaching chambers shall be sized on bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-6 in this code with a 0.70 multiplier.

Sec. K-4. PERCOLATION TESTS. (a) Disposal fields and seepage pits shall be sized in accordance with the percolation tests or analyses required by subsection (b) of this Section.
(b) In order to determine the absorption qualities of soils, the proposed site shall be subjected to percolation tests and/or hydrometer analyses performed under the supervision of a California-registered environmental health specialist, civil engineer, geologist or engineering geologist. Such tests or analyses shall be performed in accordance with standards established by the Administrative Authority.
(c) Each test shall be made with clear water in an excavation which has been thoroughly soaked prior to the test.
(d) No subsurface disposal field shall be permitted to serve a building if percolation test rates are greater than sixty (60) minutes per inch.
(e) No seepage pit shall be permitted to serve a building if the absorption capacity of the soil surrounding the pit is less than 0.83 gal./sq.ft./day.
(f) Test data shall be submitted on a form provided for that purpose and shall include such information as may reasonably be required by the Administrative Authority to determine the correctness and adequacy of the proposed disposal system.

Sec. K-7. SEEPAGE PITS. (a) The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereunto, and on the character and porosity of the surrounding soil as determined by such tests as may be required and shall comply with Sec. UPC Appendix K-3 in this ordinance.

(b) Seepage pits may be used where conditions are unsatisfactory for the installation of leach lines or beds. In no case shall seepage pits extend more than sixty (60) feet below the surface of the ground.
(c) Multiple seepage pit installations shall be connected through an approved distribution box or diversion valve and watertight piping laid on undisturbed or compacted soil.
(d) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet. Seepage pits shall be filled with clean rock 3/4 inches to 2½ inches in diameter, free from fines, except when otherwise approved by the Administrative Authority. Effluent shall be conducted to the bottom of the excavation by means of approved perforated pipe extending to the entire depth of the pit. Approval shall be obtained prior to construction for any pit having an excavation diameter greater than six (6) feet.
(e) Where groundwater is encountered, the bottom of the pit shall be backfilled with clean coarse sand at least ten (10) feet above the ground water encountered.
(f) Each seepage pit shall have a minimum sidewall of ten (10) feet below the inlet.
(g) Connections between a septic tank and seepage pits shall be made with approved watertight pipe. Such pipe shall be laid on natural ground or compacted fill.
(h) Rock fill in seepage pits shall be covered with asphalt-treated building paper, and backfilled with a minimum of eighteen (18) inches of earth.
(i) Subsection (i) of Appendix Section K7 in the UPC is hereby deleted in its entirety.

Sec. K-9. SUBSURFACE DISPOSAL OF INDUSTRIAL WASTE. The discharge of industrial waste into a soil absorption system shall be prohibited unless specifically approved by the Administrative Authority.
Subsections (a) through (g) of Appendix Sec. K9 in the UPC and the Recommended Design criteria for commercial/industrial waste disposal are hereby deleted in their entirety.

Sec. K-13. ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.
(a) DEFINITION. Alternate private sewage disposal systems are specially-designed, engineered, and approved private sewage disposal systems suitable for use in localities where the Administrative Authority has determined that the presence of shallow groundwater, rock, or adverse soil, geologic, or hydrologic conditions makes the use of conventional sewage disposal systems potentially hazardous to public health. Alternate private sewage disposal systems shall be limited to "mound" systems and "subsurface sand filtration" systems as regulated herein.

(b) GENERAL REQUIREMENTS. Designs for alternate private sewage disposal systems may be accepted for review by the Administrative Authority when it has been adequately demonstrated that the character of the soil, geology, or hydrology of the site is such that a conventional private sewage disposal system will not function in accordance with recognized health and sanitation standards. Such systems shall be designed by a California-registered civil engineer or a California-registered geologist, who shall submit written verification upon completion of an alternate private sewage disposal system that the installation is in conformance with the approved design.

Properties served by alternate private sewage disposal systems shall be located within an approved on-site wastewater management district or equivalent governmental agency capable of providing necessary maintenance and repair services for private sewage disposal systems within its boundaries. Such systems shall conform with all applicable rules and regulations adopted by said district or agency.

The design and construction of alternate private sewage disposal systems shall comply with the requirements of this Section and with other appropriate criteria established by the Administrative Authority.

Component parts of alternate private sewage disposal systems shall comply with the applicable setback requirements in Table UPC Appendix K-1 of this Code. The construction and capacity of septic tanks installed as components of alternate systems shall comply with Section K5 and Table K-2 in the UPC.

Leach lines, leaching beds, and seepage pits which are components of alternate systems shall comply with the applicable requirements of this Code. No portion of a distribution bed or related filter material which is a component of a mound or subsurface sand filtration system shall be installed under a walkway, parking area, driveway, or similar paved surface.

The sizing of mound or subsurface sand filtration systems shall be based upon the average percolation rate of the natural soil at the location and depth of the proposed system, and the number of bedrooms or plumbing fixture units, in accordance with this Code and other applicable standards for sizing conventional leachlines, leaching beds and seepage pits. No alternate private sewage disposal system shall be permitted where the percolation rate exceeds sixty (60) minutes per inch.

(c) MOUND SYSTEMS. A mound system is an alternate private sewage disposal system which utilizes pressurized piping to deliver effluent from a septic tank into an above-ground gravel distribution bed, from which the effluent percolates and is filtered through mounded sand fill into natural soil. Typical components of such systems include a septic tank, lift pump and wet well, pressurized effluent piping, a sand fill mound, a distribution bed composed of gravel filter material and perforated distribution piping, a cover of topsoil over the top and sloped sides of the mound.

The lift pump and wet well shall be designed to handle peak flow from the septic tank. In no case shall pump capacity be less than twenty (20) gallons per minute not shall the pump motor be rated at less than one-half horsepower. The pump shall be approved for use in a sewage environment. The liquid holding capacity of the wet well shall be at least 300 gallons for one or two-bedroom dwelling units. An additional 100 gallons capacity shall be provided for each bedroom in excess of two. Equivalent capacity shall be provided for occupancies other than dwellings based on fixture unit calculations as set forth in this Code.

The wet well shall be fitted with automatic high and low level pump controls. Operation of the lift pump shall not cause surges in the liquid level within the tank. An alarm device shall be installed which will provide audio and visual warning signals to occupants of the property in advance of any overflow from the wet well.

Mounds shall not be installed on a slope greater than 12%. The base of the mound shall be located at least two (2) feet above the highest known seasonal groundwater elevation at the site and two (2) feet above fractured bedrock, if any. Fill material comprising the mound shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the fill material onto the mound. The slope of the sides of the mound shall be not steeper than 3 horizontal to 1 vertical.

Distribution beds shall be level and shall be located a minimum of five (5) feet above the highest known seasonal groundwater elevation at the site. Filter material comprising the bed shall be clean gravel varying in size from .75 inch to 2.5 inches. The total thickness of the bed shall be sufficient to provide a minimum of twelve (12) inches of filter material below, and at least two (2) inches of such material above all distribution piping within the bed. Distribution piping shall uniformly distribute effluent over the entire area of the bed. Distribution beds shall be of sufficient size to limit the application rate for effluent to not more than 1.5 gallons per square foot per day.

After filter material has been placed over the piping, the distribution bed shall be covered with untreated building paper, straw, or similar porous material to prevent closure of voids when earth covering is added. Topsoil shall be placed to a depth of at least twelve (12) inches over the top of the distribution bed, and shall be placed on the sloping sides of the mound to a thickness of at least six (6) inches.

(d) SUBSURFACE SAND FILTRATION SYSTEMS. A subsurface sand filtration system is an alternate private sewage disposal system which utilizes gravity to deliver effluent from a septic tank to a subsurface gravel distribution bed, from which the effluent is filtered through a bed of sand to reduce organic matter and pathogenic organisms, and thence percolates into natural soil. Typical components of such systems include a septic tank, effluent piping, a subsurface distribution bed composed of gravel filter material and perforated distribution piping, a sand filtration bed, and a leaching bed, leach lines, or seepage pits.

Distribution beds shall be designed and constructed in a manner similar to that set forth for mound systems in subsection (c) above, using approved, perforated gravity-flow piping in lieu of pressurized piping. Sand filtration beds shall extend not less than five (5) feet vertically below and five (5) feet horizontally from the edges of any distribution bed. Filtration material shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the filtration material into the filter bed excavation.

Section K-14 NON-HAZARDOUS LIQUID WASTE TRANSFER FACILITIES

Definition: A Non-Hazardous Liquid Waste Transfer Facility is a temporary holding facility for non-hazardous liquid waste from recreational vehicle holding tanks and portable toilets. A Non-Hazardous Liquid Waste Transfer Facility consists of a holding tank, liquid waste loading area with washdown equipment, associated piping, and holding tank liquid level alarm system.

1. Holding tank construction shall be consistent with UPC section K5, with the exception that baffles are not required and only one access port is required.

2. All piping, including but not limited to materials, cleanouts, and venting, shall be consistent with UPC sections 715.0 through 720.0, inclusive.

3. Minimum setbacks for holding tanks shall be as follows:

Streams and Watercourses	50 feet
Wells	50 feet
Groundwater	5 feet
Structures	5 feet
Property Line	5 feet
On-Site Domestic Water Line	5 feet
Public Water Main	10 feet

4. Minimum holding tank capacity shall be not less than three times the anticipated daily loading to the holding tank and in no case shall be less than 1,000 gallons.

5. An alarm system constructed of durable, corrosion-resistant material shall be installed on each holding tank. This alarm shall give a conspicuous audio and visual indication whenever the tank becomes two-thirds full.

6. The liquid waste loading area shall consist of an impermeable, easily cleanable area designed and constructed in a manner which prevents the formation of insanitary conditions. A ¾ inch water hose connection shall be installed at the liquid waste loading area to allow connection of a hose for area washdown following holding tank pumping. An approved backflow prevention assembly shall be installed in the water service line to the hose connection. Provisions shall be made to store the washdown hose off the ground. A warning sign shall be posted at the water hose connection reading: DANGER - UNSAFE WATER.

7. Holding tanks shall be pumped by a licensed pumper as needed. Quarterly reports of holding tank pumping shall be submitted to the Ventura County Environmental Health Division by March 30, June 30, September 30, and December 31 of each year.

8. Offer to grant an easement to County Service Area 32 is required. A contractual maintenance agreement with a public utility may also be required.

Section K-15 CLUSTERED SYSTEMS

(a) DEFINITION. Clustered systems are comprised of three or more private sewage disposal systems with soil absorption components located in a common area on a single legal lot.

(b) GENERAL REQUIREMENTS. All components of clustered systems shall comply with all applicable requirements of this Code pertaining to private sewage disposal systems and the following additional requirements:

1. The primary (installed) soil absorption components of the clustered system shall provide 200% of the minimum area calculated for each structure connected to the clustered system pursuant to Section K-3 of this Code.

2. Land area providing for complete replacement of the primary soil absorption components of the clustered system shall be set aside for future expansion, and shall conform with Table UPC Appendix K-1 of this Code.

3. a. For residential structures, each private sewage disposal system comprising the clustered system shall be connected to not more than one dwelling unit within a structure.

b. For non-residential structures, each private sewage disposal system comprising a clustered system shall be connected to one or more structures with a combined daily wastewater discharge not to exceed 1,500 gallons.

4. The soil absorption component of each private sewage disposal system within the clustered system shall be located at least sixteen horizontal feet from the soil absorption component of any other private sewage disposal system within the same clustered system.

5. When a clustered system is (or can become) located on land jointly owned by more than one owner of the structures served (e.g., condominium projects), an easement and agreement approved by the Environmental Health Division providing for access to inspect, maintain, and repair/replace the clustered system shall be recorded in the Office of the County Recorder.

6. A monitoring well, constructed and maintained in conformance with procedures adopted by the Administrative Authority, shall be provided in an approved location.

7. All distribution boxes within the clustered system shall be fitted with risers extending to finish grade elevation.

8. The applicant for each clustered system shall provide a signed statement from a California-Certified Engineering Geologist, certifying the following:

a. The proposed clustered system site is free against the potential hazard from landslide, excessive settlement and slippage.

b. Incorporation of geotechnical and geologic recommendations in concert with safe construction practices is anticipated to result in a site which is considered geotechnically and geologically suitable for the intended use and will not adversely affect adjoining properties.

TABLE UPC APPENDIX K-1
(Superscript numbers refer to footnotes (1) through (8) on next page

LOCATION OF SEWAGE DISPOSAL SYSTEMS

Minimum Horizontal Distance in Feet From:	Building Sewer	Septic Tank	Disposal Field	Seepage Pit	Subsurface Sand Filtration System	Mound System
Building or Structures[1]	2	5	8	8	8	20[7]
Property line adjoining private property	Clear[2]	5	5	8	8	10
Water supply well on suction line	50[3]	50	100	150	100[8]	100
Streams, lakes, tidal waters or ocean waters	50	50	50	100	100	100
Large Trees	--	10	--	10	10	--
Seepage pits or cesspools	--	5	5	12	--	--
Disposal Field	--	5	4[4]	5	--	--
On site domestic water service line	1[5]	5	5	5	5	5
Distribution Box	--	--	5	5	--	--
Pressure public water main	10[6]	10	10	10	10	10

NOTE: When disposal fields or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

When facilities are located near tidal or ocean waters, the horizontal distance shall be measured from the historically most landward location of the beach at the mean high tide elevation. Structures or facilities shall be constructed in accordance with Federal, State and local laws to prevent erosion of the beaches and movement of the mean high tide closer than the horizontal distances specified above.

FOOTNOTES TO TABLE UPC APPENDIX K-1

(1) Including porches and steps, whether covered or uncovered, breezeways, roofed port-cocheres, roofed patios, carports, covered walks, covered driveways and similar appurtenances.

(2) See Section 313.3 of the UPC.

(3) The distance may be reduced to not less than twenty-five (25) feet when approved metallic piping is installed. Where special hazards are involved, the distance required shall be increased as may be directed by the County Health Officer or the Administrative Authority.

(4) Plus two (2) feet for each additional foot of depth in excess of one (1) foot below the bottom of the drain line (see Sec. K6(i) of the UPC).

(5) See Sec. 720.0 of the UPC.

(6) For parallel construction. For crossings, approval by the Administrative Authority is required.

(7) This distance shall be increased to 30 feet when the system is located upslope of the structure.

(8) This distance shall be increased to 150 feet when seepage pits are used as a component of the system.

TABLE UPC APPENDIX K-6
(Letters in parenthesis refer to footnotes below)

ABSORPTION AREA REQUIREMENTS

Percolation Rate (Time in minutes required for water to fall one inch)	Required Absorption Area (Sq. ft. per bedroom using standard leach lines. See notes (a) through (e) below.
1 or less	75
2	85
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
over 60 (e)	---

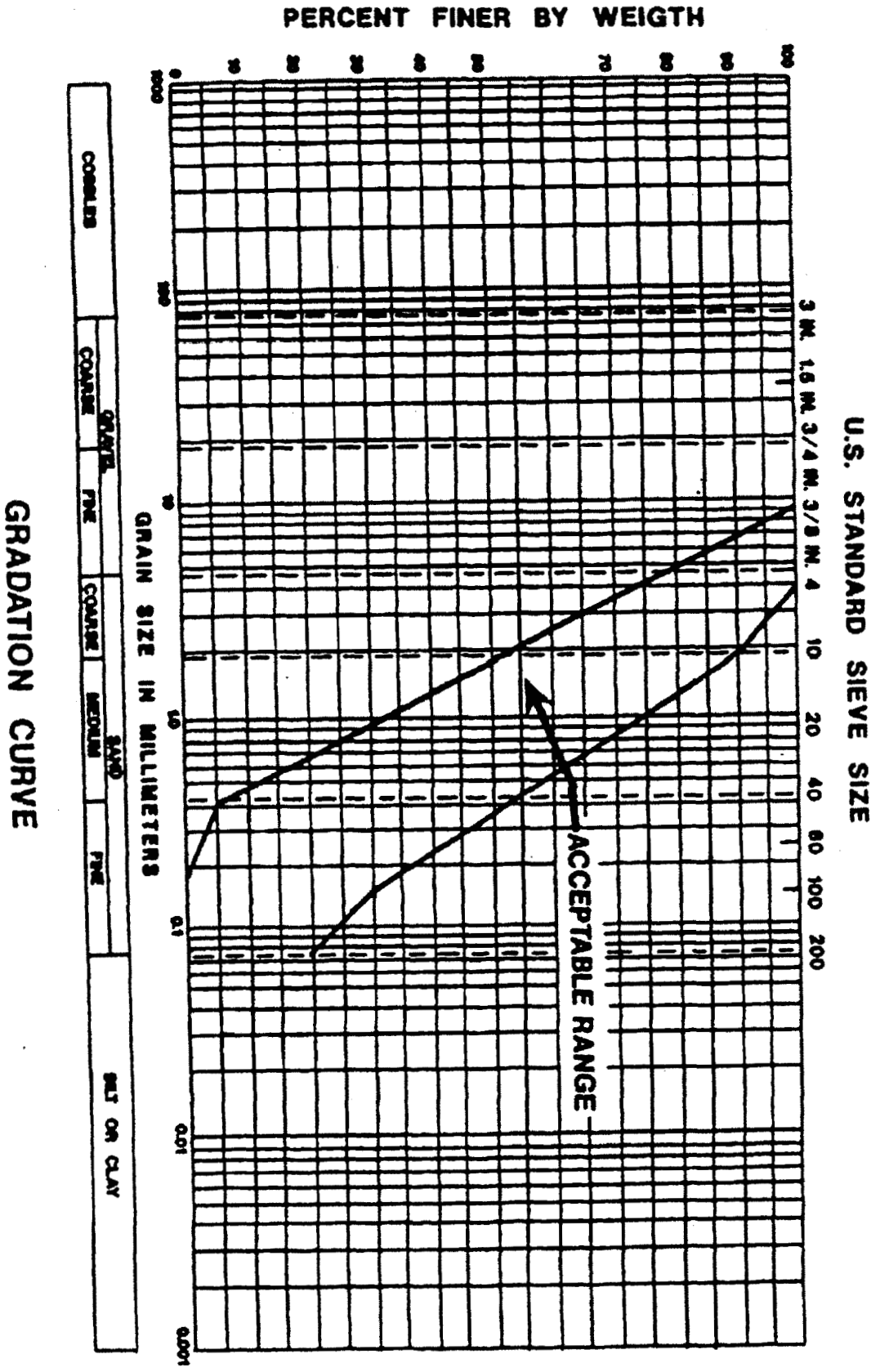
(a) Sufficient usable land area must be available to provide 100% expansion of required absorption area when/if necessary. See Sec. UPC APPENDIX K-1(d) in this Code.

(b) Absorption area should be sufficient to accommodate increased future use stemming from the addition of bedrooms or conversion of unfinished spaces to bedroom use, whenever such changes can be reasonably be anticipated.

(c) The absorption area for leach lines and leaching beds is calculated as trench bottom area only except as provide in Sec. UPC APPENDIX K-3 in this ordinance. Minimum required area for leaching trenches is 150 sq. ft.

(d) The above table allows for the connection of domestic food waste units and automatic clothes washing machines without further increase in absorption area.

(e) Soil having a percolation rate over 60 min/inch is unsuitable for installation of an absorption system.



GRADATION CURVE

TABLE UPC APPENDIX K-7

419-1.02

ARTICLE 7 - AMENDMENTS TO THE UNIFORM HOUSING CODE (UHC)

CHAPTER 1 - TITLE AND SCOPE

Section 104 - APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

104.2. RELOCATION. Buildings or structures moved into or within the County shall comply with the provisions of Article 2, Chapter 40 in this ordinance.

Section 105 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. APPEALS BOARD.

203.1 - GENERAL The Housing Advisory and Appeals Board, for the purposes of this housing code, shall be the General Board of Appeals as set forth in Article 2, Chapter 1, Section 105 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 in the UHC.

Sec. 204. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

CHAPTER 3 - PERMITS AND INSPECTIONS

Sec. 302 FEES. Refer to Article 2, Chapter 1, Section 107 in this ordinance.

CHAPTER 12 - APPEAL

Section 1201 - GENERAL

1201.2. PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 1201 in the UHC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.
The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a substandard building or the premises on which it is located.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 1401 - COMPLIANCE

1401.1. GENERAL. After any order of the Building Official or a Board of Appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor or infraction.

ARTICLE 8 - AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

CHAPTER 1 - TITLE AND SCOPE

Sec. 104 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

Sec. 205. APPEALS BOARD. The appeals Board for the purposes of the Dangerous Buildings Code shall be the General Board of Appeals as set forth in Article 2 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 501 in the DBC.

CHAPTER 5 - APPEAL

Section 501 - GENERAL

501.2 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 501 in the DBC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals. The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a dangerous building or the premises on which it is located.

CHAPTER 7 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 701 - COMPLIANCE

701.1 GENERAL. After any order of the Building Official or a board of appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor/infraction.

ARTICLE 9 - AMENDMENTS TO APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE (CCC)

APPENDIX CHAPTER 1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

Section A100 - GENERAL

A100.1 PURPOSE. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

A100.2 SCOPE. The provisions of this Chapter shall apply to all existing buildings in Seismic Zones 3 and 4 which were constructed or under construction, or for which a building permit was issued, prior to May 10, 1962, having at least one unreinforced masonry wall. Except as provided herein, all other provisions of the Uniform Building Code shall apply.

EXCEPTIONS: This code shall not apply to:

1. Detached one or two story family dwellings, detached apartment houses containing less than 5 dwelling units and used solely for residential purposes, and hotels/motels containing less than 5 guest rooms.

2. Essential Facilities as defined in Table 16K of the Uniform Building Code.

3. Hazardous Facilities as defined in Table 16K of the Uniform Building Code.

This does not require alteration of existing electrical, plumbing, mechanical or fire safety systems.

A100.3 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

A100.4 COUNTY ORDINANCE HISTORY. This article together with Article 1, Chapter 8 is a restatement of Ventura County Ordinance No. 3948 which it hereby supersedes. The section numbering has been revised to be consistent with the current numbering sequence found in the U.C.B.C.

Section A101 ADMINISTRATIVE PROVISIONS

A101.1 DEFINITIONS. For the purposes of this Division, the applicable definitions in the Uniform Building Code shall also apply.

HIGH RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of 100 occupants or more as determined by Section 1002.1 and Table 10-A of the Uniform Building Code.

EXCEPTIONS: A high risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum height of 1-1/2 times the story height.

2. Any building used for its intended purpose, as determined by the Building Official for less than 20 hours per week.

LOW RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of less than 20 occupants as determined by Section 1002.1, Table 10-A, of the Uniform Building Code.

MEDIUM RISK BUILDING is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load of 20 occupants or more as determined by Section 1002.1, Table 10-A of the Uniform Building Code.

A101.2 **Rating Classifications.** The rating classifications identified in Table A-9-A are hereby established and each building within the scope of this Division shall be placed in one such rating classification by the Building Official. The total occupant load of the entire building as determined by Section 1002.1, Table 10-A of the Uniform Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this Division, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

A101.3 **Compliance Requirements.** 1. The owner of each building within the scope of this Division shall, upon service of an order and within the time limits set forth in this Division, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this Division, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within scope of this Division shall comply with the requirements set forth above by submitting to the Building Official for review within the stated time limits:

A. Within 270 days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this Division; or

B. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Division; or

C. Within 120 days after service of the order, plans for installation of wall anchors in accordance with the requirements specified in Section A113 of the UCBC; or

D. Within 270 days after service of the order, plans for the demolition of the building.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-9-B. These time limits shall begin to run from the date the order is served in accordance with Section A101.4.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners electing to comply with A101.3 of this subsection are also required to comply with Items A101.2 or A101.4 of this subsection provided, however, that the 270-day period provided for in Items A101.2 or A101.4 and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A-9-B shall be extended in accordance with Table No. A-9-C. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A101.4 except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

A101.4 **Administration.**

A101.4.1 Order - Service. A. The Building Official shall, in accordance with the priorities set forth in Table No. A-9-C, issue an order as provided in this section of other owner of each buildings within the scope of this Division.

B. Prior to the service of an order as set forth in Table No. A-9-C, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this Division. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

A101.4.2 Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Division shall be in accordance with the rating classification as shown on Table No. A-9-C. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A-9-C shall be measured from the effective date of this Division. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Division prior to the normal service date for such building set forth in this Division.

A101.4.3 Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Division and, therefore, is required to meet the minimum seismic standards of this Division. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A101.3, which sets forth the owner's alternatives and time limits for compliance.

A101.4.4 Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Division to the Board of Appeals established by Section 105 of the Ventura County Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A101.4 Any such appeal shall be decided by the Board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Division shall be made in accordance with the procedures established in Sections 104.2.7 and 104.2.8 of the Uniform Building Code.

A101.4.5 Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this Division and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Division has not been demonstrated.

If the building is either demolished, found not to be within the scope of this Division or is structurally capable of resisting minimum seismic forces required by this Division as a result of structural alterations or an analysis, the Building Official shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this Division.

A101.4.6 Enforcement. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section A101.3, the Building Official shall verify that the owner of record of this building has been properly served. If the order has been served on the owner of record, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the Uniform Building Code.

Section A102 GENERAL REQUIREMENTS

A102.1 **GENERAL.** All buildings shall have a seismic resisting system conforming with Section 1603.3 of the Uniform Building Code, except as modified by this Division.

A102.2 **Alterations and Repairs.** Alterations and repairs required to meet the provisions of this Division shall comply with all other applicable requirements of the Uniform Building Code unless specifically provided for in this Division.

(c) A102.3 **Requirements for Plans.** The following construction information shall be included in the plans required by this Division.

1. Accurately dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing material. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned and drawn to scale on the plans.

2. Accurately dimensioned wall elevations showing openings, piers, wall classes as defined in Section A106.3, thicknesses, and heights, wall shear test locations, cracks or damaged portions requiring repairs, the general condition of the mortar joints, and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.

5. The extent and type of parapet corrections which were previously perform, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this Division.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section A113.

TABLE NO. A-9-A RATING CLASSIFICATIONS	
TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A-9-B TIME LIMITS FOR COMPLIANCE			
Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year[1]	180 days[2]	3 years[2]
Wall Anchors	180 days[1]	270 days[2]	1 year[2]

[1]Measured from date of service of order.

[2]Measured from date of building permit issuance.

TABLE A-9-C EXTENSIONS OF TIME AND SERVICE PRIORITIES			
Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ADOPTED this 5th day of November, 2002 by the following vote:

AYES: Supervisors Bennett, Schultz, Long, Mikels + Flynn

NOES: None

ABSENT: None

John K. Flynn
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Paula R Placencia
Deputy Clerk of the Board

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RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

September 25, 2002

Architects, Engineers, Builders and Other Interested Parties

Re: Your Review and Comments on the 2001 Ventura County Building Code

I have prepared the draft of the 2001 edition of the Ventura County Building Code (V.C.B.C.) and would like you or your organization to review it. Please forward your comments to me. The new draft contains some new amendments to the previously adopted 1998 edition of the VCBC, although the number of amendments is small. I have included a copy of the draft for your review and comments.

In general, the Ventura County amendments have been minimized to follow the State adopted code language more closely. Many of the amendments from prior editions have simply been carried forward with no changes. Overall, the number of changes in this edition is very small compared to years past. One of the reasons for this is that the 1997 Uniform Building Code is being re-adopted by the State. Therefore, there is no change in the building code this time. Consequently, the same amendments still apply.

Most of the administrative amendments deal with local County issues such as the County organization and the division of responsibilities between the Building and Safety Division (for most of the code), the Public Works Agency for grading and flood control requirements, and the Environmental Health Division for housing issues and private sewage disposal systems.

For technical matters, changes have been made to address local seismicity issues, a lessening of permit requirements for agricultural buildings and other structures, and refinements in the requirements for swimming pools.

I am planning to present the ordinance to the Board of Supervisors for adoption soon. I would, therefore, appreciate your written comments as soon as is convenient for you. That will allow me time to analyze and incorporate your comments, if needed.

MAIN OFFICE, L #1720
800 South Victoria Avenue, Ventura, CA 93009 (805) 654-2771 FAX (805) 648-9212
BRANCH OFFICES
East County: 3855-F Alamo Street, L #5915, Room 2019-A, Simi Valley, CA 93065 (805) 582-8064 FAX (805) 582-8085

ATTACHMENT "C"

Thanks for your continued assistance by providing input on the adoption of the code. If you have any questions or would like to discuss any matters with me, feel free to call me at (805) 654-2787.

Sincerely,

Jack Phillips,
Building Official,
County of Ventura

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RESOLUTION NO. 206

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ADOPTING EXPRESS FINDINGS REGARDING MODIFICATION OF UNIFORM CODES WHICH REGULATE BUILDINGS SUBJECT TO THE STATE HOUSING LAW

WHEREAS, pursuant to Health and Safety Code Sections 17958.5 and 17958.7, a County may make such modifications in the requirements of the regulations adopted pursuant to Health and Safety Code Section 17922 as it determines to be reasonably necessary because of local conditions if it makes express findings that such modifications are needed and if such findings, together with the modifications, are made public records on file with the Division of Building and Safety, and filed with the California Building Standards Commission pursuant to Health and Safety Section 17958.7; and

WHEREAS, pursuant to the decision in the case of Baum Electric Co. v. City of Huntington Beach (1973), 33 Cal. App. 3rd 573, a County may make such modifications in the requirements of the regulations adopted pursuant to Health and Safety Code Section 17922 as it deems to be reasonably necessary in order to safeguard life and property if it makes express findings that such modifications are needed and if such findings, together with the modifications, are made public records on file with the Division of Building and Safety;

NOW, THEREFORE, BE IT RESOLVED that it is reasonably necessary because of local conditions to modify certain sections of the uniform codes as shown in the attached "Analysis of Revisions and Statement of Findings for the 2001 Ventura County Building Code."

Upon motion of Supervisor Schultz, seconded by Supervisor Mikels, and duly carried, the foregoing resolution was approved on October 8, 2002.

John K. Flynn
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Laura L. Placencia
Deputy Clerk of the Board

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ATTACHMENT "D"

September 26, 2002

Analysis of Revisions and Statement of Findings for the 2001 Ventura County Building Code

The following analysis discusses the changes included in the Ventura County Building Code as proposed by the Resource Management Agency, Division of Building and Safety.

In the legislative edition of the Ventura County Building Code, newly added words or phrases are shown as underlined. Words or phrases deleted are shown as being stricken out.

This analysis will provide a concise report for the purpose of facilitating the adoption of the proposed code revisions.

This revision adopts the most current editions of the State adopted codes and other "model" codes as follows:

California Building Code - 2001 Edition
California Electric Code - 2001 Edition
California Mechanical Code - 2001 Edition
California Plumbing Code - 2001 Edition
Uniform Housing Code - 1997 Edition
Uniform Code for the Abatement of Dangerous Buildings - 1997 Edition
Appendix Chapter 1 of the California Conservation Code - 2001 Edition

Amendments discussed below are those that have been made since the last adoption of the VCBC. Former amendments that are merely carried forward without change are not addressed as new changes in this analysis.

The amendments to the above-adopted codes are as follows:

REVISIONS THROUGHOUT THE VENTURA COUNTY BUILDING CODE (VCBC):

All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other adopted model codes.

Section numbers have been changed where they have either changed themselves in the adopted codes or were required to be changed because of other changes in the adopted codes.

Titles of chapters or sections have been changed where changes have occurred in the adopted codes.

Various other editorial changes such as re-titling of sections and highlighting defined words in bold occur throughout the code. These changes are editorial only.

REVISIONS BY ARTICLE AND SECTION NUMBER

ARTICLE 1 - ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND OTHER MODEL CODES BY REFERENCE

ATTACHMENT "E"

CHAPTER 1 - ADOPTION INTO THE VENTURA COUNTY BUILDING CODE

Section 104. COPIES OF CODE FOR SALE TO THE PUBLIC. Copies of the Ventura County Building Code shall be made available in the office of the Division of Building and Safety for examination. ~~and~~ pPurchase ~~of the codes~~ by the public at a price not to exceed the actual cost thereof to the County plus a reasonable handling charge as established by the Building Official is ~~may be available depending on the stock on hand~~.

ANALYSIS:

This is an editorial change that has been made to clarify that code books may not always be available for sale.

CHAPTER 2 - ADOPTION OF THE CALIFORNIA BUILDING CODE

Section 101. ADOPTION. That building code known as the "California Building Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 2 - a portion of the "California Building Standards Code", which incorporates by reference the 1997 edition of the Uniform Building Code with adopted California amendments, together with Appendices Chapter 3, Division I; Chapter 3, Division II; Chapter 4, Division II; Chapter 12, Division I; Chapter 12, Division IIA; Chapter 15; Chapter 16, Division IV; Chapter 18; Chapter 29; Chapter 30; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33 promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose and subject matter of which, among other things, is to protect the public health and safety as set out in Section 101.2 of the Uniform Building Code, is hereby adopted and enacted as the primary building code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein subject to the following amendments.

ANALYSIS:

The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.

CHAPTER 3 - ADOPTION OF THE CALIFORNIA ELECTRICAL CODE (CEC)

Section 101. ADOPTION - That Electrical Code known as the "California Electrical Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 3 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1996~~ 1999 edition of the National Electrical Code with necessary California amendments, promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269; the purpose of which, among other things is to provide minimum standards for the design, installation, maintenance, and use of electrical wiring and electrical apparatus in order to safeguard persons and property from electrical hazards, is hereby adopted and enacted as the primary Electrical Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein, with specific modifications as indicated in Article 4:

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the

amendments. Ventura County amendments to the California Electrical Code are found in Article 4 of this code.

ANALYSIS:

The California Electrical Code is adopted with amendments as shown in Article 2 and Article 4.

CHAPTER 4 - ADOPTION OF THE CALIFORNIA MECHANICAL CODE (CMC)

Section 101. ADOPTION. That mechanical code known as the California Mechanical Code, "~~1998~~ 2001 Edition and also known as the California Code of Regulations (C.C.R.), Title 24, Part 4 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1997~~ 2000 edition of the Uniform Mechanical Code with necessary California amendments, and Appendices A, B, C, and D promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, and as amended herein, the purpose and subject matter of which, among other things, is to protect public health and safety as stated in Section 102 of said code, is hereby adopted and enacted as the primary mechanical code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Mechanical Code are found in Article 5 of this code.

ANALYSIS:

The California Mechanical Code and certain appendices are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code edition is now that version published by the International Association of Plumbing and Mechanical Officials.

CHAPTER 5 - ADOPTION OF THE CALIFORNIA PLUMBING CODE (CPC)

Sec. 101 ADOPTION. That plumbing code known as the "California Plumbing Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 5 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1997~~ 2000 edition of the Uniform Plumbing Code with necessary California amendments, together with Uniform Plumbing Code Appendices A, B, C, D, E, G-A, H, I, J, K and L promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, the purpose and subject matter of which is to protect public health and safety by establishing minimum regulations for the installation, alteration, or repair or plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Plumbing Code are found in Article 6 of this code.

ANALYSIS:

The California Plumbing Code and certain appendices are adopted with amendments as shown in Article 2 and Article 6.

CHAPTER 6 - ADOPTION OF THE UNIFORM HOUSING CODE (UHC)

Section 101. ADOPTION - That Housing Code known as the "Uniform Housing Code," 1997 Edition which was promulgated and published by the International Conference of Building Officials, 5360 South Workingman Mill Road, Whittier, California 90601, the purposes and subject matter of which among other things is to protect the public health and safety as set out in Section 102 of said Code, is hereby adopted and enacted as the primary Housing Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herewith with specific modifications as indicated below.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the Uniform Housing Code are found in Article 7 of this code.

ANALYSIS:

The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.

CHAPTER 7 - ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

Section 101 ADOPTION. That code known as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose of which, among other things, is to protect the public health and safety as set out in Section 102 of this Code, is hereby adopted and enacted as the Code for Abatement of Dangerous Buildings in the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein with specific modifications as indicated below. This Code will be referred to herein as the Dangerous Buildings Code.

Sec. 102 AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments Ventura County amendments to the Dangerous Buildings Code are found in Article 8 of this code.

ANALYSIS:

The Uniform Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.

CHAPTER 8 - ADOPTION OF APPENDIX CHAPTER 1 OF THE ~~UNIFORM CALIFORNIA CONSERVATION CODE~~ (U CCC)

Sec. 101 ADOPTION: ~~Appendix Chapter 1 of that code known as the Uniform Code for Building Conservation, 1997 Edition,~~ That building conservation code known as the "California Conservation Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 10 - a portion of the "California Building Standards Code" which incorporates by reference Appendix Chapter 1 of the 1997 Edition of the Uniform Code for Building Conservation, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as amended herein, the purpose and subject matter of which, among other things, is to promote public safety and welfare by reducing the risk of death or injury from the effects of earthquakes on existing unreinforced masonry bearing wall buildings as stated in Section A101 of said code, is hereby adopted as the primary unreinforced masonry building conservation code of the County and made a part of this code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Sec. 102 AMENDMENTS: Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to Appendix Chapter 1 of the Uniform Code for Building Conservation are found in Article 9 of this code.

ANALYSIS:

Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation (UCBC) because of its adoption by the State. The model code it references (the 1997 UCBC) has not changed, however.

ARTICLE 2 - AMENDMENTS OF GENERAL APPLICATION TO ALL OF THE ADOPTED STATE AND MODEL CODES

CHAPTER 1 - ADMINISTRATION

Sec. 103 VIOLATIONS.

103.1 GENERAL. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, building service equipment, machine or equipment or cause or permit the same to be done in violation of this Code or to violate any provision of this Code.

103.3 INFRACTIONS. It shall be an infraction of law for any person to remove, deface, or alter a posted notice of the Building Official or duly appointed representative when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this code.

103.4 MISDEMEANORS. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, misdemeanor/infraction, or infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion

such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Each and every violation of any provision of this Code is a misdemeanor unless designated by this Code to be an infraction or a misdemeanor/infraction.

103.5 MISDEMEANORS/INFRACTIONS. Every violation of this Code designated a misdemeanor/infraction shall be a misdemeanor; provided that, where the District Attorney has determined that such action would be in the best interests of justice, the District Attorney may specify in the accusatory pleading that the violation shall be an infraction and the violation shall then be prosecuted as an infraction.

103.6 PUNISHMENTS. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both such fine and imprisonment. Any person convicted of an infraction, the penalty for which is not otherwise prescribed, shall be punished by (a) a fine not exceeding one hundred dollars ($100) for the first violation; (b) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance provision within one year; and (c) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance provision within one year.

ANALYSIS:

This section has been amended to provide specific definitions and penalties for violations of the codes. This is an administrative change.

104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.2.1 ENFORCEMENT OF CODES. The Building Official is hereby authorized and directed to enforce all the provisions of this Code and of the codes adopted by reference hereby. The decision of the Building Official in enforcing the provisions of this Code or of the codes adopted by reference, or in interpreting the provisions thereof, or in exercising the authority delegated thereby shall be final, subject to appeal as provided in this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Whenever in this Code or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards, or rules or regulations as part of this Code or of any of the codes adopted by reference hereby unless set out in full herein, but they shall be considered and may be used by the Building Official as guides to assist in determining whether or not there has been compliance with the provisions of this Code. The Building Official shall not be bound by the provisions of any such other codes, standards, interpretations, or rules or regulations not expressly adopted by reference in this Code in determining such compliance.

104.2.2 DEPUTIES. In accordance with the prescribed procedures and with the approval of the appointing authority of the County, the Building Official may, from time to time, appoint such number of officers, inspectors, assistants and other employees as shall be necessary to carry out the functions of the Division of Building and Safety and act as duly authorized representatives of the Building Official.

104.2.3 RIGHT OF ENTRY. Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, hazardous, or insanitary, the Building Official or his authorized representative may enter such building, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons having charge or control of the building, structure, or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

104.2.4 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code, or in violation of applicable ordinances of other County agencies, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Whenever the Building Official finds that a building or structure for which a permit has been issued may be flooded or is subject to erosion hazard if the work is completed in the manner proposed, or that the completion of such work will cause the flooding of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of the Ventura County Flood Control District (P.W.A.), or other qualified County officer for a determination as to such danger. If the Director of the aforementioned District or other qualified County officer reports that substantial danger exists, the Building Official shall order work stopped until plans to alleviate such danger have been reviewed and approved by said Director or County officer.

Failure to order work stopped or to make such referral or both shall not be construed as a representation that danger of flooding or erosion does not or will not exist if the work is completed in the manner proposed.

104.2.5 OCCUPANCY VIOLATIONS. Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that in the event of an unsafe building Section 102 in the Uniform Building Code shall apply.

104.2.6 LIABILITY. The Building Official or his authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or

property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the legal department of the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this code.

104.2.11 REPORTS AND RECORDS. The Building Official shall submit a report to the proper County official not less than once a year covering the work of the department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this Code.

The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

104.2.12 POWER OF CITATION. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code section 836.5, the Building Official and certain of his authorized subordinates as hereinafter provided shall have the power of arrest without warrant whenever they have reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a violation of the provisions of this Code or any other ordinance or statute which the Building Official has a duty to enforce.

The persons who are authorized to make arrests as herein provided shall consist of the Building Official and those of his subordinates as he may from time to time designate, whose duties include inspection and enforcement activities for Ventura County.

In any case in which a person is arrested pursuant to this section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C (commencing with section 853.6) of the California Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this section.

104.2.13 NOTICE OF INTENT TO RECORD NOTICE OF NONCOMPLIANCE AND RECORDATION OF NOTICE OF NONCOMPLIANCE. Whenever the Building Official determines that work has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Building Official shall post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall described the property, shall set forth the noncomplying conditions, and shall inform the owner(s) that the Building Official shall record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeal.

A. If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeal, the Building Official shall record a Notice of Noncompliance.

B. If a timely appeal is filed with the Board of Appeal and the Board finds that the noncomplying conditions have not been corrected and need to be corrected, the Building Official shall record a Notice of Noncompliance.

Under either A or B above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall described the property, shall set forth the noncomplying conditions, and shall state that the property owner(s) have been notified.

If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or removed, the Building Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the noncomplying conditions have been corrected or removed. A fee as set forth in the Ventura County Building Code Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

104.2.14 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT. Whenever the Building Official ascertains that any building service equipment regulated in the referenced technical codes has become hazardous to life, health or property, or becomes insanitary, he shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written order itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When any building service equipment is maintained in violation of this code and in a violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

104.2.15 AUTHORITY TO DISCONNECT UTILITIES. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to a building, structure or building service therein regulated by this code, or the referenced technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupants of the building or structure of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupants of the building or structure, in writing, of such disconnection immediately thereafter.

104.2.16 RECONNECTION AFTER ORDER OF DISCONNECTION. No person shall make connections from any energy, power or fuel supply, nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

ANALYSIS:

This section has been modified and expanded to address several issues related to the enforcement of the codes. These include the appointment of deputies, right of entry, stop orders, occupancy violations, liability, reports, power of citation, the recordation of Notices of Non-Compliance, and the authority to condemn service equipment and to disconnect utilities. These are all administrative changes.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24 (CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

ANALYSIS:

This section has been amended to identify the specific Boards of Appeal for Ventura County and to provide clarification about their scope of authority and their operating procedures. This is an administrative change.

106.1.1 STREAMLINED PERMITS FOR CERTAIN AGRICULTURAL BUILDINGS, GREENHOUSES AND SHADE STRUCTURES. The provisions of this code with respect to plan review and inspection shall not apply to certain agricultural buildings, greenhouses and shade structures as specified herein, provided that all of the following conditions are met:

1. The building or structure is used exclusively as an agricultural building as defined in the Uniform Building Code (U.B.C.), and is not designed, equipped or intended for human occupancy or any use other than as an agricultural building, and

2. The building or structure is detached, single story, not over 15 feet in height as defined in the U.B.C., and is of conventional wood frame (Type V-N) construction, and

3. The floor area of the building or structure does not exceed the following limits:

    a. On sites of 10 acres or more in size: 3,000 square feet.

    b. On sites 2 acres or more but less than 10 acres in size: 1,500 square feet, except for nurseries.

    c. On sites 2 acres or more but less than 10 acres in size: 3,000 square feet for nurseries licensed by the Agricultural Commissioner.

    d. On sites less than 2 acres in size: none.

    e. Shade cloth structures without permanently affixed sides: 12,000 square feet, and

4. The building is determined to be exempt from requirements for preparation of plans by a professional engineer or architect as set forth in the California Professional Engineer's or Architect Act, and

5. A Zoning Clearance as an agricultural building, greenhouse or shade structure for the building or structure is approved by the Planning Division, and

6. Approval from the Environmental Health Division is obtained for properties with septic systems, and

7. Approval from the Flood Control Department of the Public Works Agency is obtained as required, and

8. Approval from the Ventura County Fire Department is obtained relative to access, water supply, fire sprinkler, brush clearance and high fire hazard area requirements for any barn or storage structure designed and constructed to house farm implements, hay, grain, poultry or livestock in excess of 1,500 square feet in area; and where a review for other types of agricultural buildings up to 3,000 square feet in area in not required; and

9. Approval from the Development and Inspection Services Division of the Public Works Agency is obtained when a grading permit is required, and

10. A code complying exit is provided from the building or structure, and

11. There is no plumbing, mechanical or electrical work proposed for the building or structure.

106.1.1.1 FEES FOR STREAMLINED AGRICULTURAL BUILDING PERMITS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to agricultural buildings, greenhouses and shade structures qualifying for the above procedure under the provisions of that subsection.

106.1.1.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.1.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

Analysis:

This entire section and the following subsections have been revised to streamline building permits for certain types of agricultural buildings. This new language was developed in conjunction with the Agricultural Policy Advisory Committee and has received their support. This change is an administrative change only.

106.1.2.1 FEES FOR SMALL AGRICULTURAL PRODUCE STANDS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to produce stands qualifying for exemption under the provisions of this subsection.

106.1.2.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.2.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

Analysis:

This language has been divided from a single paragraph format to a three subsection format to agree in layout with the previous section dealing with agricultural buildings. There is no change to the content of the former language except for the new layout. This is an editorial change only.

106.1.4 EMERGENCY BUILDING PERMITS. The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

Emergency repairs to plumbing, electrical, and mechanical installations may be initiated prior to obtaining the required permits, provided that such work was urgently necessary and it was impractical to obtain the permits prior to commencement of the work. Permits for all such work shall be obtained as soon as it is practical to do so.

ANALYSIS:

This section has been added to allow for feasibility in dealing with emergency situations outside of the normal routine. It provides for the capability to act in a timely manner to stabilize or correct emergency situations. This is an administrative change.

Sec. 106.2 EXEMPTED WORK. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, patio covers, playhouses, playground or athletic equipment and similar uses provided the floor area does not exceed 120 square feet.

2. Fences not over 6 feet high measured from highest point of grade, unless supporting a surcharge or structural element.

3. Oil derricks.

4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

5. Retaining walls which are not over 4 feet in height measuresd from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and wood decks not more than 30 inches above grade at any point and not over any basement or story below, nor supporting any structure above.

8. Painting, papering, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported completely by an exterior wall of Group R, Division 3 or Group U, Division 1 Occupancies when projecting not more than 54 inches nor encroaching into required yards.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

13. Freestanding signs not more than 10 feet in height and not more than 72 square feet in area and wall signs not more than 200 square feet in area.

14. Residential television and radio antennas and dish antennas not more than 3 feet in diameter with an approved zone clearance.

15. Commercial antennas not over 15 feet in height when in compliance with the County Zoning Ordinance.

16. Electrolier standards, and flag poles not over 35 feet in height when in compliance with the County Zoning Ordinance.

17. Readily removable plastic covered hoop structures without in-ground footings or foundations that are not more than 8' in height.

18. Agricultural wind generating machines except that an electrical or gas permit is required if they are connected to a commercial utility.

~~19. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade and not more than 1,000 square feet of roof area.~~

Unless otherwise exempted, separate plumbing, mechanical and electrical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Analysis:

Item 1 has been changed to exempt detached patio covers when sized less than 120 square feet and playground or athletic equipment from building permit requirements.

Item 14 has been modified to refer to residential television and radio antennas only.

Item 15 has been added to exempt commercial antennas less than 15 feet in height.

Item 16 has been modified to refer to electrolier standards and flagpoles only.

Item 17 has been added to exempt plastic hoop structures less than 8 feet in height.

Item 18 has been added to exempt certain agricultural wind generating machines.

Item 19 has been added to exempt certain animal shade covers.

All of these changes are administrative.

106.3.2 SUBMITTAL DOCUMENTS. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Computations, diagrams, schedules, soil reports, geological or geotechnical reports, and other data sufficient to show the correctness and adequacy of the plans shall be submitted when required by the Building Official.

A Survey of a lot may be required by the Building Official to assure that a structure is located in accordance with requirements, and/or is situated with respect to Mean Sea Level such that it complies with regulations governing construction in flood-prone areas.

Analysis:

This section has been revised to use the language of the 1997 UBC, except for the paragraphs about geological reports and lot surveys. This is an editorial change only.

Sec. 106.4 - PERMITS ISSUANCE

106.4.1 PERMIT ISSUANCE AND DENIAL. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees have been paid, he shall issue a permit therefor to the applicant.

Except where special building designs or other mitigating measures have been approved by the Building Official and cooperating officials of other County agencies, a building permit may be

denied where physical features of a building site are such that a denial of the building permit is deemed necessary to safeguard life or limb, health, property, or public welfare. Physical features which justify the denial of a permit shall include but shall not be limited to:

1. Precipitous cliffs or other nearby vertical land masses of unknown stability.
2. Unstable soils or geologic conditions.
3. Terrain which is subject to flooding, inundation, or sever soil erosion.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been found complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building or structure will be granted.

106.4.1.1 PERMIT ISSUANCE: RESTRICTIONS. The issuance of permits shall be restricted to those applicants or their authorized representatives who are entitled by the regulations and the exemptions in the State Contractor's License Law, Business and Professions Code, and other applicable statutes to perform work regulated by this Code.

1. Owner-Builder permits may be issued to a property owner building or improving his/her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

   (a) The residence is not intended or offered for sale.

   (b) The homeowner has actually resided in the residence for the 12 month period prior to the completion of the work for which the permits is issued.

2. Owner-Builder permits may be issued to a property owner building or improving structures thereon who contract for such projects with licensed contractors pursuant to Division 3, Chapter 9, of the California Business and Professions Code.

3. Tenant Improvement permits may be issued to tenants when authorized by the building owner for work within the tenant space.

ANALYSIS:

This section has been modified by adding language allowing the denial of a permit because of unstable land masses or soil conditions, precipitous cliffs or terrain subject to flooding, inundation or severe erosion. These changes are administrative but based on geologic and topographical conditions.

106.4.4 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or

work authorized by such permit is not commenced within 180 days after the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the work authorized by such permit does not receive final inspection approval within 3 years from the issuance date of the permit. Before such work may be recommenced, a new or renewed permit shall first be obtained to do so. The fee therefor shall be based upon the valuation and extent of work remaining to complete the project, but such fee shall not exceed one-half the current permit fee providing no changes have been made or will be made in the original plan and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may perform work under that permit when he is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may, without requiring payment of an additional permit fee, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Demolition permits issued for the correction of violations shall expire after 30 days.

For the purpose of this Section "suspended or abandoned" shall be measured as elapsed time between approved REQUIRED INSPECTIONS as delineated in UBC Sections 108.5 through 108.7.

ANALYSIS:

The time limits for permit expiration have been changed to conform to the language of the 1997 UBC. This was done to be consistent with a new computerized tracking system. In addition, a 30-day time limit for demolition permits issued to abate violations has been added. These are editorial and administrative changes.

107.2 BUILDING PERMIT FEES. The fee for each building permit shall be as set forth in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.2.1 ELECTRICAL PERMIT FEES. The fee for each electrical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.2 MECHANICAL PERMIT FEES. The fee for each mechanical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.3 PLUMBING PERMIT FEES. The fee for each plumbing permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.4 OTHER FEES. Other fees charged for services by the Division of Building and Safety shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.3 PLAN REVIEW FEES. When a plan or other data are required to be submitted by Sec. 106.3.2, a plan review fee shall be paid at the time of submitting plans and data for plan review. Said plan review fee shall be ~~65~~ 75 percent of the building permit fee as shown in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The plan review fees specified in this subsection are separate fees from the permit fees ~~and are in addition to the permit fees~~.

The amount of the plan review fee for the initial submittal of a "Standard Plan" as defined herein shall be the full plan review fee as specified above. The plan review fee for subsequent submittals of a plan which qualifies as a "Standard Plan" shall be one-half of the initial plan review fee. "Standard Plan is hereby defined as a prototype plan for a building or structure which is to be utilized at more than one site, and which incorporates the same essential structural features, design, dimensions and calculations as the original approved plan. A "Standard Plan" shall be void three years after its original approval or upon revision of the applicable codes under which it was initially reviewed, or at the discretion of the Building Official."

When plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged but such fee shall not exceed one-half the initial plan review fee. Corrected plans which are resubmitted to the Division of Building and Safety for approval subsequent to initial plan review shall not be subject to an additional plan review fee. The fee for additional plan review may be waived by the Building Official when the time consumed in the performance of such service totals less than one-half hour.

ANALYSIS:

The plan review fee has been increased from 65% to 75% to cover the costs of additional plan review items such as storm water drainage, mobile home regulation, flood control design requirements, and data collection and distribution.

107.4 EXPIRATION OF PLAN REVIEW. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When plans are resubmitted for checking after expiration of plan review and no changes have been made or will be made in the original plans and specifications for the work, and no code changes have occurred, the plan review may be

renewed for 180 days and the plan review fee may be one-half the current plan review fee provided the re-submittal has not exceeded one year from the expiration date.

ANALYSIS:

This section revises the current code language to include an allowance for a renewal of the plan review after it has expired under certain conditions. This is an administrative change.

107.5 INVESTIGATION FEES: WORK WITHOUT PERMIT.

107.5.2 FEE. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the Ventura County Building and Safety Fee Schedule.

The payment of such investigation fee shall not exempt any person from compliance with all applicable provisions of this code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

Analysis:

This is an editorial change to refer to the proper title of the fee schedule.

107.6 FEE REFUNDS. The Building Official may authorize the refunding of fees upon written application by the original permittee, within the limitations set forth herein:

(a) Permit issuance fees shall be nonrefundable except as provided in subsection (c) below.

(b) Any fee totaling thirty-five dollars ($35) or less, exclusive of any issuance fee, if any, shall be nonrefundable except as specified in subsection (c) below.

(c) 100% of any fee erroneously paid or collected shall be refundable, except for that portion paid for State Seismic Fee (SMIP).

(d) 90% of any plan review fee, less a cancellation fee, shall be refundable when the permit application is withdrawn or canceled prior to commencement of plan review.

(e) 90% of any permit fee, less a cancellation fee and State of California Seismic Fee (SMIP), shall be refundable when none of the work covered by such permit has commenced.

(f) 90% of any Board of Appeals hearing fee, less a cancellation fee, shall be refundable when such hearing is canceled prior to the issuance of a Notice of Hearing pertaining to the case.

Failure of the permittee to make written application for a refund within ~~6 months~~ 180 days of cancellation or expiration of a plan review, permit, hearing, or request for service for which a fee has been paid, shall constitute a waiver of entitlement to a refund. No partial refund shall be authorized nor credit be applied against other fees which may be payable to the Division of Building and Safety when a construction project is canceled or abandoned subsequent to partial completion of the building or work authorized by a permitted.

107.7 CANCELLATION FEE. Refunds of fees for permits and services associated with construction projects which are canceled or withdrawn prior to commencement of plan review, inspection, or performance of other service by the Division of Building and Safety shall be subject to a cancellation fee as set forth in the Ventura County Building and Safety Fee Schedule.

ANALYSIS:

This section has been expanded to handle many different cases of fee refunds. It is an administrative change.

Sec. 108 - INSPECTIONS

108.1. GENERAL. All construction or work for which a permit is required shall be subject to inspection by the building official to ensure compliance with the requirements of this Code and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701.5.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official by telephone, orally, or in writing when said work is ready for inspection. Such notification shall be given at least one working day before such inspection is desired.

No portion of any building, structure, wiring, plumbing, ductwork or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official. The Building Official shall have authority to remove, or to require the removal of, any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, ductwork, electrical, or mechanical equipment, as necessary to verify compliance with the approved drawing or codes.

Analysis:

This section has been changed to include language from the 1997 UBC and to include a paragraph addressing when lot surveys may be required. This is an administrative change.

SECTION 109 - CERTIFICATE OF OCCUPANCY

109.4 TEMPORARY OR PARTIAL CERTIFICATE. Upon application by the owner, and for reasonable cause, if the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the entire building is completed, a Temporary or Partial Certificate of Occupancy may be issued for a portion or portions of the building. Such Temporary or Partial Certificate must include compliance with this code for all required access and exiting systems, toilet facilities and fire protection equipment and systems.

Upon completion of the entire structure all Temporary or Partial Certificates shall be surrendered to the building official in exchange for a final Certificate of Occupancy, as specified in UBC Section 109.3.

Analysis:

Minor editorial changes have been made to this section to improve the readability.

~~**TABLE UBC 1-A BUILDING PERMIT FEES**~~

~~TOTAL VALUATION~~	~~FEE~~
~~$1.00 to $500.00~~	~~$23.00~~
~~$501.00 to $2,000.00~~	~~$23.00 for the first $500.00 plus~~ ~~$3.00 for each additional $100.00 or fraction thereof, to and including $2,000.~~
~~$2,001.00 to $25,000.00~~	~~$68.00 for the first $2,000.00 plus $13.25 for each additional $1,000.00 or fraction thereof, to and including $25,000.00.~~
~~$25,001.00 to $50,000.00~~	~~$372.75 for the first $25,000.00 plus $9.50 for each additional $1,000.00 or fraction thereof, to and including $50,000.00.~~
~~$50,001.00 to $100,000.00~~	~~$610.25 for the first $50,000.00 plus $6.75 for each additional $1,000.00 or fraction thereof, to and including $100,000.00.~~
~~$100,001.00 to $500,000.00~~	~~$947.75 for the first $100,000.00 plus $5.25 for each additional $1,000.00 or fraction thereof, to and including $500,000.00.~~
~~$500,001.00 to $1,000,000.00~~	~~$3,047.75 for the first $500,000.00 plus $4.50 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00.~~
~~$1,000,001.00 and up~~	~~$5,297.75 for the first $1,000,000.00 plus $3.00 for each additional $1,000.00 or fraction thereof.~~
~~**Other Inspections and Fees:**~~ ~~Refer to current Ventura County Building Code Fee Schedule.~~	

Analysis:

This table has been deleted from the VCBC as it has been included in the Ventura County Building and Safety Fee Schedule which is adopted as a separate resolution by the Board of Supervisors.

CHAPTER 2 - DEFINITIONS

Section 202-A:

~~"Apartment house"~~ **"APARTMENT HOUSE"** shall mean any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums and townhouses.

Analysis:

Words being defined are now printed in bold type to improve the readability and to make them easier to find. This occurs in various places throughout the code. This is an editorial change.

Section 203-B: "Building Official"

3. For the purposes of administering provisions of the Uniform Housing Code pertaining to the abatement of health hazards ~~associated with private sewage disposal systems~~, the term "Building Official" shall mean the manager of the Division of Building and Safety and/or the Environmental Health Officer, or a duly authorized representative.

Analysis:

In paragraph 3, a reference to "private sewage disposal system" has been deleted which removes the limit on the abatement of health hazards to that item only. This is an administrative change.

Section 207-F:

207-F ~~FLOOD HAZARD AREA~~ **"FLOOD HAZARD AREA"** is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Control ~~Section~~ Division of the Public Works Agency.

Analysis:

Several references to different Public Works Agency "Sections" have been corrected to refer to "Divisions". This is an editorial change.

CHAPTER 6 - TYPES OF CONSTRUCTION

SECTION 607 - HIGH FIRE HAZARD AREAS

Sec. UBC 607.1 HIGH FIRE HAZARD AREA DEFINED. For the purpose of this code, certain areas in the unincorporated territory of the County shall be classified as the High Fire Hazard

Area by the Ventura County Fire Protection District. The High Fire Hazard Area is defined as any area within 500 feet of uncultivated brush, grass, or forest-covered land wherein an authorized representative of said District determines that a potential fire hazard exists due to the presence of such flammable growth.

Sec. UBC 607.2 CONSTRUCTION REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Buildings or structures hereafter erected, constructed or moved within or into designated high fire hazard areas, including mobilehomes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section. Although their installation is encouraged, neither manual nor automatic fire extinguishing systems or similar water spraying devices may be substituted for the fire protection set forth herein.

607.2.1 ROOFS. Roof coverings shall be fire retardant Class A. as specified in Section 1504 in the UBC.

607.2.2 EXTERIOR WALLS. Fire-resistive protection of exterior walls and openings, as determined by location on property, shall be as required by Section 503 in the UBC.

EXCEPTION: No exterior wall covering of a building shall provide less fire resistance than that afforded by: 7/8-inch exterior cement plaster; 1-inch nominal thickness solid wood siding; 1/2-inch textured plywood siding having a groove depth of 1/8-inch or less; 7/16-inch hardwood siding; 5/8-inch particleboard, exterior type 2-M; or 5/8-inch exterior plywood, T1-11, having a groove depth of 1/4-inch or less. Fire-retardant treated or untreated wood shingle or shake siding shall not be permitted.

607.2.3 UNDERFLOOR AREAS. Where underfloor areas are not enclosed by fire-resistive construction conforming to the requirements of subsection 607.2.2 above, the underside of the floor system shall be fire-protected as set forth in subsection 607.2.4.

607.2.4 PROJECTIONS AND OTHER BUILDING ELEMENTS EXPOSED TO FIRE. Architectural projections such as roof overhangs and soffits, balconies and decks, and other elements of building which have combustible structural elements in the horizontal plane, shall be protected with materials approved for 1-hour fire-resistive construction on the lower, fire-exposed side and shall have 1-hour fire-resistive supporting columns unless the details of construction conform to those for heavy timber as described in Section 605 in the UBC.

EXCEPTIONS: 1. Combustible structural members in horizontal projections may be unprotected timbers of size 4 x 6 or larger when used as rafters or as stair, balcony, or deck supports or for similar purposes.

2. Patios, carports, arbors and open latticework sunshades may be constructed of any materials allowed by this Code.

3. Balconies and decks 30 inches or more above grade may have flooring of not less than 2-inch nominal thickness lumber or material of equivalent fire

resistance. Such flooring may be spaced not more than 1/4-inch apart and need not be fire protected on the underside.

Balconies and decks less than 30 inches above grade shall be solidly floored without gaps and shall be fire-protected on the underside as required by this Section. In lieu of fire protection, such balconies and decks may be enclosed from floor surface to grade in the manner prescribed for exterior walls in subsection 607.2.2 of this Section.

4. Combustible exterior columns directly supporting roofs, stairs, balconies, and decks may be size 4 x 4 or larger. Columns and beams supporting interior floor loads may be size 6 x 6 or larger.

607.2.5 VENTILATION OPENINGS. Attic or foundation ventilation opening or louvers shall not be located at or within 18", measure vertically, of eaves or rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire in adjacent hazardous grass or brush areas.

607.3 WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of UBC 607.2.1 through 607.2.5 above, in whole or in part, for specific construction projects within the High Fire Hazard Area when such waiver is approved by an authorized representative of the Ventura County Fire Protection District, based upon site conditions which justify a reduction in fire resistance.

ANALYSIS:

This section has been added to address the special construction requirements for buildings constructed in high fire hazard areas. Theses amendments are necessary because of local climatic and topographical conditions.

CHAPTER 16 - DIVISION I - STRUCTURAL FORCES

Sec. 1611 OTHER MINIMUM LOADS.

1611.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

ANALYSIS:

This section has been added to deal with the testing and acceptance requirements for drilled-in expansion bolt anchors and epoxy-type anchors. This is an administrative change.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1803 SOIL CLASSIFICATION - EXPANSIVE SOIL.

1803.2 EXPANSIVE SOIL. The expansive characteristics of soil shall be determined by procedures in accordance with UBC Standard Number 18-1 and the soils shall be classified according to Table Number 18-1-B of this Code. Foundations for structures bearing on soils with an expansion index greater than 20, as determined by UBC Standard Number 18-2, shall require special design consideration. In the event the soil expansion index varies with depth, the weighted index shall be determined according to Table Number 18-1-C in the UBC. The Soil Expansion Index shall be listed in all soils investigation reports.

A test to determine the soil expansion index shall be conducted for each building site except that in subdivisions the frequency of testing need not exceed one test per five contiguous lots or one test per five acres, whichever are is smaller. Such tests shall be made after rough grading is completed. Tests shall include a determination of the expansion index for the most expansive soil encountered within the top four feet at each test location whether in cut or fill or a combination thereof.

The expansion index for soil on subdivision lots which have not been individually tested shall be assumed to correspond to the highest reading determined by tests on proximate lots.

ANALYSIS:

This section has been modified to clarify the requirements for testing for expansive soils and to provide standards to which to design foundations in areas of moderate to high expansivity. This change is due to the special geologic conditions found in areas of highly expansive soils.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1804 FOUNDATION INVESTIGATION.

1804.2 INVESTIGATION. The classification of soil shall be based on observation and necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be required to evaluate soil strength, the effect of moisture variation on soil bearing capacity, compressibility, liquefaction and expansiveness.

In Seismic Zones 3 and 4, when required by the building official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

EXCEPTIONS: 1. The building official may waive this evaluation upon receipt of written opinion of a qualified geotechnical engineer or geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy with or without attached garages ~~and single-story accessory structures thereto~~.

3. Group U, Division 1 Occupancies.

4. Fences.

5. ~~Detached single-story Group U, Division 3 occupancies.~~

Whenever, in the opinion of the Building Official, the adequacy and stability of a building site cannot be determined by the test borings or excavations required by this section, he may require a special geologic, geotechnical, hydrologic, seismic, or other investigation and report. Geologic investigations such as those for hillside stability or seismic hazards shall be conducted by a California-certified Engineering Geologist.

Analysis:

Exception 2 has been modified to exempt single story structures accessory to single family dwellings. Exception 5 has been added to exempt single story agricultural buildings. These changes are administrative.

1806 FOOTINGS.

Section 1806.1. GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with Chapter 18, Division II and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings, foundations, and concrete slab floors at or below grade shall be constructed to comply with Table UBC 18-1-D (Rev.) and footnotes thereto in this ordinance, except when an approved alternative design is provided based on a foundation investigation. UBC Table 18-1-D and footnotes thereto in the UBC is hereby deleted in its entirety, and is replaced by VCBC Table UBC 18-1-D (Rev.) and footnotes thereto, published herewith.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind or wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards. See Section 3302 for subsoil preparation and wood form removal.

1806.11 HOLD-DOWN CONNECTORS.

1. All bolt-holes shall be 1/16" (max) over-sized at the connection of hold-downs to posts.

2. Hold-down connection bolts/nuts shall be torqued ½ turn beyond finger tight or as required by manufacturer.

3. Approved plate washers, in-lieu of cut washers, shall be provided for all plywood shearwall sill plate anchor bolts. See Table "A" below.

4. Approved plate washers, in-lieu of cut washers, shall be provided for hold-down connector bolts at shearwall wood flanges. See Table "A" below.

TABLE - A

MINIMUM SIZE FOR SQUARE PLATE WASHERS

BOLT SIZE	PLATE SIZE
1/2"	3/16" x 2" x 2"
5/8"	1/4" x 2 1/2" x 2 1/2"
3/4"	5/16" x 2 3/4" x 2 3/4"
7/8"	5/16" x 3" x 3"
1"	3/8" x 3 1/2" x 3 1/2"

1806.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Where additional foundation plate anchor bolts are required after foundations are completed, drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

1806.13 GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table UBC 18-1-D (Rev.), whichever is deeper, reinforced as specified for continuous foundations in Table UBC 18-1-D, shall be provided at garage door openings.

1806.14 FIREPLACE FOOTINGS. Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table UBC 18-1-D (Rev.).

ANALYSIS:

This section has been modified by changes found in Table 18-D due to specific geologic conditions found in Ventura County. These changes are geologically based.

CHAPTER 23 - WOOD

TABLE 23-II-~~I~~G MAXIMUM DIAPHRAGM DIMENSION RATIOS

MATERIAL	HORIZONTAL DIAPHRAGMS	VERTICAL DIAPHRAGMS
	Maximum Span-Width Ratios	Maximum Height-Width Ratios
1. Diagonal sheathing, conventional 2. Diagonal sheathing, special 3. Wood structural panels and particleboard, nailed all edges	3:1 4:1 4:1	~~2:1~~ ~~1:1~~ 2:1 2:1
4. Wood structural panels and particleboard, blocking omitted at intermediate joints	4:1	~~2:1~~ ~~NP~~

Analysis:

This table has been revised to reflect changes made in the 1997 UBC. Footnote 3 in the code has been dropped out due to the high level of seismcity (i.e., Northridge Earthquake) in this region. This is a change based on local geology.

TABLE 23-II-1-1 — ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES IN POUNDS PER FOOT FOR WOOD STRUCTURAL PANEL SHEAR WALLS WITH FRAMING OF DOUGLAS FIR-LARCH OR SOUTHERN PINE.[1, 2, 3, 4]

PANEL GRADE	MINIMUM NOMINAL PANEL THICKNESS (INCHES) x 25.4 for mm	MINIMUM NAIL PENETRATION IN FRAMING (INCHES) x 25.4 for mm	PANELS APPLIED DIRECTLY TO FRAMING: Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (In.) x 25.4 for mm: 6	4	3	2 (x 0.0146 for N/mm)	PANELS APPLIED OVER 1/2-INCH (13 mm) OR 5/8-INCH (16 mm) GYPSUM SHEATHING: Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm: 6	4	3	2 (x 0.0146 for N/mm)
Structural I	5/16	1 1/4	6d	150	225	293	383	8d	150	225	293	383
	3/8	1 1/2	8d	173[5]	270[5]	345[5]	458[5]	10d[6]	210	323	413	548
	7/16			191[5]	296[5]	379[5]	503[5]					
	15/32			210	323	413	548					
	15/32	1 5/8	10d[6]	255	383	499	653	–	–	–	–	–
C-D, C-C Sheathing, plywood panel siding and other grades covered in U.B.C. Standard 23-2 or 23-3	5/16	1 1/4	6d	135	203	263	338	8d	135	203	263	338
	3/8			150	225	293	383		150	225	293	383
	3/8	1 1/2	8d	165[5]	240[5]	308[5]	398[5]	10d[6]	195	368	368	480
	7/16			180[5]	263[5]	338[5]	439[5]					
	15/32			195	285	368	480					
	15/32	1 5/8	10d[6]	233	345	450	578	–	–	–	–	–
	19/32			255	383	499	653					
			Nail Size (Galvanized Casing)					Nail Size (Galvanized Casing)				
Plywood panel siding in grades covered in U.B.C. Standard 23-2	5/16	1 1/4	6d	105	158	206	270	8d	105	158	206	270
	3/8	1 1/2	8d	120	180	233	308	10d[6]	120	180	233	308

[1] All panel edges backed with 2-inch (51 mm) nominal or wider framing. Panels installed either horizontally or vertically. Space nails at 6 inches (152 mm) on center along framing members for 3/8-inch (9.5 mm) and 7/16-inch (11 mm) panels installed on studs spaced 24 inches (610 mm) on center and 12 inches (305 mm) on center for other conditions and panel thicknesses. These values are for short-time loads due to wind or earthquake and must be reduced 25 percent for normal loading.
Allowable shear values for nails in framing members of other species set forth in Table 23-III-FF of Division III shall be calculated for all other grades by multiplying the shear capacities for nails in Structural I by the following factors: 0.82 for species with specific gravity greater than or equal to 0.42 but less than 0.49, and 0.65 for species with a specific gravity less than 0.42.

[2] Where panels are applied on both faces of a wall and nail spacing is less than 6 inches (152 mm) on center on either side, panels joints shall be offset to fall on different framing members or framing shall be 3-inch (76 mm) nominal or thicker and nails on each side shall be staggered.

[3] Framing at boundary and panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered for all plywood shear walls with shear values exceeding 300#/ft. Nailing edge distance for 3x boundary and panel edge members shall be 1/2-inch minimum.

[4] The maximum allowable shear for 3-ply plywood, less than 5/8-inch thickness, shall not exceed 200#/ft. when used in shearwalls and framing of Douglas Fir-Larch or Southern Pine.

[5] The values for 3/8-inch (9.5 mm) and 7/16-inch (11 mm) panels applied direct to framing may be increased to values shown for 15/32-inch (12 mm) panels, provided studs are spaced a maximum of 16 inches (406 mm) on center or panels are applied with long dimension across studs.

[6] Framing at adjoining panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered where 10d nails having penetration into framing of more than 1 5/8 inches (41 mm) are spaced 3 inches (76 mm) or less on center.

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ANALYSIS:

The allowable shear values in this table have been reduced by 25% following the Northridge Earthquake due to actual performance experience. These changes are based on local geologic conditions.

CHAPTER 25 - GYPSUM BOARD AND PLASTER

Section 2513 - SHEAR-RESISTING CONSTRUCTION WITH WOOD FRAME.

2513.4 HEIGHT TO LENGTH RATIO. The maximum allowable height-to length ratio for the construction in this section shall be 1 to 1. Wall sections have height-to-length ratios in excess of 1½ to 1 shall be blocked.

ANALYSIS:

Changes to this section are based on the performance evidence of this type of construction from the Northridge Earthquake. These changes are based on local geologic conditions.

TABLE 25-I - ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES
IN POUNDS PER FOOT FOR VERTICAL DIAPHRAGMS OF
LATH AND PLASTER OR GYPSUM BOARD FRAME WALL ASSEMBLIES[1]

TYPE OF MATERIAL	THICKNESS OF MATERIAL	WALL CONSTRUCTION	NAIL SPACING[2] MAXIMUM (inches)	SHEAR VALUE	MINIMUM NAIL SIZE[3]
	x 25.4 for mm		x 25.4 for mm	x 14.6 for N/m	x 25.4 for mm
1. Expanded metal, or woven wire lath and portland cement plaster	7/8"	Unblocked	7	90	No. 11 gage 1 1/2" long, 7/16" head[4]
2. Gypsum lath	3/8" lath and 1/2" plaster	Unblocked	7	30	No. 13 gage, 1 1/8" long, 19/64" head, plasterboard blued nail
3. Gypsum sheathing board[5]	1/2" x 2' x 8'	Unblocked	7	30	No. 11 gage, 1 3/4" long, 7/16" head, diamond-point, galvanized
	1/2" x 4' 1/2" x 4'	Blocked Unblocked	7 7	30 30	
4. Gypsum wallboard or veneer base[5]	1/2"	Unblocked	7	30	5d cooler (0.086" dia., 1 5/8" long 15/64" head) or wallboard (0.086" dia., 1 5/8" long, 9/32" head)
			7	30	
		Blocked	7	30	
			7	30	
	5/8"	Unblocked	7	30	6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head)
			7	30	
		Blocked	7	30	
			7	30	
		Blocked Two ply	Base ply: 7 Face ply: 7	60	Base ply - 6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head) Face ply - 8d cooler (0.113" dia., 2 3/8 long, 9/32" head) or wallboard (0.113" dia., 2 3/8" long, 3/8" head

[1]These vertical diaphragms shall not be used to resist loads imposed by masonry or concrete construction. See Section 2513.2. Values shown are for short-term loading due to wind or due to seismic loading in Seismic Zones 0, 1, 2A and 2B. Values shown must be reduced 25 percent for normal loading. The values shown in Items 2, 3 and 4 shall be reduced 50 percent for lading due to earthquake in Seismic Zones 3 and 4.
[2]Applies to nailing at all studs, top and bottom plates and blocking.
[3]Alternate nails may be used if their dimensions are not less than the specified dimensions.
[4]Required minimum nailing shall be No. 11 gage x 1 1/2" long galvanized nails with lath burred to 1/4" from the face of the building paper. Staples and self-barring lath shall not be permitted.
[5]Frame wall assemblies constructed of Portland cement plaster, gypsum sheathing board or gypsum wall board are not permitted to carry shear loads at ground floor of multi-level buildings.

ANALYSIS:

The allowable shear values in this table have been reduced by 25% following the Northridge Earthquake due to actual performance experience. These changes are based on local geologic conditions.

CHAPTER 40 RELOCATED BUILDINGS AND TEMPORARY STRUCTURES

Sec. 40.1. GENERAL REQUIREMENTS. Buildings or structures moved into or within the County shall comply with the provisions of this Code for new buildings or structures except when otherwise permitted by this Code or by State law.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Sec. 40.2. PERMIT(S) REQUIRED. It shall be unlawful for any person, firm, or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office, or similar structure which is relocated as construction requires, into or within the County without first obtaining a permit to do so from the Building Official.

EXCEPTION: Buildings moved to the business premises of a house mover for the purpose of temporary storage.

Sec. 40.2.1 NOTIFICATION OF RELOCATED BUILDING. Prior to issuance of relocation permit for any structure and as a part of the application therefor, a Notice of Relocated Building, on a form furnished by the Building Official, shall be posted at the site of the building proposed to be relocated and at the proposed new site location. This public notice shall be maintained for a minimum of 15 days from the date of the application for relocation permit. During this period, interested parties may submit written comments to the Building Official regarding said proposed relocation. (refer to Sec. 40.5 DENIAL OF PERMIT.)

Sec. 40.3. APPLICATION AND INVESTIGATION FEE. To obtain a permit to relocate a building or structure the applicant shall first file an application therefor as required by Section 106.3 in this ordinance. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by the required investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be non-refundable. If the building to be moved is located outside the County, the applicant shall pay an additional fee as set forth in the Ventura County Building and Safety Fee Schedule to cover increased costs of inspection and mileage.

40.3.1 The Building Official shall make the following findings prior to issuing the permit:

1. That there is evidence of full compliance with the zoning provisions of Ventura County Ordinance Code, Division 8 - PLANNING AND DEVELOPMENT.

2. That the building shall comply, or shall be altered to comply, with current building, electrical, heating and air conditioning, and plumbing code requirements.

3. That all necessary and required documentation has been submitted for review, including, but not limited to, plans and specifications for all required or proposed improvements at the new location, a soils investigation report, a current termite inspection report, a water "will serve" letter from a recognized water provider or an approved water well certificate, a sewer "will serve" letter from a recognized sanitation district or an approved septic system certificate, and a surety bond in the amount determined by the Building Official as set forth in Sec. 11-16 of this Code.

Sec. 40.4. INVESTIGATION AND REPORT. The Building Official shall cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report shall list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions, or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety, or welfare.

The investigation report shall remain valid for a period of 180 days after the building or structure has been inspected, after which time a new investigation and report may be required by the Building Official.

Sec. 40.5. DENIAL OF PERMIT. The Building Official may deny the issuance of a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous.

2. Is infested with pests or is insanitary.

3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair.

4. Is so dilapidated, defective, or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated.

5. Because of age, size design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

Sec. 40.6. SECURITY REQUIRED. The Building Official shall not issue a permit to relocate a building or structure unless the applicant therefor shall first post with the Building Official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the State as surety; a cash bond naming the County of Ventura as payee; or an assignment of certificates or shares issued by a lending institution doing business in this state and insured by the FDIC. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this Section shall:

1. Be in form joint and several.

2. Name the County of Ventura as obligee.

3. Guarantee that the required work will be completed or, when ordered by the Building Official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition.

4. Be in an amount equal to the estimated cost, plus 10 percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official.

5. State therein the legal description or address of the property to which the building or structure is to be relocated.

Sec. 40.7. CONDITIONS OF SECURITY. Every performance bond, cash bond, or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within 180 days from the date of issuance of the permit.

2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety.

3. The term of each bond posted pursuant to this Article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.

4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.

5. Upon default by the principal, the surety shall cause all required work to be performed as set forth in the conditions of the investigation report and relocation permit.

6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean, and restore the site.

Sec. 40.8. PERMIT ISSUANCE AND FEES. Before a permit is issued for the relocation of a building and its reconstruction, repair, and completion at a new site, all required plan review and permit fees shall be paid. The required permits, together with the investigation report, shall comprise the "relocation permit" for the purposes of this Article.

The value to be used in computing the relocation building permit and plan review fees shall be as set forth in Sec. 107.2 in this Code, based upon the estimated cost of all construction necessary to complete the structure.

Sec. 40.9. EXPIRATION OF PERMIT. Permits for the relocation, reconstruction, and repair of a building or structure shall be null and void in accordance with the provisions of Section 106.4.4 in this Code if the building or structure is not relocated to the proposed site and/or the required work commenced within 6 months of the date of issuance of such permits.

Sec. 40.10. PROCEDURE UPON DEFAULT.

40.10.1 PERFORMANCE BOND. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond.

The notice of default shall state the conditions of the bond which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work.

Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified.

The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned, and restored to the satisfaction of the Building Official.

EXCEPTION: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided:

1. A written agreement is executed between Surety and the Division of Building and Safety under which the Division assumes responsibility for causing completion of required work or demolition of the structure; and

2. A cash bond is posted by the Surety in the amount of the performance bond, payable to the County of Ventura, to enable the Building official to cause the required work of repair or demolition to be performed in accordance with Section 40.10.2 in this ordinance.

40.10.2 CASH BOND. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

40.10.3 ASSIGNMENT OF SHARES. When an assignment of share has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or shares or any portion thereof by the lending institution and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contract or otherwise.

Sec. 40.11 RELEASE OF SECURITY.

40.11.1 PERFORMANCE BOND. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.

40.11.2 CASH BOND. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successors or assigns, except any portion thereof that may have been used, cashed, or deducted as provided elsewhere in this Article.

40.11.3 ASSIGNMENT OF SHARES. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the Building Official shall notify the lending institution and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this Article.

ANALYSIS:

This entire chapter has been added to deal with moved buildings and to provide the procedures necessary for their proper permitting and installation. This is an administrative change.

CHAPTER 41 SWIMMING POOLS, ORNAMENTAL POOLS, AND APPURTENANT FENCING

SECTION 41.1 - GENERAL

41.1.1 SCOPE. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

4.1.2 STANDARDS OF QUALITY. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard list below is a recognized standard. (See Section 3504.)

ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

SECTION 41.1.3 - DEFINITIONS.

For the purpose of this Article certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "swimming pool."

Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346.

Barrier (enclosure) is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

Grade is the underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "spa, nonself-contained" and "spa, self-contained."

In-Ground Pool. See definition of "swimming pool."

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the rounds of a private single-family home.

Separation Fence is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually have a filter, heater and a motor-driven blower. It may be installed indoors or outdoors , on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Spa, Self-Contained, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Swimming Pool, is any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. The term "swimming pool," does not apply to plumbing fixtures such as bathtubs or hydro-therapy tubs; nor does it apply to man-made lakes,

reservoirs or farm ponds used primarily for public park purposes, ornamentation, water conservation, irrigation, ground-water recharging basins, or watering of livestock. It shall apply to any water-filled excavation, lined or unlined, within three (3) feet of any structure or property line. (Public pools shall comply also with CCR Title 24).

Swimming Pool, Indoor, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor, is a swimming pool that is not an indoor pool.

Sec. 41.2. POOL DESIGN AND CONSTRUCTION

41.2.1 GENERAL. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, and mechanical codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.

41.2.2 EXPANSIVE SOIL DESIGN. Pools constructed below grade shall be designed on the assumption that their construction is to be in an area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 p.c.f.).

> EXCEPTION: Where tests indicate that soils at a pool site are non-expansive or have low expansion characteristics from the ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less that 30 p.c.f.

In highly expansive soils having an expansion index of 91-130, pools shall be designed for not less than 60 p.c.f. equivalent fluid pressure.

In very highly expansive soils having an expansion index over 130, pool design shall be subject to special requirements based on a site investigation, soil testing, and engineering analysis by a registered civil engineer to determine appropriate design parameters for the site.

41.2.3 HYDROSTATIC UPLIFT. In areas of anticipated high water table ~~or moderate or highly expansive soil~~ an approved hydrostatic relief system or device shall be installed.

41.2.4 THERMAL PROTECTION FOR PLASTIC PIPING. Between the inlet of pool water heating equipment and any plastic water piping connected thereto, a check valve shall be installed to prevent thermal damage to such piping due to backflow.

> EXCEPTION: When rapid or high-rate filters are employed a check valve may be omitted.

Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than five feet of approved metal pipe shall be installed for the purpose of dissipating heat.

41.2.5 SAFEGUARDING SUCTION DRAINS. Bottom drains and suction intakes in pools and spas shall be covered with grates or other protective devices which cannot be removed except with tools. The slots or openings in these covers shall be of such area, shape, and

arrangement as to prevent bathers from being drawn thereto with such force as to constitute a safety hazard.

41.2.6 GRAB BARS. Wherever egress from a pool is restricted by the presence of a vertical wall or other barrier which extends more than 12" above the water surface at the pool edge, permanent continuous grab bars, handrails, or other approved equivalent devices shall be installed within 12 inches above of the water surface. Such devices shall be capable of being securely grasped, and shall be adequate to support the weight of a user of the pool.

Sec. 41.3. DECKS

41.3.1 GENERAL. A deck shall be provided around below-grade swimming pools except when special engineering design is furnished which indicates that such deck is not necessary for the purpose of maintaining the structural integrity of the pool and/or for controlling surface water and moisture content in the soil adjacent to the pool. Decks shall not be required for spas and hot tubs.

41.3.2 DECK DESIGN AND CONSTRUCTION. Required decks shall be constructed of concrete or other approved impervious material and shall be sloped to provide positive drainage away from the perimeter of the pool. Except as provided below, decks shall have a minimum width of four feet and shall be at least 3-1/2 inches in thickness. Reinforcement shall be #3 bars spaced not over 24 inches o.c. each way, or equivalent reinforcing.

Approved joints shall be provided in the deck at corners, at maximum 10-foot intervals, and wherever necessary in order to control cracking, to allow for differential movement, and to minimize damage to the deck from such movement should it occur.

Joints in decks and coping shall be made watertight with an approved permanent resilient sealant.

41.3.3 CUTOFF WALLS. At the outer perimeter of pool decks a cutoff wall of approved material shall be installed below-grade to a depth of at least 15 inches so as to form a permanent and effective vertical moisture barrier.

EXCEPTIONS: 1. A cutoff wall may be omitted when a deck at least six feet wide is installed.

2. Decks less than four feet in width may be installed provided that the required cutoff wall is increased in depth beyond the minimum by an amount equal to the reduction in deck width.

41.3.4 PRE-SATURATION, HIGHLY EXPANSIVE SOILS. When the soil below a deck has an expansion index of 91 or greater it shall be saturated with water to a depth of at least 18 inches prior to installation of the deck.

41.3.5 DECK BONDING. When decks are to be installed, whether structurally required or not, the reinforcing installed therein shall be electrically bonded together with the pool shell reinforcing and metal parts of electrical equipment associated with the pool water recirculating system and with miscellaneous metal accessories, such as pool slides, diving boards and spring boards, in accordance with NEC Sec. 680-22.

Sec. 41.4. DRAINAGE AND DISPOSAL

41.4.1 SURFACE WATER. Surface water from pool decks shall be collected and conducted through non-erosive devices to a street, storm drain, or other approved watercourse or disposal area.

41.4.2 WASTE WATER. Pool waste water shall be disposed of in accordance with the requirements of the Environmental Health Officer.

41.4.3 DRYWELLS. Drywells shall not be employed for pool wastewater disposal except when specifically approved for the purpose and when it has been determined that such installation is not likely to have adverse effects on the structural stability of the pool or other structures on the site. The Building Official may require a percolation test, soils report, and/or geological report to make such a determination.

Sec. 41.5. SPECIAL INSPECTION. Special inspection as required by Section 1701.5.12 in the UBC shall be provided for pneumatically placed concrete (gunite) in swimming pools.

Sec. 41.6. BARRIER REQUIREMENTS.

41.6.1 OUTDOOR SWIMMING POOL. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch diameter sphere.

   Exceptions:

   1. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.

   2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3. Chain link fences used as the barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate barrier shall have no opening greater that ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. ~~Pedestrian gates shall swing away from the pool.~~ Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 41.6.1 shall be provided.

   Exception: When approved by the building official, one of the following may be used:

   1. Self-closing and self-latching devices installed on all doors with direct access to the pool and the release mechanism located a minimum of 54 inches above the floor.

   2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

   3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 though 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. Outdoor Swimming Pools with an approved safety pool cover shall not be required to provide other barriers.

8. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 7, above, may be approved by the building official of the jurisdiction issuing the applicable building permit.

41.6.2 INDOOR SWIMMING POOL. For an indoor swimming pool, protection shall comply with the requirements of Section 41.6.1, Item 5.

41.6.3 SPAS AND HOT TUBS. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 41.6.1.

Exception: Spas or hot tubs equipped with a listed safety cover shall be exempt from the requirements of Section 41.6.1.

Analysis:

ENTIRE CHAPTER: This chapter has been rewritten entirely incorporating the requirements of the "Pool Safety Act" passed by the California State Legislature together with requirements from the 1997 UBC Appendix Chapter 4, Division I (Titled "Barriers for Swimming Pools, Spas and Hot Tubs") and local amendments to the chapter carried forward from prior adoptions.

CHAPTER 42 - MOBILEHOMES AND COMMERCIAL COACHES

Sec. 42.1. DEFINITIONS. For the purposes of this Article the terms "mobilehome," "commercial coach," "mobilehome accessory structure," and "foundation system" shall have the meanings set forth in Title 25, California Code of Regulations, and shall also apply to "manufactured housing" and "factory-built housing".

Sec. 42.2. SCOPE. The provisions of this Article shall apply to mobilehomes and commercial coaches installed outside mobilehome parks in all locations where the County of Ventura is the primary enforcement authority for applicable provisions of the State Mobilehome Parks Act, Subchapter 1 of Chapter 2, California Code of Regulations, Title 25.

Sec. 42.3. INSTALLATION PERMIT REQUIRED. No person, firm, or corporation shall install, occupy, or use a mobilehome, mobilehome accessory structure, or commercial coach or cause the same to be done without first obtaining an installation permit therefor. Said installation permit shall be issued subject to compliance with applicable laws and ordinances, including but not limited to:

1. Terms and conditions of a zoning clearance, including time limits established thereby.

2. Requirements for an approved foundation system.

3. Requirements for approved electrical, plumbing, and sewage disposal facilities.

4. Payment of installation permit fees in addition to fees for permits, services or clearances which may otherwise be required.

Sec. 42.4. SPECIAL REQUIREMENTS, COMMERCIAL COACHES

42.4.1 ALLOWABLE AREA. The area of commercial coach units connected in multiple shall not exceed the allowable floor area for the occupancy housed therein and the Type of Construction, in accordance with Section 504 in the UBC.

42.4.2 LOCATION ON PROPERTY. Commercial coaches shall be positioned on a site with sufficient setback from property lines so as to comply with the requirements of Section 503 in the UBC for fire-resistive protection of exterior walls and openings without the necessity for altering the structure or finish materials of the exterior walls of the coach.

42.4.3 STAIRS AND EXITS. Stairs, ramps, handrails, guardrails, landings, and exits shall be provided for commercial coaches as specified in Chapter 10 in the UBC. Such coaches shall also conform to applicable standards of the State of California for making buildings accessible by physically handicapped persons.

42.4.4 SANITARY FACILITIES. Commercial coaches shall be provided with sanitary facilities in accordance with the requirements of this Code which are applicable to the particular occupancy housed therein. Sanitary facilities shall also conform to the applicable standards of the State of California for accessibility to physically handicapped persons.

Sec. 42.5. REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The requirements of Section UBC 607.2 in this ordinance shall be applicable to mobilehomes, mobilehome accessory structures, manufactured or factory-built housing, and commercial coaches installed within High Fire Hazard areas.

Sec. 42.6. SUBSTANDARD OR DANGEROUS MOBILEHOMES AND COMMERCIAL COACHES. All mobilehomes, commercial coaches, or portions thereof, whether permanently or temporarily installed, which are determined to be substandard or dangerous as defined in the Uniform Housing Code or the Dangerous Buildings Code as amended by this ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in such codes.

Sec. 42.7 RECREATIONAL VEHICLES

42.7.1 DEFINITION

See Section 18010 of the California Code of Regulations, Health and Safety Code which reads as follows:

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

(Amended by Stats. 1990, Ch. 765, Sec. 3.)

42.7.2 ALLOWABLE USE

Recreational vehicles may only be used as "temporary dwellings during construction", as long as a building permit for new residential construction or major remodeling is in full force and effect and subject to Zoning Clearance conditions.

Recreational vehicles cannot be used as permanent dwellings or permanent accessory structures on private property, except as specifically allowed under California State law.

ANALYSIS:

This entire chapter has been written identify the requirements for placing mobile homes and commercial coaches on private property. They also coordinate with regulations found in Title 25 of the California Code of Regulations for mobile homes and commercial coaches. These are administrative changes.

CHAPTER 43 - POST-DISASTER RECOVERY AND RECONSTRUCTION

SECTION 43.1 POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

43.1.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Division of Building and Safety as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

43.1.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the County of Ventura following each natural or man-made disaster.

43.1.3 DEFINITIONS.

43.1.3.1 Building Official is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.1.3.2 Safety assessment is a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a natural or man-made disaster.

43.1.4 PLACARDS. The following official placards shall be used to designate the condition of buildings or structures following a disaster.

43.1.4.1 INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

43.1.4.2 RESTRICTED OR LIMITED ENTRY may be posed on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

43.1.4.3 UNSAFE - Do Not Enter or Occupy may be posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

43.1.4.5 SECURING OF UNSAFE BUILDINGS OR STRUCTURES - Buildings or structures that have been determined by the building official to pose a threat to life safety or to be unsafe due to damage may be required by the building official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures shall not be removed without authorization from the building official.

43.1.4.6 REMOVAL OF PLACARDS - Once the placard has been attached to a building or structure, it shall not be removed, altered or covered until authorized by the building official.

43.1.5 VIOLATION. Any violation of Article 3, Chapter 43 of this code is a misdemeanor and shall be subject to punishment according to the provisions of Article 2, Chapter 1, Section 103.

Section 43.2 POST DISASTER ABATEMENT

43.2.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors.

43.2.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura.

43.2.3 DEFINITIONS. For the purpose of the chapter, the following definitions apply:

43.2.3.1 EVENT shall mean any occurrence which results in the declaration of a disaster by the Board of Supervisors, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

43.2.3.2 HISTORIC BUILDING OR STRUCTURE shall be any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

43.2.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

43.2.4 ABATEMENT CRITERIA

43.2.4.1 NOTICE OF DETERMINATION. Except as provided in subsection 43.2.4.2 below, the Building Official shall serve a written Notice of Determination to each property owner as found on the latest available copy of the County Assessor's Role. Said Notice of Determination shall be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and shall also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice shall specify that within forty-eight (48) hours from the time of issuance of the Notice of Determination, the owner or other part of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by the Building Official.

43.2.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice shall be required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the County to give the owner notice prior to abatement, the Building Official may cause the nuisance to be abated by the County with County resources or County contractees.

43.2.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the Building Official within 48 hours of delivery of such notice of determination by the Building Official. Such appeal shall be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should and/or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance

by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official shall rescind in writing his former Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan, or should the Building Official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the General Board of Appeals.

43.2.4.4 GENERAL BOARD OF APPEALS HEARING. At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses, submit evidence and to cross-examine the witnesses of the County. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the General Board of Appeals shall act to either uphold, overrule or modify the determination and order of the Building Official . The determination and order of the Building Official shall be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within twenty-four (24) hours of the time the oral decision is rendered.

If the General Board of Appeals upholds the decision of the Building Official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order shall be vacated. The decision of the General Board of Appeals shall be final on the date it is rendered.

43.2.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record shall execute such plan within twenty-four (24) hours of obtaining approval of the plan from the Building Official, or his designee. Within twenty-four (24) hours of completion of the abatement work the owner or other interested party of record shall provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Hazard, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall be reviewed and approved by the Building Official before permanent repairs are performed.

43.2.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Hazard or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the Building Official.

43.2.4.7 PUBLIC NUISANCE. All structures or portions thereof which, after inspection by an unauthorized County Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be abated by the owner in accordance with the procedures specified in sections 43.2.4.4 and 43.2.4.5.

43.2.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any provisions herein to the contrary, the Building Official is authorized to suspend abatement work by the County, or the County's contractees, and to allow the property owner or other part of legal interest to complete the abatement work.

43.2.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this Chapter.

43.2.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

43.2.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

43.2.5.1 NOTIFICATION OF IMMINENT HAZARD. Within 10 days after the event, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

43.2.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right of way.

43.2.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code.

43.2.5.2 CONDEMNATION PROCEEDINGS. If, ten (10) days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code. The Building Official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

43.2.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building

Official shall submit a request to demolish to the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1986, as amended. Said request shall include all substantiating data.

Section 43.3 DISASTER REPAIR AND RECONSTRUCTION

43.3.1 INTENT. This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The Chapter does not allow exemptions from the Building, Fire Electrical, Mechanical, Plumbing, other codes, or County Ordinances.

43.3.2 APPLICATION OF PROVISIONS.

43.3.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura following each disaster after a local emergency has been declared by the Board of Supervisors.

43.3.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an engineering evaluation as defined in Section 43.3.3.

43.3.3 DEFINITIONS. For the purpose of this chapter, the following definitions apply:

43.3.3.1 ARCHITECT is a person licensed by the State of California to practice architecture as prescribed by the State of California Business and Professions Code.

43.3.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering as prescribed by the State of California Business and Professions Code.

43.3.3.3 CURRENT CODE shall mean the edition of the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County of Ventura in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the Board of Supervisors, County of Ventura.

43.3.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs. All engineering evaluations shall include the engineer's or architects's stamp, wet-signature and license expiration date.

43.3.3.5 ESSENTIAL SERVICE FACILITY shall mean those buildings or structures designated by the County of Ventura to house facilities necessary for emergency operations subsequent to a disaster.

43.3.3.6 REPLACEMENT VALUE is the dollar value, as determined by a Building Official, for replacing a damaged structure with a new structure of the same size, same type of construction and same occupancy, and located on the same site.

43.3.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

43.3.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

43.3.3.9 BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.3.4 REPAIR CRITERIA

43.3.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

43.3.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system shall be repaired with all bracing required by current code.

43.3.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements shall be repaired and/or brought into conformance with the structural requirements of the current codes.

43.3.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the fire and life safety and structural requirements of the current applicable codes.

43.3.4.5 CHIMNEY VALUE EXCLUSION. In group R, Division 3 occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 43.3.5.

43.3.5 REPAIR CRITERIA FOR CHIMNEYS.

43.3.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 31 of the Uniform Building Code. Damaged portions of chimneys shall be removed in accordance with the following criteria.

43.3.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney shall be braced to the roof structure using an approved method.

43.3.5.3 SINGLE STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged

portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the firebox.

43.3.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where anchorage is found.

43.3.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

43.3.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 31 of the Uniform Building Code, alternate systems may be used in accordance with the alternate methods and materials provisions of the Uniform Building Code when approved by the Building Official.

43.3.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure using an approved method.

43.3.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

43.3.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

43.3.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair shall be as included in Section 43.3.4 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code shall apply.

43.3.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

43.3.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the ~~Uniform~~ ~~California Conservation Code~~ as adopted by the County of Ventura.

ANALYSIS:

This entire chapter has been written to address the inspections of damaged property and the placarding of damaged structures, and the permitting requirements for the repair and reconstruction of structures danged by disasters. These changes are administrative and also based on local geologic hazards.

ARTICLE 4 - AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE (CEC)

CHAPTER 2 - WIRING METHODS AND MATERIALS

Sec. 336.4. USES PERMITTED. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in agricultural buildings, one-family and two-family dwellings, and accessory structures, and in multi-family dwellings, and other structures, except as prohibited in Section 336-5. Cables in such structures shall be protected from physical damage. Where installed in cable trays, cables shall be identified for this use.

(FPN): See Section 310-10 for temperature limitation of conductors.

(a) **Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

(b) **Type NMC.** Type NMC cable shall be permitted:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16-in. (1.59-mm) thick, and covered with plaster, adobe, or similar finish.

(c) **Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

Analysis:

This section has been modified to allow the use of Type NM, NMC, and NMS cables in one and two family dwelling accessory structures. This is an administrative change to clarify which structures may be included as "other" structures already allowed under the code.

ARTICLE 5 - AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE (CMC)

CHAPTER 1 - ADMINISTRATION

Section 102 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Section 115 - FEES

Sec. 115.1. GENERAL. Refer to Article 2, Chapter 1 Section 107 in this ordinance.

Sec. 115.6 FEE REFUNDS. Refer to Article 2, Chapter 1 Section 107.6 in this ordinance.

CHAPTER 8 - CHIMNEYS AND VENTS

SECTION 812 - TYPES OF CHIMNEYS

812.1 FACTORY-BUILT CHIMNEYS. Factory-built chimneys shall be installed in accordance with the terms of their listing, the manufacturer's installation instructions and the applicable requirements of this code. Factory-built chimneys shall terminate as required for unlisted single-wall metal chimneys in Table 8-~~D~~ 4.

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators.

EXCEPTION: Factory built chimneys for residential-type appliances and fireplaces may terminate three (3) feet above the roof opening and two (2) feet above any point of the building within ten (10) feet.

ANALYSIS:

This section has been modified to deal with specific chimney requirements in areas of high fire risk. This is a change based on local topographic conditions.

ARTICLE 6 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE (CPC)

CHAPTER 1 - ADMINISTRATION

Section 101.15 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Sec. 102.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL.

102.2.7 AUTHORITY TO ABATE. Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined in this Code, is hereby declared to be a nuisance.

Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this Section, the Administrative Authority shall require the nuisance or violation to be abated. If such abatement is refused, the Administrative Authority shall have recourse to every remedy provided by law to secure abatement.

Sec. 102.3 VIOLATIONS AND PENALTIES

102.3.2 PENALTIES - See Article 2, Chapter 1, Section 103 in this ordinance.

Section 103.1 - PERMITS

103.1.2 EXEMPTED WORK. A plumbing permit will not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste or vent piping, provided that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace all or part thereof with new material, the same shall be considered as new work, and a permit shall be obtained and inspections made, as provided in this code.

103.1.2.2 The clearing of stoppages or the repair of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, or the installation of new water closets on existing drainage connections, providing such repairs or reinstallation do not involve or require the replacement or rearrangement of valves or pipes. If it becomes necessary to remove and replace or rearrange valves, water piping, traps, drainpipe, soil, waste or vent pipes, the same shall be considered as new work, and a permit shall be obtained and inspections made as provided in the code.

103.1.2.3 EXEMPTIONS WITHIN SANITARY DISTRICTS. The provisions of this Code relating to building sewers as defined herein and to permits and fees therefor shall not apply within the boundaries of a sanitary district when the Building Official has determined that such district has adopted and is enforcing ordinances or regulations which are equal to or more restrictive than those contained in this Code.

CHAPTER 2 - DEFINITIONS

Section 202.0 - DEFINITIONS

SEEPAGE PIT. A seepage pit is a rock-filled excavation which receives the effluent from a septic tank and is so designed as to permit such effluent to seep through the bottom and sides of the pit into the surrounding soil.

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Sec. 601.0 RUNNING WATER REQUIRED

Section 601.1.2 REQUIREMENTS FOR WATER WELLS

(a) When the potable water supply for a structure is to be provided by a well, the well must pass the applicable pump and recovery test specified in the Ventura County Water Works Manual, as amended from time to time, for the purpose of demonstrating that the well is likely to remain an adequate source of potable water throughout the expected useful life of the structure.

EXCEPTIONS: A well shall not be required to pass the pump and recovery test if the structure to be served by it:

1. Is connected to a public water system or a state small water system as defined in Section 4010.1 of the Health and Safety Code; or

2. Overlies an aquifer that has been determined by the administrative authority to be adequate to meet all existing and projected demands made upon it for potable water without experiencing overdraft; or

3. Overlies an aquifer that may experience overdrafting but that has nonetheless been determined by the administrative authority, based upon a study and report prepared pursuant to the Ventura County Water works Manual, to be adequate to meet all existing and projected demands made upon it for potable water throughout the expected useful life of the structure.

(b) This section does not preclude the adoption and imposition of additional or more stringent well test requirements and standards in connection with subdivision approvals, conditional use permits, or other discretionary (as opposed to ministerial) permits.

CHAPTER 7 - SANITARY DRAINAGE

Sec. 701.0 MATERIALS OF DRAINAGE SYSTEMS.

701.1 Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, schedule 40 ABS DWV, schedule 40 PVC DWV, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

701.1.1 No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

701.1.2 ABS and PVC DWV piping installations shall be limited to residential construction, not more than two (2) stories in height.

701.1.3 No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (.3m) below ground.

Sec. 713.0 SEWER REQUIRED

713.4 CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEMS. When the applicant seeks to install a conventional private sewage disposal system, the public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.

APPENDIX CHAPTER K - PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. K-1. PRIVATE SEWAGE DISPOSAL: GENERAL REQUIREMENTS. (a) Where permitted by Section 305.2 of the UPC, as adopted and amended by this Code, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The type of system shall be determined on the basis of information contained in the soil report concerning location, soil porosity, groundwater, depth of fractured rock or impervious formations, and hillside stability, and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits, into a combination of subsurface disposal field and seepage pits, into a mound system or into a subsurface sand filtration system.

(d). SEWAGE DISPOSAL EXPANSION AREA. All private sewage disposal systems shall be so designed that additional seepage pits, subsurface drain fields, mound systems or subsurface sand filtration systems, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the 100% expansion area.

(f). PRIVATE SEWAGE DISPOSAL RESTRICTIONS. When there is insufficient lot area or improper soil or geological conditions for adequate and safe sewage disposal for the building or land use proposed, and the Administrative Authority so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Administrative Authority have been submitted and approved. The Administrative Authority may grant exceptions to the requirements of the Code in case of practical difficulty or unnecessary hardship provided that the installation is equivalent to the standards established by this Code and is not inimical to the health, safety or welfare of the general public.

(i). APPROVAL OF ALTERNATE SYSTEMS. Alternate sewage disposal systems as defined in this Code may be installed only by special permission of the Administrative Authority which shall be given only if the Administrative Authority is satisfied that the systems will conform to the following requirements:

1. Treated or untreated effluent shall not be discharged onto the surface of the ground.

2. Wastewater shall be disposed of on the parcel where it is generated, except as provided for in Section 721.2 of the UPC.

3. The reliability of proposed designs for alternate private sewage disposal systems shall be well-documented.

4. The system shall be capable of easy maintenance.

5. Installation and repair shall not require the use of extraordinary materials, parts, or equipment.

6. The system shall require a minimum of mechanical components for its operation.

7. The system shall not be highly energy consumptive.

8. Operation of the system shall not create health hazards, water pollution, or nuisance conditions.

Sec. K-3. AREA OF DISPOSAL FIELDS AND SEEPAGE PITS. The minimum effective absorptive area of disposal fields in square feet of trench bottom, and of seepage pits in square feet of sidewall, shall be predicated on the required septic tank capacity in gallons. The required absorption area shall be as set forth in Table UPC Appendix K-6 in this ordinance for disposal fields, and as set forth in Table K-4 in the UPC for seepage pits. In addition, disposal fields and seepage pits shall conform to the following:

1. When disposal fields are installed, a minimum of one hundred fifty (150) square feet of trench bottom shall be provided for each system exclusive of any hardpan, rock, clay or other impervious formations. Sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption areas. Such increase shall be limited to 50% of the required absorption area.

2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least 50% greater than the requirement for trenches. Perimeter sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption area.

3. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formation. The minimum required area of porous formation shall be provided in one or more seepage pits.

4. No excavation for a leach line or leaching bed shall extend with five (5) feet of the water table nor to a depth where sewage may contaminate an underground water stratum which may be usable for domestic purposes. The applicant shall supply satisfactory evidence of groundwater depth when required by the Administrative Authority.

5. Plastic leaching chambers shall be sized on bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-6 in this code with a 0.70 multiplier.

Sec. K-4. PERCOLATION TESTS. (a) Disposal fields and seepage pits shall be sized in accordance with the percolation tests or analyses required by subsection (b) of this Section.

(b) In order to determine the absorption qualities of soils, the proposed site shall be subjected to percolation tests and/or hydrometer analyses performed under the supervision of a California-registered environmental health specialist, civil engineer, geologist or engineering geologist. Such tests or analyses shall be performed in accordance with standards established by the Administrative Authority.

(c) Each test shall be made with clear water in an excavation which has been thoroughly soaked prior to the test.

(d) No subsurface disposal field shall be permitted to serve a building if percolation test rates are greater than sixty (60) minutes per inch.

(e) No seepage pit shall be permitted to serve a building if the absorption capacity of the soil surrounding the pit is less than 0.83 gal./sq.ft./day.

(f) Test data shall be submitted on a form provided for that purpose and shall include such information as may reasonably be required by the Administrative Authority to determine the correctness and adequacy of the proposed disposal system.

Sec. K-7. SEEPAGE PITS. (a) The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereunto, and on the character and porosity of the surrounding soil as determined by such tests as may be required and shall comply with Sec. UPC Appendix K-3 in this ordinance.

(b) Seepage pits may be used where conditions are unsatisfactory for the installation of leach lines or beds. In no case shall seepage pits extend more than sixty (60) feet below the surface of the ground.

(c) Multiple seepage pit installations shall be connected through an approved distribution box or diversion valve and watertight piping laid on undisturbed or compacted soil.

(d) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet. Seepage pits shall be filled with clean rock 3/4 inches to 2½ inches in diameter, free from fines, except when otherwise approved by the Administrative Authority. Effluent shall be conducted to the bottom of the excavation by means of approved perforated pipe extending to the entire depth of the pit. Approval shall be obtained prior to construction for any pit having an excavation diameter greater than six (6) feet.

(e) Where groundwater is encountered, the bottom of the pit shall be backfilled with clean coarse sand at least ten (10) feet above the ground water encountered.

(f) Each seepage pit shall have a minimum sidewall of ten (10) feet below the inlet.

(g) Connections between a septic tank and seepage pits shall be made with approved watertight pipe. Such pipe shall be laid on natural ground or compacted fill.

(h) Rock fill in seepage pits shall be covered with asphalt-treated building paper, and backfilled with a minimum of eighteen (18) inches of earth.

(i) Subsection (i) of Appendix Section K7 in the UPC is hereby deleted in its entirety.

Sec. K-9. SUBSURFACE DISPOSAL OF INDUSTRIAL WASTE. The discharge of industrial waste into a soil absorption system shall be prohibited unless specifically approved by the Administrative Authority.

Subsections (a) through (g) of Appendix Sec. K9 in the UPC and the Recommended Design criteria for commercial/industrial waste disposal are hereby deleted in their entirety.

Sec. K-13. ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) DEFINITION. Alternate private sewage disposal systems are specially-designed, engineered, and approved private sewage disposal systems suitable for use in localities where the Administrative Authority has determined that the presence of shallow groundwater, rock, or adverse soil, geologic, or hydrologic conditions makes the use of conventional sewage disposal systems potentially hazardous to public health. Alternate private sewage disposal systems shall be limited to "mound" systems and "subsurface sand filtration" systems as regulated herein.

(b) GENERAL REQUIREMENTS. Designs for alternate private sewage disposal systems may be accepted for review by the Administrative Authority when it has been adequately demonstrated that the character of the soil, geology, or hydrology of the site is such that a conventional private sewage disposal system will not function in accordance with recognized health and sanitation standards. Such systems shall be designed by a California- registered civil engineer or a California-registered geologist, who shall submit written verification upon completion of an alternate private sewage disposal system that the installation is in conformance with the approved design.

Properties served by alternate private sewage disposal systems shall be located within an approved on-site wastewater management district or equivalent governmental agency capable of providing necessary maintenance and repair services for private sewage disposal systems within its boundaries. Such systems shall conform with all applicable rules and regulations adopted by said district or agency.

The design and construction of alternate private sewage disposal systems shall comply with the requirements of this Section and with other appropriate criteria established by the Administrative Authority.

Component parts of alternate private sewage disposal systems shall comply with the applicable setback requirements in Table UPC Appendix K-1 of this Code. The construction and capacity of septic tanks installed as components of alternate systems shall comply with Section K-5 and Table K-2 in the UPC.

Leach lines, leaching beds, and seepage pits which are components of alternate systems shall comply with the applicable requirements of this Code. No portion of a distribution bed or related filter material which is a component of a mound or subsurface sand filtration system shall be installed under a walkway, parking area, driveway, or similar paved surface.

The sizing of mound or subsurface sand filtration systems shall be based upon the average percolation rate of the natural soil at the location and depth of the proposed system, and the number of bedrooms or plumbing fixture units, in accordance with this Code and other applicable standards for sizing conventional leachlines, leaching beds and seepage pits. No alternate private sewage disposal system shall be permitted where the percolation rate exceeds sixty (60) minutes per inch.

(c) MOUND SYSTEMS. A mound system is an alternate private sewage disposal system which utilizes pressurized piping to deliver effluent from a septic tank into an above-ground gravel distribution bed, from which the effluent percolates and is filtered through mounded sand fill into natural soil. Typical components of such systems include a septic tank, lift pump and wet well, pressurized effluent piping, a sand fill mound, a distribution bed composed of gravel filter material and perforated distribution piping, a cover of topsoil over the top and sloped sides of the mound.

The lift pump and wet well shall be designed to handle peak flow from the septic tank. In no case shall pump capacity be less than twenty (20) gallons per minute not shall the pump motor be rated at less than one-half horsepower. The pump shall be approved for use in a sewage environment. The liquid holding capacity of the wet well shall be at least 300 gallons for one or two-bedroom dwelling units. An additional 100 gallons capacity shall be provided for each bedroom in excess of two. Equivalent capacity shall be provided for occupancies other than dwellings based on fixture unit calculations as set forth in this Code.

The wet well shall be fitted with automatic high and low level pump controls. Operation of the lift pump shall not cause surges in the liquid level within the tank. An alarm device shall be installed which will provide audio and visual warning signals to occupants of the property in advance of any overflow from the wet well.

Mounds shall not be installed on a slope greater than 12%. The base of the mound shall be located at least two (2) feet above the highest known seasonal groundwater elevation at the

site and two (2) feet above fractured bedrock, if any. Fill material comprising the mound shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the fill material onto the mound. The slope of the sides of the mound shall be not steeper than 3 horizontal to 1 vertical.

Distribution beds shall be level and shall be located a minimum of five (5) feet above the highest known seasonal groundwater elevation at the site. Filter material comprising the bed shall be clean gravel varying in size from .75 inch to 2.5 inches. The total thickness of the bed shall be sufficient to provide a minimum of twelve (12) inches of filter material below, and at least two (2) inches of such material above all distribution piping within the bed. Distribution piping shall uniformly distribute effluent over the entire area of the bed. Distribution beds shall be of sufficient size to limit the application rate for effluent to not more than 1.5 gallons per square foot per day.

After filter material has been placed over the piping, the distribution bed shall be covered with untreated building paper, straw, or similar porous material to prevent closure of voids when earth covering is added. Topsoil shall be placed to a depth of at least twelve (12) inches over the top of the distribution bed, and shall be placed on the sloping sides of the mound to a thickness of at least six (6) inches.

(d) SUBSURFACE SAND FILTRATION SYSTEMS. A subsurface sand filtration system is an alternate private sewage disposal system which utilizes gravity to deliver effluent from a septic tank to a subsurface gravel distribution bed, from which the effluent is filtered through a bed of sand to reduce organic matter and pathogenic organisms, and thence percolates into natural soil. Typical components of such systems include a septic tank, effluent piping, a subsurface distribution bed composed of gravel filter material and perforated distribution piping, a sand filtration bed, and a leaching bed, leach lines, or seepage pits.

Distribution beds shall be designed and constructed in a manner similar to that set forth for mound systems in subsection (c) above, using approved, perforated gravity-flow piping in lieu of pressurized piping. Sand filtration beds shall extend not less than five (5) feet vertically below and five (5) feet horizontally from the edges of any distribution bed. Filtration material shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the filtration material into the filter bed excavation.

Section K-14 NON-HAZARDOUS LIQUID WASTE TRANSFER FACILITIES

Definition: A Non-Hazardous Liquid Waste Transfer Facility is a temporary holding facility for non-hazardous liquid waste from recreational vehicle holding tanks and portable toilets. A Non-Hazardous Liquid Waste Transfer Facility consists of a holding tank, liquid waste loading area with washdown equipment, associated piping, and holding tank liquid level alarm system.

1. Holding tank construction shall be consistent with UPC section K-5, with the exception that baffles are not required and only one access port is required.

2. All piping, including but not limited to materials, cleanouts, and venting, shall be consistent with UPC sections 715.0 through 720.0, inclusive.

3. Minimum setbacks for holding tanks shall be as follows:

Streams and Watercourses	50 feet
Wells	50 feet
Groundwater	5 feet
Structures	5 feet
Property Line	5 feet
On-Site Domestic Water Line	5 feet
Public Water Main	10 feet

4. Minimum holding tank capacity shall be not less than three times the anticipated daily loading to the holding tank and in no case shall be less than 1,000 gallons.

5. An alarm system constructed of durable, corrosion-resistant material shall be installed on each holding tank. This alarm shall give a conspicuous audio and visual indication whenever the tank becomes two-thirds full.

6. The liquid waste loading area shall consist of an impermeable, easily cleanable area designed and constructed in a manner which prevents the formation of insanitary conditions. A ¾ inch water hose connection shall be installed at the liquid waste loading area to allow connection of a hose for area washdown following holding tank pumping. An approved backflow prevention assembly shall be installed in the water service line to the hose connection. Provisions shall be made to store the washdown hose off the ground. A warning sign shall be posted at the water hose connection reading: DANGER - UNSAFE WATER.

7. Holding tanks shall be pumped by a licensed pumper as needed. Quarterly reports of holding tank pumping shall be submitted to the Ventura County Environmental Health Division by March 30, June 30, September 30, and December 31 of each year.

8. Offer to grant an easement to County Service Area 32 is required. A contractual maintenance agreement with a public utility may also be required.

Section K-15 CLUSTERED SYSTEMS

(a) DEFINITION. Clustered systems are comprised of three or more private sewage disposal systems with soil absorption components located in a common area on a single legal lot.

(b) GENERAL REQUIREMENTS. All components of clustered systems shall comply with all applicable requirements of this Code pertaining to private sewage disposal systems and the following additional requirements:

1. The primary (installed) soil absorption components of the clustered system shall provide 200% of the minimum area calculated for each structure connected to the clustered system pursuant to Section K-3 of this Code.

2. Land area providing for complete replacement of the primary soil absorption components of the clustered system shall be set aside for future expansion, and shall conform with Table UPC Appendix K-1 of this Code.

3. a. For residential structures, each private sewage disposal system comprising the clustered system shall be connected to not more than one dwelling unit within a structure.

   b. For non-residential structures, each private sewage disposal system comprising a clustered system shall be connected to one or more structures with a combined daily wastewater discharge not to exceed 1,500 gallons.

4. The soil absorption component of each private sewage disposal system within the clustered system shall be located at least sixteen horizontal feet from the soil absorption component of any other private sewage disposal system within the same clustered system.

5. When a clustered system is (or can become) located on land jointly owned by more than one owner of the structures served (e.g., condominium projects), an easement and agreement approved by the Environmental Health Division providing for access to inspect, maintain, and repair/replace the clustered system shall be recorded in the Office of the County Recorder.

6. A monitoring well, constructed and maintained in conformance with procedures adopted by the Administrative Authority, shall be provided in an approved location.

7. All distribution boxes within the clustered system shall be fitted with risers extending to finish grade elevation.

8. The applicant for each clustered system shall provide a signed statement from a California-Certified Engineering Geologist, certifying the following:

   a. The proposed clustered system site is free against the potential hazard from landslide, excessive settlement and slippage.

   b. Incorporation of geotechnical and geologic recommendations in concert with safe construction practices is anticipated to result in a site which is considered geotechnically and geologically suitable for the intended use and will not adversely affect adjoining properties.

TABLE UPC APPENDIX K-1
(Superscript numbers refer to footnotes (1) through (8) on next page

LOCATION OF SEWAGE DISPOSAL SYSTEMS

Minimum Horizontal Distance in Feet From:	Building Sewer	Septic Tank	Disposal Field	Seepage Pit	Subsurface Sand Filtration System	Mound System
Building or Structures[1]	2	5	8	8	8	20[7]
Property line adjoining private property	Clear[2]	5	5	8	8	10
Water supply well on suction line	50[3]	50	100	150	100[8]	100
Streams, lakes, tidal waters or ocean waters	50	50	50	100	100	100
Large Trees	--	10	--	10	10	--
Seepage pits or cesspools	--	5	5	12	--	--
Disposal Field	--	5	4[4]	5	--	--
On site domestic water service line	1[5]	5	5	5	5	5
Distribution Box	--	--	5	5	--	--
Pressure public water main	10[6]	10	10	10	10	10

NOTE: When disposal fields ~~and~~/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

When facilities are located near tidal or ocean waters, the horizontal distance shall be measured from the historically most landward location of the beach at the mean high tide elevation. Structures or facilities shall be constructed in accordance with Federal, State and local laws to prevent erosion of the beaches and movement of the mean high tide closer than the horizontal distances specified above.

FOOTNOTES TO TABLE UPC APPENDIX K-1

(1) Including porches and steps, whether covered or uncovered, breezeways, roofed port-cocheres, roofed patios, carports, covered walks, covered driveways and similar appurtenances.

(2) See Section 313.3 of the UPC.

(3) The distance may be reduced to not less than twenty-five (25) feet when approved metallic piping is installed. Where special hazards are involved, the distance required shall be increased as may be directed by the County Health Officer or the Administrative Authority.

(4) Plus two (2) feet for each additional foot of depth in excess of one (1) foot below the bottom of the drain line (see Sec. K6(i) of the UPC).

(5) See Sec. 720.0 of the UPC.

(6) For parallel construction. For crossings, approval by the Administrative Authority is required.

(7) This distance shall be increased to 30 feet when the system is located upslope of the structure.

(8) This distance shall be increased to 150 feet when seepage pits are used as a component of the system.

TABLE UPC APPENDIX K-6
(Letters in parenthesis refer to footnotes below)

ABSORPTION AREA REQUIREMENTS

Percolation Rate (Time in minutes required for water to fall one inch)	Required Absorption Area (Sq. ft. per bedroom using standard leach lines. See notes (a) through (e) below.
1 or less	75
2	85
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
over 60 (e)	---

(a) Sufficient usable land area must be available to provide 100% expansion of required absorption area when/if necessary. See Sec. UPC APPENDIX K-1(d) in this Code.

(b) Absorption area should be sufficient to accommodate increased future use stemming from the addition of bedrooms or conversion of unfinished spaces to bedroom use, whenever such changes can be reasonably be anticipated.

(c) The absorption area for leach lines and leaching beds is calculated as trench bottom area only except as provide in Sec. UPC APPENDIX K-3 in this ordinance. Minimum required area for leaching trenches is 150 sq. ft.

(d) The above table allows for the connection of domestic food waste units and automatic clothes washing machines without further increase in absorption area.

(e) Soil having a percolation rate over 60 min/inch is unsuitable for installation of an absorption system.

TABLE UPC APPENDIX K-7

ANALYSIS:

Changes have been made to the sections dealing with exempted work, water supply and distribution, sanitary drainage, required sewers and private sewage disposal systems. These changes are administrative and based on local topographic conditions.

ARTICLE 7 - AMENDMENTS TO THE UNIFORM HOUSING CODE (UHC)

CHAPTER 1 - TITLE AND SCOPE

Section 104 - APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

104.2. RELOCATION. Buildings or structures moved into or within the County shall comply with the provisions of Article 2, Chapter 40 in this ordinance.

Section 105 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. APPEALS BOARD.

203.1 - GENERAL The Housing Advisory and Appeals Board, for the purposes of this housing code, shall be the General Board of Appeals as set forth in Article 2, Chapter 1, Section 105 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 in the UHC.

Sec. 204. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

CHAPTER 3 - PERMITS AND INSPECTIONS

Sec. 302 FEES. Refer to Article 2, Chapter 1, Section 107 in this ordinance.

~~CHAPTER 5 - SPACE AND OCCUPANCY STANDARDS~~

~~Section 503 - ROOM DIMENSIONS~~

~~503.2. FLOOR AREA. 1. Every dwelling unit shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet.~~

~~2. Net floor area, as used herein, shall mean the total number of square feet of floor area in a dwelling unit based upon the interior dimensions of that dwelling unit excluding bathrooms, kitchens, halls, stairwells, closets, storage or utility space, and similar areas.~~

~~No dwelling unit shall be occupied or allowed to be occupied in such a manner that the maximum occupancy of the dwelling unit, as determined below, is exceeded.~~

~~3. Maximum occupancy shall be determined as follows:~~

~~For the first two occupants of any dwelling unit, there shall be a minimum of 220 square feet of net floor area. An additional 100 square feet of floor area shall be provided for every additional occupant of the dwelling unit.~~

~~EXCEPTION: Nothing in this section shall prohibit the use of an efficiency dwelling unit within a structure which complies with the requirements of UBC Section 310.7.~~

CHAPTER 12 - APPEAL

Section 1201 - GENERAL

1201.2. PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 1201 in the UHC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.

The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a substandard building or the premises on which it is located.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 1401 - COMPLIANCE

1401.1. GENERAL. After any order of the Building Official or a Board of Appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor or infraction.

ANALYSIS:

Minor administrative changes have been made to the housing code in regard to enforcement, permits and inspections and appeals. These are administrative changes only.

ARTICLE 8 - AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

CHAPTER 1 - TITLE AND SCOPE

Sec. 104 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

Sec. 205. APPEALS BOARD. The appeals Board for the purposes of the Dangerous Buildings Code shall be the General Board of Appeals as set forth in Article 2 in this ordinance. Appeals

to the Board shall be processed in accordance with the provisions contained in Section 501 in the DBC.

CHAPTER 5 - APPEAL

Section 501 - GENERAL

501.2 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 501 in the DBC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals. The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a dangerous building or the premises on which it is located.

CHAPTER 7 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 701 - COMPLIANCE

701.1 GENERAL. After any order of the Building Official or a board of appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor/infraction.

ANALYSIS:

Minor administrative changes have been made to the dangerous buildings code in regard to enforcement, violations and penalties and appeals. These are administrative changes only.

~~ARTICLE 9 - AMENDMENTS TO APPENDIX CHAPTER 1 OF THE UNIFORM CALIFORNIA CONSERVATION CODE (U CCC)~~

APPENDIX CHAPTER 1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

Section A100 - GENERAL

A100.1 PURPOSE. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

A100.2 SCOPE. The provisions of this Chapter shall apply to all existing buildings in Seismic Zones 3 and 4 which were constructed or under construction, or for which a building permit was issued, prior to May 10, 1962, having at least one unreinforced masonry wall. Except as provided herein, all other provisions of the Uniform Building Code shall apply.

EXCEPTIONS: This code shall not apply to:

1. Detached one or two story family dwellings, detached apartment houses containing less than 5 dwelling units and used solely for residential purposes, and hotels/motels containing less than 5 guest rooms.

2. Essential Facilities as defined in Table 16K of the Uniform Building Code.

3. Hazardous Facilities as defined in Table 16K of the Uniform Building Code.

This does not require alteration of existing electrical, plumbing, mechanical or fire safety systems.

A100.3 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

A100.4 COUNTY ORDINANCE HISTORY. This article together with Article 1, Chapter 8 is a restatement of Ventura County Ordinance No. 3948 which it hereby supersedes. The section numbering has been revised to be consistent with the current numbering sequence found in the U.C.B.C.

Section A101 ADMINISTRATIVE PROVISIONS

A101.1 DEFINITIONS. For the purposes of this Division, the applicable definitions in the Uniform Building Code shall also apply.

HIGH RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of 100 occupants or more as determined by Section 1002.1 and Table 10-A of the Uniform Building Code.

EXCEPTIONS: A high risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum height of 1-1/2 times the story height.

2. Any building used for its intended purpose, as determined by the Building Official for less than 20 hours per week.

LOW RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of less than 20 occupants as determined by Section 1002.1, Table 10-A, of the Uniform Building Code.

MEDIUM RISK BUILDING is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load of 20 occupants or more as determined by Section 1002.1, Table 10-A of the Uniform Building Code.

A101.2 **Rating Classifications.** The rating classifications identified in Table A-9-A are hereby established and each building within the scope of this Division shall be placed in one such rating

classification by the Building Official. The total occupant load of the entire building as determined by Section 1002.1, Table 10-A of the Uniform Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this Division, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

A101.3 **Compliance Requirements.** 1. The owner of each building within the scope of this Division shall, upon service of an order and within the time limits set forth in this Division, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this Division, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within scope of this Division shall comply with the requirements set forth above by submitting to the Building Official for review within the stated time limits:

   A. Within 270 days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this Division; or

   B. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Division; or

   C. Within 120 days after service of the order, plans for installation of wall anchors in accordance with the requirements specified in Section A113 of the UCBC; or

   D. Within 270 days after service of the order, plans for the demolition of the building.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-9-B. These time limits shall begin to run from the date the order is served in accordance with Section A101.4.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners electing to comply with A101.3 of this subsection are also required to comply with Items A101.2 or A101.4 of this subsection provided, however, that the 270-day period provided for in Items A101.2 or A101.4 and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A-9-B shall be extended in accordance with Table No. A-9-C. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A101.4 except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

A101.4 **Administration.**

A101.4.1 Order - Service. A. The Building Official shall, in accordance with the priorities set forth in Table No. A-9-C, issue an order as provided in this section of other owner of each buildings within the scope of this Division.

B. Prior to the service of an order as set forth in Table No. A-9-C, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this Division. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

A101.4.2 Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Division shall be in accordance with the rating classification as shown on Table No. A-9-C. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A-9-C shall be measured from the effective date of this Division. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Division prior to the normal service date for such building set forth in this Division.

A101.4.3 Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Division and, therefore, is required to meet the minimum seismic standards of this Division. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A101.3, which sets forth the owner's alternatives and time limits for compliance.

A101.4.4 Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Division to the Board of Appeals established by Section 105 of the Ventura County Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A101.4 Any such appeal shall be decided by the Board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Division shall be made in accordance with the procedures established in Sections 104.2.7 and 104.2.8 of the Uniform Building Code.

A101.4.5 Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this Division and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Division has not been demonstrated.

If the building is either demolished, found not to be within the scope of this Division or is structurally capable of resisting minimum seismic forces required by this Division as a result of

structural alterations or an analysis, the Building Official shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this Division.

A101.4.6 Enforcement. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section A101.3, the Building Official shall verify that the owner of record of this building has been properly served. If the order has been served on the owner of record, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the Uniform Building Code.

Section A102 GENERAL REQUIREMENTS

A102.1 **GENERAL.** All buildings shall have a seismic resisting system conforming with Section 1603.3 of the Uniform Building Code, except as modified by this Division.

A102.2 **Alterations and Repairs.** Alterations and repairs required to meet the provisions of this Division shall comply with all other applicable requirements of the Uniform Building Code unless specifically provided for in this Division.

(c) A102.3 **Requirements for Plans.** The following construction information shall be included in the plans required by this Division.

1. Accurately dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing material. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned and drawn to scale on the plans.

2. Accurately dimensioned wall elevations showing openings, piers, wall classes as defined in Section A106.3, thicknesses, and heights, wall shear test locations, cracks or damaged portions requiring repairs, the general condition of the mortar joints, and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.

5. The extent and type of parapet corrections which were previously perform, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this Division.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section A113.

TABLE NO. A-9-A
RATING CLASSIFICATIONS

TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A-9-B
TIME LIMITS FOR COMPLIANCE

Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year[1]	180 days[2]	3 years[2]
Wall Anchors	180 days[1]	270 days[2]	1 year[2]

[1]Measured from date of service of order.

[2]Measured from date of building permit issuance.

TABLE A-9-C
EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ANALYSIS:

Administrative changes have been made to the California Conservation Code dealing with time frames for compliance, operational procedures, enforcement and the establishment of service properties. These changes are administrative.

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ORDINANCE NO. 4274

SUMMARY OF PROPOSED ORDINANCE AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:

All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.

An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.

Chapter 2:

The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.

Chapter 3:

The California Electrical Code is adopted with amendments as shown in Article 2 and Article 4.

Chapter 4:

The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.

ATTACHMENT "B"

Chapter 5:

The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.

Chapter 6:

The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.

Chapter 7:

The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.

Chapter 8:

Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Model Codes

Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.

Detached one-story animal shade covers less than 1,000 square feet in area have been added to the list of work not requiring a permit.

The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)

Building Code changes have been made in regards to definitions, high fire hazard areas, structure forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.

Defined words are now shown in bold type to be consistent with the building code and to improve readability.

The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.

The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBC in Appendix Chapter 4, Division 1 - "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.

Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

In Article 4, Amendments to the California Electrical Code (CEC)

Changes to the California Electrical Code have been made centering on administrative powers and duties of enforcement, exempted work, conductors, wiring methods and materials, grounding and emergency systems.

In Article 5, California Mechanical Code (CMC)

Amendments to the mechanical code have been made dealing with local conditions for the installation of factory-built chimneys.

In Article 6, Amendments to the California Plumbing Code (CPC)

Amendments have been made dealing with administrative powers and duties of enforcement, exempted work, definitions, water supply and distributions, sanitary drainage, required sewers and location of sewage disposal systems, and private sewage disposal systems.

In Article 7, Amendments to the Uniform Housing Code (UHC)

Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8, Amendments to the Dangerous Building Code (DBC)

Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)

The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include those dealing with the purpose and scope and administrative provisions.

Prepared By: Neil C. Kleb
Assistant County Counsel

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ORDINANCE NO. 4274

TABLE A-9-C

EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ADOPTED this 5th day of November, 2002 by the following vote:

AYES: Supervisors Bennett, Schilds, Long, Mikels & Flynn

NOES: None

ABSENT: None

John K. Flynn

Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Paul L. Placencia
Deputy Clerk of the Board

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BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

November 5, 2002 at 9:00 a.m.

ORD 4274/206

AMENDING VENTURA COUNTY BUILDING CODE

An Ordinance of the County of Ventura Amending the Ventura County Building Code and Adopting by Reference the Current Editions is presented to the Board at this time, and upon motion of Supervisors Mikels, seconded by Supervisor Schillo, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4274.

Board members vote as follows:

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4274.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ventura County Star, A newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

RMA (2)
AUDITOR
FILES (2)
ITEM 17
11/5/02
KP

Certificate of Publication

Ad No. 512253

In Matter of Publication of:

Ventura Clerk of the Board
Summary Ordinance

State of California)
))§
County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 11, 2002 (2nd copy)

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 18th of December 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

RECEIVED
DEC 20 2002

OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO.4274 AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.
An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.
Chapter 3:
The California Electrical Code is adopted with an amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Mode Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.
Detached one-story animal shade covers less than 1,000 square feet in area have been added to the list of work not requiring a permit.
The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)
Building Code changes have been made in regards to definitions, high fire hazard areas, structure, forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.
Defined words are now shown in bold type to be consistent with the building code and to improve readability.
The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.
The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBS in Appendix Chapter 4, Division I, "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.
Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

Certificate of Publication

Ad No. VC512253

In Matter of Publication of:

County of Ventura County Star Summary of Ordinance No. 4274 (GI02-018)

State of California)

))§

County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Simi Valley Star, Oxnard Star, Moorpark Star, Thousand Oaks Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 11, 2002

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 11th of November 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

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OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO.4274 AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the *Ventura County Building Code.*
An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
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Chapter 3:
The California Electrical Code is adopted with an amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with *amendments as shown in Article 2 and Article 7.*
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references *has not changed, however.*

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Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.
Detached one-story animal shade covers less than 1,000 square feet in area have been added to the *list of work not requiring a permit.*
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The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.
The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBS in Appendix Chapter 4, Division 1- "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.
Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

In Article 4, Amendments to the California Electrical Code (CED)
Changes to the California Electrical Code have been made centering on administrative powers and duties of enforcement, exempted work, conductors, wiring methods and materials, grounding and emergency systems.
In Article 5, California Mechanical Code (CMC)
Amendments to the mechanical code have been made dealing with local conditions for the installation of factory-built chimneys.
In Article 6, Amendments to the California Plumbing Code (CPC)
Amendments have been made dealing with administrative powers and duties of enforcement, exempted work, definitions, water supply and distributions, sanitary drainage, required sewers and location of sewage disposal systems, and private sewage disposal systems.

In Article 7, Amendments to the Uniform Housing Code (UHC)
Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8 Amendments to the Dangerous Building Code (DBC)
Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)
The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include those dealing with the purpose and scope and administrative provisions.

Passed and adopted this 5th day of Nov. 2002

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn
Noes: None Absent: None
Publish: Nov 11, 2002 Ad No.VC512253

02-018

Certificate of Publication

Ad No(s): 507924

In Matter of Publication of:

Summary of Ordinance

State of California)
((§
County of Ventura)

I, **Sharon K. Palmer,** hereby certify that the **Ventura County Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

October 31, 2002

I certify, under penalty of perjury, that the foregoing is true and correct.

Dated this **13th** day of **November 2002** in San Buenaventura, California.

(Signature)
skp

RECEIVED
NOV 15 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO. AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follow: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Building, 1997 edition; California Electric Code, 2001 edition California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference.

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.

An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
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Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with amendments as shown in Article and Article 7.
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Model Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permits, [illegible]
Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8, Amendments to the Dangerous Building Code (DBC)
Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)
The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include these dealing with the purpose and scope and administrative provisions.

Passed and adopted this ___ day of __, 2002.
Ayes: Supervisors Noes: Absent: ___
Publish: Oct 31, 2002 Ad No.VC507924

02-017

Certificate of Publication

Ad No. 497812

In Matter of Publication of:

Ventura County Clerk of Board
Notice of Public Hearing

State of California)
))§
County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 20, 2002 (2nd copy)

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 18th of December 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

NOTICE OF PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN BUILDING CODES, TOGETHER WITH AMENDMENTS THERETO; AND ADOPTING CERTAIN OTHER PROVISIONS REGULATING BUILDINGS AND STRUCTURES

NOTICE IS HEREBY GIVEN that a public hearing, as provided by law, will be held by the Board of Supervisors of the County of Ventura to consider adoption of amendments to the Ventura County Building Code.

The proposed ordinance would adopt by reference current editions of the following California and uniform codes, making them applicable in the unincorporated areas of Ventura County: California Building Code 2001 edition, Uniform Housing Code 1997 edition. Uniform Code for the Abatement of Dangerous Buildings 1997 edition California Electrical Code 2001 edition, California Plumbing Code 2001 edition, California Mechanical Code 2001 edition and the California Conservation Code 2001 edition.

The proposed ordinance would amend certain administrative and regulatory provisions of the Ventura County Building Code.

Said public hearing will be held on Tuesday, November 5, 2002, at 10:00 a.m. in the Board of Supervisors' Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California, at which time any interested person may attend and be heard on this matter.

The Board of Supervisors may or may not adopt the proposed ordinance as result of the public meeting. Final action will be taken at a subsequent meeting of the Board of Supervisors.

The Clerk of the Board of Supervisors will maintain copies of the proposed ordinance and code on file at the Government Center, Hall of Administration, Fourth Floor 800 South Victoria Avenue, Ventura, California for reveiw by interested persons.
Dated this 11th day of October 2002.

JOHN F. JOHNSTON
Clerk of the Board of Supervisors
By: Karen L. Placencia
Deputy Clerk of the Board
Publish: Oct 11, 18, 2002
Ad No.VC497812

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DEC 20 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

02-014

October 8, 2002 at 8:30 a.m.

206

RESOURCE MANAGEMENT AGENCY – Public Hearing and Adoption of an Ordinance Adopting the Proposed Amendments to the Ventura County Building Code (VCBC) and Related Codes. READ ORDINANCE IN TITLE ONLY; CONTINUE FINAL ADOPTION TO NOVEMBER 5, 2002 AT 9:00 A.M.
VARIOUS BUILDING CODES ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

Jack Phillips

244

Cont To 11/5/02
9 am

ORD
L1274

RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

October 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: ADOPTION OF PROPOSED AMENDMENTS TO THE VENTURA COUNTY BUILDING CODE (VCBC) AND RELATED CODES

RECOMMENDED ACTION:

1. Conduct a public hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing Law, for final adoption on November 5, 2002, at 9:00 a.m.

2. At a second meeting on November 5, 2002, at 9:00 a.m., receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective thirty days from the date of final passage, adopt a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law, and direct that the findings be filed with the State Building Standards Commission.

FISCAL/MANDATES IMPACT: None

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

The uniform building codes form the primary basis of authority under which local building departments regulate the construction of buildings and structures. The California Health and Safety Code requires every city or county to utilize virtually the same housing construction standards as those of the State, but with provision for local adjustments to reflect local conditions. The recommended revisions to Ventura County's local ordinance are part of the normal legal process which is prescribed by State law for the adoption of building codes.

The local County building codes which are currently in effect were last amended by the Board in June 1999. This proposed ordinance will update references to the latest editions of the State codes, and will maintain uniformity with nearby city and county jurisdictions, which are completing the same process. Additionally, the proposed ordinance will improve certain of the administrative and regulatory provisions of the Ventura County Building Code (VCBC) to facilitate administration and enforcement of the codes. The VCBC is a compilation of previously-adopted ordinances regulating construction and incorporates State adopted codes and other model codes.

4i12-1.02

Attachment "A" is a copy of the VCBC which incorporates the proposed amendments without strike outs or underlining and has been furnished to the Clerk of the Board for publication as required by law.

Attachment "B" is an abbreviated summary by article of the changes made to the VCBC.

Attachment "C" is a copy of the letter sent out by the Building Official to interested parties requesting their review of the draft VCBC.

Attachment "D" is a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law. Adoption of these express findings is required by Health and Safety Code Section 17922. A county may make modifications in the requirements of the State adopted codes which are reasonably necessary because of local conditions. Changes to State construction standards may not, however, result in standards less than State minimums.

Attachment "E" are the express findings required for adoption.

A copy of the proposed Ventura County Building Code and these attachments are available in the Clerk of the Board's office and at the Building and Safety Counters in the Simi Valley Court House and in the Administration Building in Ventura.

Existing amendments that have not changed from the prior code have been simply brought forward without modification. Changes made by the amendments fall into one of the following categories:

1. Editorial changes that either update references, section numbers, chapter and section titles, or add highlighting of definitions, or make grammatical corrections and clarifying language revisions. These are found in various places throughout the code.

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3. Technical changes or "building standards", which actually affect the specific design and approval of a structure. Many of the amendments dealing with "building standards" have been reduced or eliminated as they are now found in the State code itself and are no longer necessary to add by amendment.

   Other technical changes have been made to the codes in regard to definitions, high fire hazard areas, structural forces, foundations, shear walls, gypsum board and plaster, relocated buildings, swimming pools, mobile homes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing, elevators, excavation and grading, wiring methods and materials, factory-built chimneys and sewage disposal systems.

Beginning on September 25, 2002, an initial draft of the proposed VCBC amendments was sent to interested parties, including engineers, architects and draftspersons, builders and contractors, individual citizens and industry groups such as the Ventura County Contractors Association, Building Industries Association, American Institute of Architects, and the Structural Engineers Association and to members of the County's Building Appeals Boards.

This item has been reviewed by the Chief Executive Office, County Counsel and the Auditor-Controller. A legislative version with strikeouts through deleted words and sentences and underlining under new words and sentences is on file with the Clerk of the Board of Supervisors. If you have any questions, please call me at extension 2787.

Jack Phillips

JACK PHILLIPS, BUILDING OFFICIAL

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Attachment "A": Proposed Ventura County Building Code

Attachment "B": Abbreviated Summary of Code Amendments

Attachment "C": Letter from Building Official to Interested Parties

Attachment "D": Resolution Adopting Express Findings Regarding Modification of Uniform Codes Subject to the State Housing Law

Attachment "E": Express Findings Required for Adoption

c: Building Industries Association
American Institute of Architects
Associated General Contractors of California
Ventura County Contractors Association
Structural Engineers Association

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: October 28, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Roberta Rodriguez
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-017

Please publish the attached: **SUMMARY ORDINANCE – Amending the Ventura county Building Code and Related Codes - Hearing – November 5, 2002,**

One (1) time in the issues of THURSDAY, OCTOBER 31, 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.star

2nd Nov 5th 9 am

NOTICE OF PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN BUILDING CODES, TOGETHER WITH AMENDMENTS THERETO; AND ADOPTING CERTAIN OTHER PROVISIONS REGULATING BUILDINGS AND STRUCTURES

NOTICE IS HEREBY GIVEN that a public hearing, as provided by law, will be held by the Board of Supervisors of the County of Ventura to consider adoption of amendments to the Ventura County Building Code.

The proposed ordinance would adopt by reference current editions of the following California and uniform codes, making them applicable in the unincorporated areas of Ventura County: California Building Code 2001 edition, Uniform Housing Code 1997 edition, Uniform Code for the Abatement of Dangerous Buildings 1997 edition, California Electrical Code 2001 edition, California Plumbing Code 2001 edition, California Mechanical Code 2001 edition and the California Conservation Code 2001 edition.

The proposed ordinance would amend certain administrative and regulatory provisions of the Ventura County Building Code.

Said public hearing will be held on Tuesday, November 5, 2002, at 10:00 a.m. in the Board of Supervisors' Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California, at which time any interested person may attend and be heard on this matter.

The Board of Supervisors may or may not adopt the proposed ordinance as a result of the public meeting. Final action will be taken at a subsequent meeting of the Board of Supervisors.

The Clerk of the Board of Supervisors will maintain copies of the proposed ordinance and code on file at the Government Center, Hall of Administration, Fourth Floor, 800 South Victoria Avenue, Ventura, California for review by interested persons. Dated this 11 day of October 2002.

JOHN F. JOHNSTON
Clerk of the Board of Supervisors

By: Karl Racenca
Deputy Clerk of the Board

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CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: October 3, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Karel Placencia
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-014

Please publish the attached: **FIRST AND SECOND NOTICE OF PUBLIC HEARING – Adoption of Ordinance for Proposed Amendments to the Ventura County Building Code (VCBC) and Related Codes,**

Two (2) times in the issues of FRIDAY, OCTOBER 11ST & 18TH , 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.star

RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

October 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: ADOPTION OF PROPOSED AMENDMENTS TO THE VENTURA COUNTY BUILDING CODE (VCBC) AND RELATED CODES

RECOMMENDED ACTION:

1. Conduct a public hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing Law, for final adoption on November 5, 2002, at 9:00 a.m.

2. At a second meeting on November 5, 2002, at 9:00 a.m., receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective thirty days from the date of final passage, adopt a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law, and direct that the findings be filed with the State Building Standards Commission.

FISCAL/MANDATES IMPACT: None

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

The uniform building codes form the primary basis of authority under which local building departments regulate the construction of buildings and structures. The California Health and Safety Code requires every city or county to utilize virtually the same housing construction standards as those of the State, but with provision for local adjustments to reflect local conditions. The recommended revisions to Ventura County's local ordinance are part of the normal legal process which is prescribed by State law for the adoption of building codes.

The local County building codes which are currently in effect were last amended by the Board in June 1999. This proposed ordinance will update references to the latest editions of the State codes, and will maintain uniformity with nearby city and county jurisdictions, which are completing the same process. Additionally, the proposed ordinance will improve certain of the administrative and regulatory provisions of the Ventura County Building Code (VCBC) to facilitate administration and enforcement of the codes. The VCBC is a compilation of previously-adopted ordinances regulating construction and incorporates State adopted codes and other model codes.

4i12-1.02

Attachment "A" is a copy of the VCBC which incorporates the proposed amendments without strike outs or underlining and has been furnished to the Clerk of the Board for publication as required by law.

Attachment "B" is an abbreviated summary by article of the changes made to the VCBC.

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This item has been reviewed by the Chief Executive Office, County Counsel and the Auditor-Controller. A legislative version with strikeouts through deleted words and sentences and underlining under new words and sentences is on file with the Clerk of the Board of Supervisors. If you have any questions, please call me at extension 2787.

Jack Phillips

JACK PHILLIPS, BUILDING OFFICIAL

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Attachment "E": Express Findings Required for Adoption

c: Building Industries Association
American Institute of Architects
Associated General Contractors of California
Ventura County Contractors Association
Structural Engineers Association

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
812	NOV. 6 08:58	8054776710	0° 00' 51"	003	OK	N ECM

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
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JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: November 6, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Karel Placencia
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-018

Please publish the attached: **ORDINANCE NO. 4274, An Ordinance Amending the Ventura County Building Code and Related Codes,**

One (1) time in the issues of MONDAY, November 11, 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24
CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN

December 14, 2004 at 10:45 a.m.

215

Approval of Agreements for the Provision of Emergency Ambulance and Related Services with Lifeline Medical Transport (Area 1), Gold Coast Ambulance Services, inc. (Area 6), and Laidlaw Medical Transport, Inc., DBA American Medical Response (Areas 2, 3, 4, 5, and 7). (Health Care Agency – Public Health)
AGREEMENT ON FILE WITH TH CLERK OF THE BOARD

(X) All board members are present.

(X) The following person is heard: Paul Lorenz

( ) The following document(s) are submitted to the Board for consideration:
( ) _____

( ) The Board holds a public hearing.

(X) Upon motion of Supervisor Mikels, seconded by Supervisor Long, and duly carried, the Board hereby approves the attached staff recommendation(s).

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.

( ) Without motion, the Board hereby makes and hears the attached presentation.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Correspondence Agenda as attached.

By: _____
Deputy Clerk of the Board

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument
Is a true and correct copy of the document
which is on file in this office.
JOHN F. JOHNSTON, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board

Item # 34
12/14/04

DISTRIBUTION: Originating Agency (2), Auditor, File (HCA)

HCA Ventura County Health Care Agency

PIERRE DURAND, DPA
Health Care Agency Director
Ventura County Medical Center Administrator

Karen Davis, MBA
HCA Deputy Director
HCA/VCMC Chief Financial Officer/Fiscal Services

Paul E. Lorenz, MBA
Public Health Director

Ronald L. O'Halloran, MD
Medical Examiner/Coroner

Michael Powers
HCA Deputy Director
VCMC Hospital Administrator

Linda Shulman, MFT
Behavioral Health Director

Kirk E. Watson
HCA Deputy Director
VCMC Compliance Officer
VCMC Ambulatory Care Administrator

December 14, 2004

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: **APPROVAL OF AGREEMENTS WITH LAIDLAW MEDICAL TRANSPORT, INC., DBA AMERICAN MEDICAL RESPONSE, VENTURA COUNTY, GOLD COAST AMBULANCE SERVICE, INC., AND OJAI AMBULANCE, INC., DBA LIFELINE MEDICAL TRANSPORT. (A copy of the Agreement is on file with the Clerk of the Board.)**

Recommendation:

It is recommended that your Board approve, and authorize the Chair to sign four copies of, each of the proposed Agreements for the Provision of Emergency Ambulance and Related Services with Lifeline Medical Transport (Area 1), Gold Coast Ambulance Services, Inc. (Area 6), and Laidlaw Medical Transport, Inc., DBA American Medical Response (Areas 2,3,4,5,and7) and return two certified copies to the Emergency Medical Services Agency.

Fiscal Mandates Impact:

Mandatory: Yes, in part.
Authority: Health and Safety Code Sections 1797 et seq. require that an EMS agency to be established to regulate Advanced Life Support (EMS) systems when prehospital ALS is instituted.

Source of Funding: Fees and Penalties
Matching Required: None
Impact on other Department(s): None

Summary of Revenue and Costs:

	Projected FY 2004-05	Estimated FY 2005-06
Revenue:		
Response-Time Penalties	$ 65,000	$ 65,000
Oversight/QA/ContractAdmin	$ 150,000	$ 150,000
Total	$ 215,000	$ 215,000
Costs:		
Subventions[1]	$ 48,075	$ 48,075
Oversight/QA/ContractAdmin	$ 150,000	$ 150,000
Indirect	$ 16,925	$ 16,925
Total	$ 215,000	$ 215,000
Net County Cost (Including Indirect)	$ -0-	$ -0-

[1] Subvention of Lifeline Medical Transport will remained fixed and will be phased out when Area 1 reaches 50,000 population base.

Current FY Budget Projection:

FY 2004-05 Budget Projection for 5090 HCA-Public Health-EMS				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings(Deficit)
Appropriations	$ 2,071,878	$2,071,878	$ 2,071,878	0
Revenue	$ 1,619,585	$1,619,585	$ 1,619,585	0
Net Cost	$ 452,293	$ 452,293	$ 452,293	0

Discussion:

On April 27, 2004, your Board directed the Emergency Medical Services (EMS) Agency to negotiate with the three current ambulance providers based on a conceptual agreement that would achieve significant overall EMS system improvements for Ventura County.

Proposed Agreements In General

Seven proposed Agreements are being presented, one for each of the seven EMS Ambulance Operating Areas. Each of the Agreements has essentially the same contract

expectations and deliverables, but is adapted in a few particular areas that are relevant to respective EMS services areas. The relevant differences are as follows:

1. The Agreement with Lifeline for Area 1 contains additional language that addresses the subvention of $48,075 that is fixed and will continue to be provided to this area. It also phases in the new response time criteria.

2. The Agreement for Area 4 contains language relating to sub response zones, which include the City of Moorpark, Thousand Oaks and the unincorporated areas of Oakpark and Newbury Park.

3. The Gold Coast (Area 6) and Lifeline (Area 1) agreements have specific provisions that will allow the Contractor to require a financial audit and consideration of possible relief should the agreement requirements create a situation of undue financial hardship.

All seven Agreements contain the following overall system improvements and changes, some of which will occur immediately, while others will be phased in on or after January 1, 2007:

1. Institution of a Medical Priority Dispatch System to determine call priority.
2. All EMS dispatching will be centralized and managed from the Ventura County Fire Communications Center. The Agreements now contain a provision on cost sharing for the provision of a centralized dispatch system for Emergency Medical Services provided via the Ventura County Fire Protection District.
3. All Ambulances in Ventura County will have vehicle locator devices installed in conjunction with the new dispatch center. This will ensure that the closest available EMS resource will be dispatched to all Priority 1 calls, regardless of the location of the call.
4. To the extent allowed under applicable law, the County will be reimbursed for the quality assurance oversight, medical oversight, and contract administration costs incurred by the EMS Agency.
5. To the extent allowed under applicable law, the County will no longer be charged for pre-hospital emergency services or transport of individuals who are "arrestees" in the field.

The current contracts do not expire until July of 2006, which leaves one year and six months of remaining term on each contract. With this in mind, the remaining term of the current contracts has been added to the first five (5) year term of the new contract. This will allow system improvements to begin to take effect immediately. Each agreement will be effective January 1, 2005 and run through June 30, 2011, with the potential for five two-year extensions that could extend the agreement through June 30, 2021, a total of 15 years beyond the term of the existing contracts. Earned extensions of the initial term would be possible, under the proposed Agreements, based on a bi-annual review of the provider's performance, beginning in July of 2006. If the Board of Supervisors is satisfied

that the provider's performance has met the minimum requirements of the Agreement, then the provider would be entitled to a two-year extension. A provider can earn up to five two-year extensions beyond the initial term. If a provider fails to earn two consecutive extensions, it is considered a major breach of the agreement.

The negotiated proposed Agreements require an immediate reduction in response time. Calls for emergency assistance in incorporated areas will be required to be met in 8 minutes zero seconds, 90% of the time. Lifeline Medical Transport will decrease their response times by 30 seconds each year, until they reach 8 minutes zero seconds.

The County will reassess the performance standards developed for these Agreements every two years. As needed, standards will be revised to assure compliance with current standards in the practice of prehospital emergency medical care.

Explanation of "Anti-Kickback Statute" and Payment/Service Elements in Agreements

Federal law, the so-called "anti-kickback statute," prohibits "the purposeful payment of anything of value (i.e., remuneration) in order to induce or reward referrals of federal health care program business, including Medicare and Medicaid business." (68 Fed. Register 14251; see 42 USC 1320a-7b). When a governmental entity enters into contracts for the provision of emergency ambulance services, the "anti-kickback statute" can be implicated. Thus, both ambulance providers and a governmental entity entering into such contracts need to be careful not to run afoul of this important statute.

A memorandum from the County Counsel's office is being forwarded to your Board, and placed on file with the Clerk of the Board, explaining the statute and specific elements that have been included in the proposed Agreements for purposes of taking a very conservative and prudential approach in light of this statute.

This item has been reviewed by County Counsel, the Auditor-Controller, Fire Protection District and the County Executive Office. Please call Paul Lorenz at 981-5101 or Barry Fisher at 981-5308 if you have questions.

PAUL E. LORENZ
Public Health Director

DR. PIERRE DURAND
HCA Director
VCMC Administrator

County of Ventura
EMS Agency

Area Two
American Medical Response

2005 through 2021

AGREEMENT Laidlaw Medical Transportation Inc.
DBA American Medical Response

FOR

PROVISION OF EMERGENCY AMBULANCE AND

RELATED SERVICES (VENTURA COUNTY EMS AREA 2 - Santa Paula, Fillmore)

THIS AGREEMENT, is entered into as of the 1st day of January, 2005, by and between the COUNTY OF VENTURA, a political subdivision of the State of California, hereinafter called "County" and Laidlaw Medical Transportation, Inc., DBA American Medical Response (AMR), hereinafter called "Contractor";

WITNESSETH:

WHEREAS, pursuant to Government Code, Section 31000, County may contract with independent contractors for the furnishing of specified services to or for County or any Department thereof; and

WHEREAS, pursuant to Health and Safety Code, Division 2.5, Section 1797.224, and other applicable provisions of law, County has previously established exclusive emergency ambulance service areas and has contracted with Contractor, or with an entity to which Contractor is the successor, for provision of such services in Area 2 and

WHEREAS, pursuant to such prior contract(s), Contractor, directly or in combination with or as successor to Contractor's predecessor(s) in interest, has continuously provided emergency ambulance service within Area 2; and

WHEREAS, County has determined that a new contract should be entered with Contractor to continue Contractor's services as County's contracted emergency ambulance services provider for Area 2 under the terms and conditions set forth in this Agreement; and

WHEREAS, Contractor represents that it is willing, able, and desirous of continuing to be County's contracted emergency medical services provider for Area 2 pursuant to the terms and conditions set forth in this Agreement:

NOW, THEREFORE, THE PARTIES HERETO AGREE as follows:

1. **Services to be Performed by Contractor.** Contractor shall provide emergency ambulance services in accordance with the terms and conditions of this Agreement and as further detailed in Schedule B, attached hereto and incorporated herein. The glossary of terms set forth in Schedule A, attached

hereto and incorporated by this reference, shall apply to this Agreement, including all schedules, unless otherwise clear from the context.

2. **Term of Agreement.** Subject to compliance with the terms and conditions of this Agreement, the term of this Agreement shall be from January 1, 2005 through January 1, 2011 for the geographic area known as EMS Area 2. A map of EMS Areas is attached as Exhibit A. The prior Agreement between the parties shall remain in full force and effect and govern operations and all other matters between the parties through and including December 31, 2004. Effective on and after January 1, 2005, this Agreement shall govern and the prior Agreement shall be terminated and superseded except with regard to rights or obligations that would survive as a matter of law or pursuant to section 21 (at page 8) of the prior Agreement.

2.1 Review of Contractor performance will take place at the end of the second, fourth, sixth, eighth & tenth Agreement years, beginning July 1, 2006, according to the Contractor's Review Process outlined in Exhibit B. Up to five two-year extensions of the term of this Agreement may be obtained pursuant to this process.

2.2 If at any time, County reasonably determines that Contractor has failed to comply with any of the provisions of this Agreement, County shall give written notice setting forth the specific deficiency, the required correction and a reasonable time period to correct the deficiency. Upon County's determination that Contractor has failed to timely cure the deficiency, County may terminate this Agreement upon 90 days written notice.

3. **Bi-annual Review of Standards** Bi-annual review of the standards established in this agreement, outlined in Exhibit C, will take place beginning July 1,2006 and may, at County's discretion, result in revision of the agreement. If Contractor does not meet new standards developed during a bi-annual review, Contractor may be deemed in material breach of this Agreement.

4. **Payments**

A. Contractor understands and agrees that Contractor shall have no right to any compensation from County, and shall not bill or charge County, for any pre-hospital emergency services or transport provided to persons who are indigent. The foregoing shall not preclude Contractor from billing or seeking to collect from third party payor sources such as, by way of example, but without limitation,

Medi-Cal, Medicare, and/or California Children's Services ("CCS"), to the extent allowed under applicable law and so long as County does not become obligated to reimburse any person or entity. To the extent that County should become obligated to reimburse any person or entity, to the extent allowed under applicable law, Contractor shall reimburse and make County whole for any such reimbursement County may have to make. Contractor expressly agrees to accept as full payment for covered services rendered to any person qualifying for MediCal, Medicare, or CCS, for whom a billing to such program is allowable under applicable law, the amount provided for and payable under such program. The foregoing shall not prevent Contractor from billing patients or other responsible parties for co-payments or other cost-sharing amounts, or for non-covered services (e.g. services for which coverage has been denied by Medicare). Obtaining or recovering payment from any such third party payor shall be at the sole cost and risk of Contractor.

For purposes of this Agreement, "indigent" shall be defined as any person whose personal assets and income would qualify him for aid under criteria established by the County of Ventura or applicable law, which person is not covered by any type of categorical aid, such as Medi-Cal or California Children's Services. With respect to persons who are not indigent and/or who are covered by a type of categorical aid such as Medi-Cal or California Children's Services (i.e., a "program"), Contractor shall have no claim or right to compensation from County, but may bill and seek compensation from the individual, third party payors or the program, in accordance with this Agreement, at Contractor's sole cost and risk.

B. Further, and as specifically relates to persons who are arrested or otherwise taken into custody by a police or other governmental agency (i.e., "arrestees" as distinguished from persons who are in a prison or jail facility and who might, for example, be termed "prisoners") (hereafter, for convenience, referred to as "arrestees") and who are transported for hospital or other emergency care from the field or a location other than from a jail, prison or other place of incarceration or civil detention, to the extent allowed under applicable law, Contractor shall not bill or charge County for any pre-hospital emergency services or transport provided to any such person. The foregoing shall not preclude Contractor from billing or seeking to collect from the individual or from third party payor sources

such as, by way of example, but without limitation, an insurance company, MediCal, Medicare, and/or California Children's Services ("CCS"), to the extent allowed under applicable law and so long as County does not become obligated to reimburse any person or entity. To the extent that County should become obligated to reimburse any person or entity in the circumstances specified, to the extent allowed under applicable law, Contractor shall reimburse and make County whole for any such reimbursement County may have to make. Contractor expressly agrees to accept as full payment for covered services rendered to any such person qualifying for MediCal, Medicare, or CCS, for whom a billing to such program is allowable under applicable law, the amount provided for and payable under such program. The foregoing shall not prevent Contractor from billing patients or other responsible parties for co-payments or other cost-sharing amounts, or for non-covered services (e.g. services for which coverage has been denied by Medicare). Obtaining or recovering payment from the individual, an insurance carrier, or any other third party payor shall be at the sole cost and risk of Contractor.

C. Paragraph B above will apply effective on and after January 1, 2005. However, while Contractor is willing to provide the specified services without charge to the County and both parties believe the services may be properly, lawfully and appropriately provided without charge to the County (see section 25 below), in light of the Office of Inspector General (OIG) "Compliance Program for Ambulance Providers" ("CPG") the parties wish to obtain a specific OIG advisory opinion with respect to this matter. Therefore, the provisions of paragraph B above shall not become operative to preclude billing the County for pre-hospital emergency services or transport provided to "arrestees" until and unless an OIG advisory opinion has been obtained with respect to this matter. The County will seek such an advisory opinion and Contractor will join in the request as may be necessary or desirable in the sole discretion of the County. If the advisory opinion from the OIG satisfies the County that the County's requiring of these "arrestee" services without charge to County, or particular portions thereof, will not subject either the County or Contractor to sanctions or enforcement action by the OIG, then paragraph B above will become fully operative consistent with the OIG advisory opinion. In other words, actual implementation of these provisions

shall be held in abeyance pending receipt of an OIG advisory opinion and notice by County to Contractor requiring compliance with the provisions of, or portions of the provisions of, paragraph B. If an advisory opinion from the OIG is issued confirming to County's satisfaction that the County's requiring of these services without charge to the County, or particular portions thereof, will not subject the County or Contractor to sanctions or enforcement action by the OIG, then County may elect to have the above paragraph B, or portions thereof, become fully operational as deemed appropriate in light of the OIG advisory opinion. Upon notice from the County to Contractor requiring compliance with the provisions of, or portions of the provisions of, paragraph B, Contractor shall, within 45 days following County's notice, and consistent therewith, refund to County any amounts that were billed to and paid by County with regard to pre-hospital emergency or transport services provided to "arrestees" on or after January 1, 2005, cancel any outstanding bills in that regard, and treat paragraph B, or the specified provisions or portions thereof, as fully operative.

Whenever a term such as "to the extent allowed under applicable law" is used, if what is referred to is not presently allowed under applicable law, the requirement shall apply and become effective, prospectively, if applicable law should at any time be amended or changed to "allow" that which was not previously allowed.

4.1. Other than as set forth above, or as elsewhere provided in this Agreement, County shall have no obligation to make any payments to Contractor for provision of services pursuant to this Agreement.

5. **Relationship of Parties.** It is expressly understood that this is an agreement between County and an independent contractor and that no agency, employee, partnership, joint venture, or relationship other than that of independent contract is established by this Agreement.

6. **Insurance Provisions** Contractor shall not commence work under this Agreement until all insurance required under this section has been obtained and such insurance has been approved by VC EMS.

6.1. Contractor, at its sole cost and expense, shall obtain and maintain in full force during the term of this Agreement the following types of insurance:

6.1.1. Commercial General Liability "occurrence" coverage in the minimum amount of $1,000,000 combined single limit (CSL) bodily injury and property damage each occurrence and $2,000,000 aggregate, including personal injury, broad form property damage, products/completed operations, broad form blanket contractual and $100,000 fire legal liability.

6.1.2. Commercial Automobile Liability coverage in the minimum amount of $2,000,000 CSL bodily injury and property damage, including owned, non-owned and hired automobiles. Also to include Uninsured/Underinsured Motorists coverage in the minimum amount of $100,000 when there are owned vehicles. Contractor must have on file evidence of auto insurance in the minimum amount of $100,000 CSL bodily injury and property damage for all employees and volunteers associated with the Agreement.

6.1.3. Workers' Compensation coverage, in full compliance with California statutory requirements, for all employees of Contractor and Employer's Liability in the minimum amount of $1,000,000. In signing this Agreement, Contractor makes the following certification, required by Section 1861 of the California Labor Code:

> I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of this Agreement.

6.1.4. Professional Liability (Medical Malpractice) coverage in the minimum amount of $1,000,000 each occurrence and $2,000,000 aggregate.

6.2. If any liability coverage is "claims made", Contractor must, for a period of three years after the date when this Agreement is terminated, completed, or non renewed, maintain insurance with a retroactive date that is on or before the start date of Agreement services OR purchase an extended reporting period endorsement (tail coverage).

6.3. All insurance required shall be primary coverage as respects County and any insurance or self-insurance maintained by County shall be excess of Contractor's insurance coverage and shall not contribute to it.

6.4. County is to be notified immediately if any aggregate insurance limit is exceeded.

Additional coverage must be purchased to meet requirements.

6.5. The County of Ventura and the HCA EMS Agency are to be named as Additional Insureds as respects work done by Contractor under the terms of this Agreement on all policies required (except Workers' Compensation).

6.6. Contractor agrees to waive all rights of subrogation against the County of Ventura, its Boards, Agencies, Departments, Officers, Employees, Agents, and Volunteers for its losses arising from work performed by Contractor under the terms of this Agreement.

6.7. Policies shall not be cancelled, non-renewed or reduced in scope of coverage until after thirty (30) days written notice has been given to VC EMS.

6.8. Prior to the effective date of this Agreement, Contractor shall furnish VC EMS with the following insurance documents:

6.8.1. Certificates of Insurance for all required coverage's.

6.8.2. Additional Insured endorsements.

6.8.3. Waiver of Subrogation endorsements (AKA: Waiver of Transfer Rights of Recovery against Others, Waiver of Our Right to Recover from others).

6.8.4. Changes in Insurance. County may, upon recommendation of its Risk Manager, not more than once every two years, increase the minimum dollar amounts for insurance required by this Agreement or add additional insurance requirements, but every such change shall be reasonable and not excessive under the circumstances. If Contractor disagrees with a proposed change, the matter shall be reviewed by the Board of Supervisors and the determination of the Board shall govern.

7. **Indemnification and Hold Harmless.** To the fullest extent permitted under applicable law, Contractor shall indemnify, defend (at County's request) and hold harmless the County, its officers, agents, volunteers, and employees, from and against any and all liability, claims, loss, damage, or expense of whatsoever nature (including, without limitation, attorney's fees and all other costs of defense) arising out of or related to any injury or death to any person or any damage to any person or property or claim arising from or related to County's entering into this Agreement with Contractor or any negligent or wrongful act or omission by Contractor, its officers, agents, volunteers or employees in the performance of this Agreement, including without limitation all consequential damages. Except as provided above, County shall indemnify, defend and hold

harmless Contractor, its officers, agents, volunteers, and employees, from and against all liability, claims, loss, damage, or expense of whatsoever nature arising out of or related to any injury or death to any person or any damage to any person or property arising from or relating to any negligent or wrongful act or omission by County, its officers, agents, or employees, in connection with County's performance or implementation of this Agreement.

In the event of concurrent negligence of Contractor, its officers, agents, volunteers, and/or employees, and County, its officers, agents, volunteers and/or employees, in connection with any tort claim, then the liability for any and all claims for injuries or damages to persons and/or property in such instance shall be apportioned under the California theory of comparative negligence as then existing, and each party shall then bear its own entire costs of defense, including attorney's fees. Nothing in the foregoing limits in any respect the obligation of an insurance carrier to provide full defense and indemnity for the County, its officers, agents, volunteers and/or employees where the County is named as an additional insured on insurance required under this Agreement. Neither Contractor nor its officers, agents, volunteers, or employees, are to be deemed an agent or agents of County and vice versa.

8. **Non-Discrimination**. No person shall, on the grounds of race, color, creed, national origin, religious affiliation or non-affiliation, sex, sexual orientation, marital status, age (over 40), disability, medical condition (including but not limited to, AIDS, ARC, HIV positive diagnosis, or cancer), political affiliation or union membership be excluded from participation in, be denied the benefits of, or be subjected to discrimination under this Agreement.

8.1. Contractor shall insure equal employment opportunity based on objective standards of recruitment, selection promotion, classification, compensation, performance evaluations, and management relations, for all employees under this Agreement. Contractor's personnel policies shall be made available to County upon request.

8.2. Contractor shall provide that patients are accepted for care without discrimination on the grounds of race, color, creed, national origin, religious affiliation or non-affiliation, sex, sexual orientation, marital status, age, disability, medical condition (including but not limited to AIDS, HIV positive diagnosis), political affiliation, or ability to pay for services.

9. **Assignments and Subcontracts.** Without the written consent of the Board of Supervisors, this Agreement is not assignable wholly or in part. Any assignment by Contractor without the prior written consent of the Board of Supervisors violates this Agreement and shall automatically terminate this Agreement.

9.1. Contractor shall not employ subcontractors or consultants to carry out the responsibilities undertaken pursuant to this contract without the written consent of the Director, Ventura County Health Care Agency or his authorized representative.

9.2. All assignees, subcontractors, or consultants approved by the Director, Ventura County Health Care Agency or his authorized representative shall be subject to the same terms and conditions applicable to Contractor under this Agreement, and Contractor shall be liable for the Assignee's, subcontractor's or consultant's acts and/or omissions.

9.3. All agreements between Contractor and subcontractor and/or assignees for services pursuant to this Agreement shall be in writing and shall be provided to County.

10. **Entire Agreement.** This Agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to Contractor providing the subject services to County and contains all the covenants and agreements between the parties with respect to the provision of such services. Each party to this Agreement acknowledges and agrees that no representations, inducements, promises or agreements, other than as specifically set forth herein, have been made by any party, or anyone acting on behalf of any party.

11. **Amendment.** Except as otherwise specifically provided, this Agreement may be amended only pursuant to an instrument in writing signed on behalf of each of the parties, and no oral understanding or agreement shall be binding.

12. **Records.** Contractor agrees to provide to County, to any Federal or State department having monitoring or reviewing authority, and to County's authorized representatives and/or their appropriate audit agencies upon reasonable notice, access to and the right to examine and audit all records and documents necessary to determine compliance with relevant Federal, State, and local statutes, rules and regulations, and this Agreement, and to evaluate the quality, appropriateness and timeliness of services performed. Contractor shall make available for the County's inspection, as related to Ventura County operations, its

financial records for review or audit at any place designated by County and if requested, Contractor shall provide copies of specific financial records to County.

12.1. Contractor shall maintain and preserve all records relating to this Agreement in its possession or in the possession of any third party performing work related to this Agreement for a period of four (4) years from the termination of this Agreement, or until audit findings are resolved, whichever is later.

13. **Accounting and Auditing Procedures**. Contractor shall maintain accurate fiscal and administrative records in conformance with standard accounting practices as required by Ventura County Auditor-Controller and the Director, Ventura County Health Care Agency or his authorized representative, as shown in Exhibit D.

13.1. Such records shall be open to inspection of COUNTY Auditor or other COUNTY officials as determined by the Director, Ventura County Health Care Agency or his authorized representative at any reasonable time.

13.2. Annual financial statements (unaudited), for Ventura County services, shall be submitted to Ventura County Emergency Medical Services Agency within three (3) months of the end of CONTRACTOR's fiscal year. Such statements shall be open to inspection by Auditor-Controller and VC EMS staff. The financial statements shall be considered the property of each company and all information contained therein shall be solely for use by County's VC EMS or Auditor Controller staff for review to determine compliance with the terms of this contract

13.3. County Auditor or other Designated County officials may audit all records of Contractor and will submit copies of all findings to Contractor. Contractor is encouraged to respond to any and all audit findings. Copies of these responses shall be forwarded to the Ventura County EMS Agency.

13.4. Contractor shall maintain separate financial records for its Ventura County operation under this Agreement.

14. **Compliance with Applicable Laws** All services to be performed by contractor pursuant to the Agreement shall be performed in accordance with all applicable Federal, State, County and Municipal laws, ordinances, regulations, including but not limited to appropriate licensure, certification regulations, provisions pertaining to confidentiality of records, and applicable quality assurance regulations.

15. **Notices** All notices required under this Agreement shall be in writing and may be given by personal delivery, by established overnight delivery service (such as

Federal Express, UPS, etc.), by facsimile transmission (with documentation confirming receipt) coupled with notice by mail, or by U.S. mail alone. All notices shall be addressed or delivered as follows:

TO COUNTY:
Ventura County Emergency Medical Services Agency
Attention: EMS, Administrator
2220 East Gonzales Road, Suite 130
Oxnard, CA 93036
Facsimile # 805 981-5300

TO CONTRACTOR: Vice President
Laidlaw Medical Transportation Inc., DBA
American Medical Response.
20101 Hamilton Avenue, Suite 300
Torrance, CA 90502
Facsimile # 310-851-7004

Either party may, by giving written notice in accordance with this paragraph, change the names, addresses or facsimile numbers of the persons or departments designated for receipt of future notices.

When addressed in accordance with this paragraph and deposited in the United States mail, certified or registered mail, postage prepaid, notices shall be deemed given on the third day following such deposit in the United States mail. When given by facsimile transmission, as provided above, notice shall be deemed given on the first regular working day following transmission and receipt of the facsimile transmission. In all other instances, notices shall be deemed given at the time of actual delivery.

16. **Controlling Law.** The validity of this Agreement and its terms or provisions, as well as the rights and duties of the parties hereunder, the interpretation and performance of this Agreement shall be governed by the laws of the State of California.

17. **References Include Future Amendments.** References in this Agreement to statutes, ordinances, laws, regulations, and EMS policies and procedures mean and include the same as they presently exist, and, as of and from the dates they are effective, amendments and successor provisions that may be adopted from

time to time.

18. **Construction of Covenants and Conditions**. Each term and each provision of this Agreement to be performed by Contractor shall be construed to be both a covenant and a condition.

19. **Cumulative Remedies**. The exercise or failure to exercise of any legal rights or remedies by the County of Ventura in the event of a default or breach hereunder shall not constitute a waiver or forfeiture of any other rights or remedies, and shall be without prejudice to the enforcement of any other right or remedy available by law or authorized by this Agreement. All rights and remedies shall be deemed cumulative, not exclusive.

20. **Headings (Captions)**. The headings (captions) of articles, sections, and paragraphs contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

21. **Survival of Obligations.** Termination of this Agreement shall not affect any right or obligation hereunder which shall have previously accrued, or which shall thereafter arise with respect to any occurrence prior to termination; and such rights and obligations shall continue to be governed by the terms of this Agreement. This provision shall not be deemed to limit any survival of obligations that would occur as a matter of law.

22. **Successors-In-Interest.** This Agreement shall be binding on the heirs, successors, and assigns of the parties. Each and every term and condition of this Agreement shall be binding upon and enforceable by County against any successor in title of, or to any interest in, Contractor.

23. **Bankruptcy.** This Agreement, at the option of County, shall be terminable in case of bankruptcy, voluntary or involuntary, or insolvency of Contractor, but shall be unaltered by bankruptcy, reorganization, or insolvency of Contractor.

24. **No Waiver.** Failure by either party to insist upon strict performance of any term, condition, or covenant in this Agreement shall not be deemed a waiver of or a relinquishment of that party's rights to enforce any term, condition or covenant.

25. **No Influence on Referrals**. No remuneration is being given or promised under or in connection with entering this Agreement which is intended to influence or be based on the referral or recommended referral by either party, or any person or entity, of Patients to the other party or its affiliated providers, if any, or the purchasing, leasing, or ordering of any services other than specific services

described in this Agreement. Any payments specified in this Agreement are consistent with what the parties reasonably believe to be fair and reasonable as well as consistent with the fair market value, or less than the fair market value, for the services provided or to be provided. Further, any services agreed to be provided without charge to the County are services the Contractor is willing to provide without charge to the County and are services that both parties believe may be properly, lawfully and appropriately provided without charge to the County.

26. **Contingency Event; Severability.** Notwithstanding anything to the contrary in this Agreement, if any term, covenant, condition or provision of this Agreement should be deemed or interpreted to violate any current or future statute, regulation or ordinance, or be otherwise deemed illegal, or the County is advised by legal counsel of the occurrence of such an event (collectively, "Contingency Event"), then the parties shall use their best efforts to meet forthwith and attempt to renegotiate this Agreement to remove or negate the effect of the Contingency Event. If the parties are unable to renegotiate this Agreement as specified above, such illegal, unenforceable or invalid provisions or part thereof shall be stricken from this Agreement, and such provision shall not affect the legality, enforceability or validity of the remainder of this Agreement, except as hereafter provided. If any provision or part thereof of this Agreement is stricken in accordance with the provisions of this Section, then the stricken provision shall be replaced, to the extent possible, with a legal, enforceable and valid provision that is as similar in economic effect to the stricken provision as is legally possible. However, if either party reasonably and in good faith determines that the Agreement cannot be amended to acceptably address the Contingent Event, then such party may, at its option, by giving written notice to the other, terminate this Agreement.

27. **Partial Invalidity.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in any way; provided, however, if any such term or provision is deemed material by a party, said party has the right to terminate this

Agreement by giving ninety (90) days' notice of said party's election to terminate.

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13. **Coordination of Benefits:** The sharing of health care financial liability for services rendered by two or more third party payers.
14. **Co-payment:** That dollar amount, which under Medicare guidelines, patients are required to pay and which is not paid by Medicare under a policy of accepting assignment.
15. **Dedicated Standby:** The locating of an ambulance at the scene of an incident which has a high probability of producing injured patients, at the request of a public safety entity, when such incident could not have been predicted and therefore the standby could not have been arranged prior to the request.
16. **Downgraded:** When the dispatcher notifies an emergency ambulance that an emergency response may be decreased to a lower level such as Code 2 from Code 3 or Priority 2 from Priority 1.
17. **Emergency Ambulance Call Volume:** The number of requests for emergency ambulance responses within a particular time period.
18. **Emergency Medical Dispatch Standards:** Standards for emergency medical dispatch promulgated or approved by the EMS Agency, including but not limited to, dispatcher training, protocols for call taking, dispatch of ambulances and first responders.
19. **Emergency Medical Services Authority (EMSA):** As defined in Division 2.5 of the Health and Safety Code.
20. **Emergency Medical Services (EMS) Continuous Quality Improvement (CQI):** The Ventura County Continuous Quality Improvement process.
21. **Emergency Medical Services (EMS) Medical Director:** The physician designated by Ventura County as EMS Medical Director in accordance with Section 1797.202 of Division 2.5 of the Health and Safety Code.
22. **Emergency Medical Technician- Paramedic (EMT-P):** An individual who meets the qualifications in Section 1797.84 of Division 2.5 of the Health and Safety Code and who is currently accredited to practice as an EMT-P in Ventura County.
23. **Exclusive emergency ambulance provider area, emergency operation area:** As defined in Division 2.5 of the Health and Safety Code.
24. **Field Care Audits:** As referred to in Section 100167 of Division 9 of Title 22 of the California Code of Regulations.

25. **First Notification:** Time ambulance is first notified by Ventura County Fire Communications.

26. **First Responder Advanced Life Support Unit (FRALSU)**: A non transport fire engine or squad with ALS equipment and ALS staffing that meet applicable Ventura County EMSA policies and procedures.

27. **First Responder Agencies:** Initial response, non transporting agencies whose personnel provide basic or advanced life support at the scene of medical emergencies.

28. **Geo File:** A computerized file, for use on the CAD, purchased commercially which includes, but is not limited to, geographic information for street addresses, cross streets, and commercial buildings and is cross referenced to current Thomas Bros. Guide Map Pages and Grids.

29. **Gross Patient Billings:** The full dollar amount of County authorized patient charges.

30. **Immediate Response:** Calls which are not emergency in nature, but which cannot be scheduled more than one (1) hour in advance.

31. **Interfacility Transfer:** The ambulance transport of a patient from one acute care hospital or similar facility to another acute care hospital or similar facility.

32. **Local Emergency Medical Services Agency:** As defined in Division 2.5 of the Health and Safety Code.

33. **Major Incident:** An incident as specified in the EMS Agency's Medical Incident Response Plan policy.

34. **Medical Control:** As defined in Division 9, Chapter 4, Title 22 of the California Code of Regulations.

35. **Medical Necessity:** Medical treatment and/or ambulance transportation which meets the requirements of a third party payor's policy, practice, regulation, procedure or protocol.

36. **Medically Indigent:** Any person whose personal assets and income would qualify him for aid under criteria established by the County of Ventura and not covered by any type of categorical aid, including Medi-Cal or California Children's Services.

37. **Mobile Intensive Care Nurse (MICN):** As defined in Section 1797.56, Division 2.5 of the Health and Safety Code.

38. **Net Patient Billings:** The dollar amount collected which does not include bad debt and contractual allowances.

39. **Non-Life Threatening:** Specific definition will be included in prioritized dispatch protocols as established by the local EMS agency.

40. **Priority I Response (non-emergency):** Transport from site of illness or injury to hospital or from hospital to home or other facility. This type of transport is arranged to take place more than one hour in advance of the transport.

41. **Priority II Response (non-emergency):** Those calls which are not emergency transports but cannot be scheduled more than one (1) hour in advance.

42. **Priority I Response (emergency):** An initial response to 9-1-1 calls requiring use of lights and sirens to provide prehospital emergency medical care to save a life, prevent undue suffering, or to reduce or prevent disability.

43. **Priority II Response (emergency):** An initial response to 9-1-1 calls not requiring the use of lights and sirens to provide prehospital emergency medical care.

44. **Prioritized Dispatch:** The process of using a medically approved system to dispatch appropriate aid to medical emergencies, which includes: (1) systematized caller interrogation; (2) systematized Pre-Arrival Instructions; and (3) protocols which match the dispatcher's evaluation of the injury or illness type and severity with vehicle response mode and configurations.

45. **Private Ambulance Call:** A request made directly to Contractor by a private party for an ambulance response.

46. Metro - all census places with a population density of greater than 500 persons per square mile; or census tracts and enumeration districts without census tracts which have a population density of greater than 500 persons per square mile.

46.1. Urban - all census places with a population density of 101 to 500 persons per square mile; or census tracts and enumeration districts without census tracts which have a population of 101 to 500 persons per square mile.

46.2. Suburban - all census places with a population density of 51 to 100 persons per square mile; or census tracts and enumeration districts without census tracts which have a population of 51 to 100 persons per square mile.

46.3. Rural - all census places with a population density of 7 to 50 persons per square mile; or census tracts and enumeration districts without census tracts which have a population of 7 to 50 persons per square mile.

46.4. Wilderness - census tracts or enumeration districts without census tracts which have a population of less than seven persons per square mile.

47. **State Guidelines:** Emergency Medical Services Systems Standards and Guidelines, published by the State EMSA.

48. **System Status Plan**: A description of the number of ambulances and their Pre-assigned locations for time of day and day of week which includes relocation of ambulances based upon the remaining number of available ambulances.

49. **System Status Software:** The computer software used by a CAD system in order to practice emergency medical system status management of resources.

50. **Unusual System Overload:** A situation, that could have not been predicted based upon past call volume data, in which over 66.6% of ambulances, scheduled by the ambulance company, for that hour within the current system status plan, are assigned to an emergency call from the time of dispatch through up to 15 minutes after the time of arrival at the receiving hospital.

51. **VC EMS:** Ventura County Emergency Medical Services Agency.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives have affixed their hands.

Dated: 11/30/04

By: _____

David Mintz, Vice President
Laidlaw Medical Transportation Inc.
DBA American Medical Response

Dated: DEC 14 2004

By: _____

Steve Bennett, Supervisor, First District
Chair, Board of Supervisors
County of Ventura

COUNTY OF VENTURA CALIFORNIA

Attest: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: _____
Deputy Clerk of the Board

SCHEDULE A
GLOSSARY OF TERMS

The following definitions shall apply throughout this Agreement:

1. **Accept Assignment of Insurance Payments**: Acceptance of the Children's Medical Services and Medi-Cal allowable amount for recognized services as payment in full.
2. **Advanced Life Support (ALS)**: Advanced Life Support as defined in Section 1797.52 of Division 2.5 of the Health and Safety Code.
3. **ALS Ambulance:** An ambulance and ALS equipment and ALS staffing that meet applicable Ventura County EMSA policies.
4. **Arrival at the scene of the emergency:** The time that the ambulance arrives at the street address, or other geographic specification stated by the dispatcher with wheels stopped.
5. **Automatic Vehicle Locator (AVL):** A combination of radio communications and computer equipment which when integrated with a computer aided dispatch system provides a visual image of the location of vehicles and communicates the geographical locations to the computer aided dispatch system.
6. **Base Hospital (BH):** As defined in Section 1797.58 of Division 2.5 of the Health and Safety Code.
7. **Basic Life Support (BLS):** Basic Life Support as defined in Section 1797.60 of Division 2.5 of the Health and Safety code.
8. **Computer Aided Dispatch (CAD) Clock:** A clock or other time keeping device, similar to a manual time clock which registers time in hours, minutes and seconds, is calibrated to coordinated universal time, and encodes the time(s) in the CAD.
9. **CALCORD:** State Office of Emergency Services California Coordination Channel (156.075).
10. **Collection Rate:** Net patient receivables divided by Gross patient billings.
11. **Computer Aided Dispatch (CAD) System**: Computer hardware and software for automating dispatch of emergency resources.
12. **Contractor:** The corporation, public agency, or other party providing prehospital emergency medical care and transport services

SCHEDULE B

1. **Services to Be Performed by Contractor.**

1.1. **Uninterrupted Emergency Ambulance Service.** Contractor shall provide continuous uninterrupted emergency ground ambulance transportation and prehospital emergency medical care 24 hours a day, 7 days a week throughout the term of this Agreement. All requests for life-threatening prehospital emergency medical care shall be met by Advanced Life Support equipped and staffed ambulances. The service shall be provided according to the specifications set forth in this agreement and according to standards, policies, and procedures established by the EMS Agency.

1.2. **Public Information and Education**. Contractor shall provide public information and education relative to recognition of emergency medical conditions, EMS system access, cardiopulmonary resuscitation, first-aid, and injury prevention to the citizens of Ventura County. Contractor will advise VC EMS at least annually of Public Information and Education activities performed.

1.3. **Data Collection and Reporting Functions.** Contractor shall provide EMS system data collection and reporting functions according to specifications set forth by VC EMS.

1.4. **Compliance Provisions** Contractor shall comply with all provisions of the EMS Policies and Procedures Manual or its successor, the VC EMS Continuous Quality Improvement Plan or its successor, and Ventura County Ordinance Code Sections 2421 et seq. or its successor.

2. **Ambulance Response Time Performance Standards and Penalties.**

2.1. **Calculation of Response Times:** Response time shall be calculated from the time of first notification of the ambulance until the time that the ambulance notifies the dispatcher of its arrival (wheels stopped) at the scene of the emergency or until the ambulance is canceled by the dispatcher. The closest available ALS ambulance will be dispatched to all 9-1-1 calls for service. The EMS Agency will work with the ALS transport providers and Ventura County Fire Communications Center to establish guidelines and requirements. Contractor shall comply with all such guidelines and requirements.

2.2. If an ambulance response is downgraded by the dispatcher, only the time from its initial dispatch until the time that it is downgraded to below Priority I shall be counted as its response time.

2.3. Calls cancelled prior to arrival at the scene will not be calculated in response times. Calls that are over the required time at the time of cancellation will be counted as a late response.

2.4. In the event that no ambulance is available at the time of first notification, the response time shall be calculated from the time of first notification (initial dispatch) to the time that an ambulance arrives at the scene of the emergency.

2.5. **Response Time Standards.** Effective on and after January 1, 2005, Contractor shall respond as follows:

2.5.1. **Eight (8) Minute, Zero (00) Second Response Zone.** Contractor shall place an ambulance at the scene within 8 min zero seconds, 90% of the time on all priority one calls as defined by VCEMSA, measured from time of first notification to arrival at scene, as entered into the CAD, which shows time in hours, minutes, and seconds calibrated to the National Bureau of Standards, in the incorporated and unincorporated portions within and contiguous to Ojai, Santa Paula/Fillmore, Simi Valley, Moorpark, Thousand Oaks, Camarillo, Oxnard, and Ventura which meet the definition in State Guidelines of metro/urban areas. In the event that a First Responder ALS unit arrives on scene prior to the ALS transport unit and within 8 minutes zero seconds, this will extend the required ALS transport unit response time requirement to 10 minutes zero seconds. In this instance, ALS transport unit response time in excess of 10 minutes zero seconds will be counted as late. The maximum response time shall be 15 minutes zero seconds, 100% of the time.

2.5.2. **Twenty (20) Minute, Zero (00) Second Response Zone** Contractor shall place an ambulance at the scene within twenty (20) minutes zero seconds, 90% of the time, measured from time of first notification to arrival at scene, as entered into the CAD, which shows time in hours, minutes, and seconds calibrated to the National Bureau of Standards, in areas which meet State Guidelines for suburban/rural population density and are immediately accessible by any of the following roads: Highway 101 south (east) of Mussel Shoals, Highway 33 North from Fairview Road to Wheeler Gorge Campground , Highway 150 east from Boardman Road to Ventura County Fire Protection District Station 20, Highway

150 west of Highway 33 to Casitas Station, Highway 150 north and west from Bridge Road to Ventura County Fire Protection District Station 20, Highway 126 east to Torrey Road, and Highway 1 south of Hueneme Road to Sycamore Cove, Sycamore Canyon, Piru, and California State University at Channel Islands. The maximum response time shall be no longer than 40 minutes zero seconds, 100% of the time.

2.5.3. **Thirty (30) Minute Zero (00) Second Response Zone** Contractor shall place an ambulance at the scene within thirty (30) minutes 00 seconds, 90% of the time, measured from time of first notification to arrival at scene, as entered into the CAD, which shows time in hours, minutes, and seconds calibrated to the National Bureau of Standards: Lake Piru, Highway 101 between Mussel Shoals and the Santa Barbara County Line, Highway 126 between Torrey Road and the Los Angeles County Line, Highway 1 between Sycamore Cove and the Los Angeles County Line, Highway 150 west of Highway 33 between Casitas Station and the Santa Barbara County Line, Highway 33 between Wheeler Gorge Campground and the Rose Valley turnout, and Bell Canyon. The maximum response time shall be no longer than 40 minutes zero seconds, 100% of the time.

2.5.4. **As Soon as Possible Response Zone.** Contractor shall place an ambulance at the scene as soon as possible, measured from time of first notification to arrival on scene, as entered into the CAD, which shows time in hours, minutes, and seconds calibrated in the National Bureau of Standards, in areas not included above.

2.5.5. Population Density will be reviewed no less than every 2 years to update population by census tract. VCEMS may change areas from one Response zone to another, or specify new times in a particular response zone or census tract, based on population changes. Contractor will have 90 days from notification by VCEMS to implement the new/changed response time for any such area. VCEMS will issue new maps for use by Contractor. Contractor shall update its reporting process based on the new/changed response times.

3. **Response Time Exceptions**. In County's monthly calculation of the Provider's response time performance, every emergency originating from within the exclusive emergency ambulance provider zone shall be included except as follows:

3.1. In a multiple ambulance response to a single incident, only the response time of the first arriving ambulance shall be counted.

3.2. Good cause for an exemption as determined by the EMS Agency. The burden of proof that there is good cause for the exemption shall rest with the Contractor and Contractor must have acted in good faith. The alleged good cause must have been a substantial factor in producing the excessive response time. Good cause for an exemption may include, but is not limited to the following scenarios:

3.2.1. Incorrect or inaccurate dispatch information received from a calling party or 9-1-1 Public Safety Answering Point or from a public safety agency

3.2.2. Disrupted voice or data transmission

3.2.3. Inability to locate address due to non-existent address

3.2.4. Unavoidable delay caused by traffic congestion as the result of a vehicular accident to which the ambulance is responding when there is no alternate access to the incident

3.2.5. Unavoidable delays caused by road construction and/or closure

3.2.6. Unavoidable delays caused by trains

3.2.7. Off-road or off-paved road locations

3.2.8. Weather conditions which impair visibility and create other unsafe driving conditions

3.2.9. Gated, locked communities

3.2.10 Period of unusual system overload

3.2.11 Unsafe scenes due to police or fire department activity or hostage situations requiring staging away from incident location.

3.2.12 Diversions by hospitals

3.2.13 Power outages which affect ability to dispatch

3.2.14 Dedicated Standby for a Public Safety agency, or VC EMS

3.2.15 Extended response time in Contractor's area when providing backup to a neighboring area.

3.2.16 In order to have an exception considered, responding units must notify the VCFPD Communications Center at the time the delay is encountered and state their reason for the delay.

4. **Contractor Request for Response Time Exception:** Contractor shall submit data electronically or on disk to VC EMS for all calls which exceed contract requirements. Contractor shall note the calls for which a response time exception

will be requested in the listing of such calls and make any requests for response time exemptions on a monthly basis within 15 days of the end of the previous month. Such request shall list the date, the time, and the specific circumstances causing the delayed response. The format of the response time exception report shall include, but not be limited to, the following information: Date of incident, Time of incident, Fire Incident Number, Geo Code, and Exception Request Category.

5. **Excessive Response Time Performance Penalties, Repercussions, and Incentives.**

5.1. **Penalties.**

Contractor will be assessed financial penalties for each life-threatening and non-life threatening emergency call dispatched within Contractor's service area in which the Contractor fails to meet the response time standards specified above, unless EMS determines that the call fell under one (1) or more of the exemptions listed above.

5.2. **Amounts of Penalties.**

If Contractor fails to meet the response time standards, Contractor shall be assessed penalties in the following amounts:

5.2.1. $20 for each minute or fraction thereof exceeding the response time standard not to exceed a maximum of $200 per incident.

5.2.2. $200 for each call over the maximum response time. If an on-scene time is not documented, the call will be considered to have exceeded the maximum response time.

5.2.3. $200 if a delay in response to a 9-1-1 call is due to non availability of a unit in violation of VC EMS Policy 605.

5.2.4. Effective July 1, 2009, and as of July 1 every five (5) years thereafter, each of the amounts set forth above will be adjusted based on changes in the CPI in increments rounded to the nearest ten dollars ($10). (See Section 40)

5.3. **Incentives**

For each calendar month, in which Contractor exceeds the requirements of these response time standards, Contractor shall be credited a lump sum for each percentage point above 92.5%. These shall be:

92.5-93.9% = 20% of the total penalty dollars assessed above.

94-94.9% = 30% of the total penalty dollars assessed above.

95-95.9% = 40% of the total penalty dollars assessed above.

96-96.9% = 50% of the total penalty dollars assessed above.

97-97.9% = 60% of the total penalty dollars assessed above.

98-100% = 100% of the total penalty dollars assessed above.

5.4. **Repercussions**. A 90% response time compliance by Contractor is considered acceptable to County under this Agreement. If County determines that Contractor has failed to consistently maintain a 90% response time performance level, as calculated on a monthly basis, County may determine that there is a material breach as described in Section 35.1.1.2. of this Agreement. County will inform the Contractor of the incidents and penalties incurred on a monthly basis. Contractor shall pay EMS Agency all penalties within 45 days of receipt of notification. A late payment charge of one and one-half (1.5) percent or the highest rate permitted by law, whichever is lower, will be assessed monthly if no payment is received after the 45th day of receipt of the notification.

6. **Deployment of Ambulances:** Contractor will be responsible for planning the dispatch of ambulances through the deployment of an adequate number of ambulances to meet the requirements of this Agreement. Any change in numbers of ambulances reducing the available emergency response force must receive approval by VC EMS.

7. **Medical Control**

7.1. Prospective medical control of EMT-P personnel shall be according to the policies and procedures of the EMS Medical Director.

7.2. Immediate medical control shall be provided to EMT-P personnel by Base Hospital physicians, mobile intensive care nurses, or prior to contact/communication failure protocols according to the policies and procedures of VC EMS.

7.3. Retrospective medical control shall be provided according to the standards set forth by the EMS Agency through quality improvement programs, including continuing education programs conducted cooperatively by the Contractor, EMS, and the Base Hospitals.

8. **Contractor's Quality Improvement Program**

8.1. Contractor shall have a Quality Improvement Coordinator who shall meet the requirements specified below, or such higher standards as applicable law, State EMSA regulations or good practice require.

8.1.1. A physician who has at least two years' experience at a Ventura County Base Hospital and is board-certified in emergency medicine, or

8.1.2. A registered nurse who has at least two years' experience at a Ventura County Base Hospital , and is approved by the EMS Medical Director; or

8.1.3. A paramedic with at least four years' experience as a Level II paramedic and one years' experience as a preceptor in Ventura County, and is approved by the EMS Medical Director.

8.2. Commencing January 1, 2005, Contractor shall have, and fully implement, a detailed quality improvement program which has been approved by VC EMS.

8.3. Contractor's quality improvement program shall be based on VC EMS's CQI Plan, and shall involve cooperation with involved base hospitals and first responder agencies.

8.4. Contractor shall establish an on-going QI Committee which shall include field EMT-Ps.

8.5. The QI program shall emphasize and include peer review.

8.6. A QI committee has been established by Contractor and shall be maintained at all times. The committee shall meet on a monthly basis. Records of these meetings shall be submitted to VCEMSA for review within 30 days of the meeting beginning with the committee meeting in November 2004. Failure to provide this document within the above guidelines will result in a $1,000 penalty plus an additional $100 for each day over the time listed above. The penalty must be paid within 45 days of notice from VCEMS to pay the penalty. The amounts specified above shall be adjusted as of July 1, 2009, and every 5 years thereafter, based on changes in the CPI, in increments rounded to the nearest five (5) dollars. (See Section 40).

8.7 **Reimbursement to VCEMS for QA and Contract Administration Costs**

8.7.1 Effective commencing on January 1, 2005, to the extent allowed under applicable law and required by County, Contractor shall reimburse County for its appropriate share of the Quality Assurance oversight, medical oversight, and contract administration costs provided and incurred by VCEMS relative to the operation and functioning of the emergency ground ambulance system in Ventura County as a whole, and Contractor in particular. The calculation of these costs will be made as provided below. The total amount due will be payable via monthly payments. The monthly payment will be determined by dividing the number of

months this Agreement is or will be in effect during the particular fiscal year into the total amount that will be due from the Contractor for that fiscal year. In the event there should be any partial months, appropriate prorating shall occur as well. The amounts specified will be due on a monthly basis, commencing February 1, 2005, for January, 2005 and for each month thereafter, but shall not be payable, initially, or at all, in whole or in part, until and unless County has obtained an advisory opinion from the Office of Inspector General (OIG), which satisfies County that County's requiring of these payments, or particular portions thereof, will not subject the County or Contractor to sanctions or enforcement action by the OIG. While Contractor is willing to pay for the specified services and both parties believe Contractor may properly, lawfully and appropriately pay County for the specified services (see section 25 above), in light of the Office of Inspector General (OIG) "Compliance Program for Ambulance Providers" ("CPG") the parties wish to obtain a specific OIG advisory opinion with respect to this matter. Therefore, the provisions for payment shall not become operative until and unless an OIG advisory opinion has been obtained with respect to this matter. The County will seek such an advisory opinion and Contractor will join in the request as may be necessary or desirable in the sole discretion of the County. If the advisory opinion from the OIG satisfies the County that the County's requiring of payment for these services, or particular portions thereof, will not subject either the County or Contractor to sanctions or enforcement action by the OIG, then the above payment requirements will become fully operative consistent with the OIG advisory opinion. In other words, actual implementation of these provisions shall be held in abeyance pending receipt of an OIG advisory opinion and notice by County to Contractor requiring compliance with these provisions, or portions of these provisions. If an advisory opinion from the OIG is issued confirming to County's satisfaction that the County's requiring of payment for these services, or particular portions thereof, will not subject the County or Contractor to sanctions or enforcement action by the OIG, then County may elect to have the above provisions, or portions thereof, become fully operational as deemed appropriate in light of the OIG advisory opinion. Upon notice from the County to Contractor requiring compliance with the above provisions, or portions of the above provisions, Contractor shall, within 45 days following County's notice, and consistent therewith, make payment to County of

any amounts due and thereafter fully comply with the applicable provisions.

8.7.2 The amounts payable by Contractor pursuant to this section 8.7 will be determined as follows: First, the costs incurred by VCEMS directly with respect to Contractor will be calculated and determined by VCEMS. Second, general or system wide costs (i.e., costs not clearly attributable to a particular contractor) will be allocated on a pro rata basis to each of the seven emergency ambulance service Areas based on the population of each EMS Area as of June 1 each year as determined or estimated by VCEMS. Thus, VCEMS will determine or estimate the population of the entire County and of each EMS Area as of June 1 preceding the start of each new fiscal year. VCEMS will use available census and other data for this purpose. Contractor will have the right to discuss VCEMS's population determinations with VCEMS, but, subject to review by the Board of Supervisors, any alternative dispute resolution the parties may agree to, or judicial review, the determinations by VCEMS shall be final. For consistency and administrative convenience, once the VCFPD begins making population determinations for purposes of implementing section 22.5 hereafter, the parties agree that, for years in which the VCFPD compiles and makes population estimates or determinations for purposes of section 22.5, VCEMS will use the same population estimates or determinations for purposes of implementing this section. All percentages will be rounded to the nearest 1/10 of 1%. For fiscal year 2004-05, and as an example, VCEMS has estimated that Area 2 had an estimated population as of June 1, 2004, of 51,831, which would represent 7% of the total estimated population in Ventura County on that date of 753,197. Thus, seven percent (7%) of the total actual general or system wide costs for fiscal year 2004-05, prorated over the period of time this Agreement is in effect during the fiscal year, will be allocated to the Contractor for EMS Area 2. The total amount payable by each Contractor will be the Contractor's respective total amount determined by adding together the first and second amounts specified above. The total amount due for a particular fiscal year divided by the number of months this Agreement is or will be in effect during the fiscal year will be payable in monthly payments during the particular fiscal year.

8.7.3 For administrative convenience, the initial monthly amounts payable by a Contractor will be determined by an estimate made by VCEMS based on the total actual cost of Quality Assurance oversight, medical oversight and contract administration provided by VCEMS for fiscal year 2003-04, allocated on a pro rata basis to each of the seven emergency ambulance service Areas based on the estimated population of each such Area as set forth above and further prorated based on the period of time this Agreement is or will be in effect during the fiscal year (i.e., for fiscal year 2004-05, six months are anticipated and thus only ½ of the VCEMS total actual cost for 2003-04 will be allocated based on the estimated population of each EMS Area). Following the end of fiscal year 2004-05, the actual costs under this Agreement will be determined in accordance with the preceding paragraph and compared to the actual amounts paid or payable based on the above VCEMS estimate and allocation. Adjustments, refunds, credits or additional payments will then be due or made as appropriate to comport with the actual costs and in light of the "not to exceed amount" set forth below.

For fiscal years subsequent to 2004-05, for administrative convenience, the monthly amounts payable by a Contractor will be determined by an estimate made by VCEMS based on the total actual cost of Quality Assurance oversight, medical oversight and contract administration provided by VCEMS with respect to the Contractor for the preceding fiscal year, divided by twelve and rounded to the nearest dollar. VCEMS will notify Contractor in July of each ensuing fiscal year of the new monthly amount that is due. Following the end of each subsequent fiscal year, the actual costs payable by the Contractor for the fiscal year just concluded will be determined as provided above and compared to the actual amounts paid or payable based on the above VCEMS estimate or projection. Adjustments, refunds, credits or additional payments will then be due or made as appropriate to comport with the actual costs and in light of the applicable "not to exceed amount" set forth below.

Based on the foregoing, the initial amount due from Contractor commencing January 1, 2005 will be $875.00 per month. Subject to receipt of an OIG

advisory opinion as specified above, payments shall be made within 45 days of receipt of invoice.

In no event shall the amount payable by a Contractor exceed the lower of (1) VCEMS's actual cost of providing quality assurance oversight, medical oversight and contract administration with respect to the particular Contractor or (2) a "not to exceed amount" as specified hereafter. The "not to exceed amount" for FY 2004-05 for Area 2 shall be $10,500 (12 months). (For less than a full fiscal year, the "not to exceed amount" will be prorated accordingly – for example, $5,250 for 6 months.) For FY's subsequent to FY 2004-05, the "12 month" "not to exceed amount" shall be the FY 2004-05 (12 months) amount adjusted by the change in the CPI. (See Schedule B., section 40.) Whenever a term such as "to the extent allowed under applicable law" is used, if what is referred to is not presently allowed under applicable law, the requirement shall apply and become effective, prospectively, if applicable law should at any time be amended or changed to "allow" that which was not previously allowed.

While it is believed that the reimbursements being required by County as provided above are allowable under applicable law and that it is likely that an advisory opinion from the OIG would be issued confirming to County's satisfaction that requiring these payments, or particular portions thereof, will not subject the County or Contractor to sanctions or enforcement action by the OIG, in the event this should turn out not to be the case, County reserves the right to elect to require Contractor to employ or contract with a quality assurance specialist, or one or more specialists, approved by VCEMS, whose sole responsibility, or responsibilities, shall be to work with and at the direction of the VCEMSA Medical Director and Quality Assurance Coordinator to ensure provision of a high quality prehospital care service by Contractor. The quality assurance specialist, or specialists, shall perform the quality assurance activities outlined in Section 8.1 and such additional or other quality assurance activities as may be directed by the VCEMS Medical Director. Contractor shall employ or contract with one or more quality assurance specialists to provide hours of service devoted to carrying out the above noted quality assurance activities of no less than the amount set forth below:

Population of Service Area	No Less Than:
50,000 or less	.125 FTE (5 hrs/week)
50,000 to 150,000	.25 FTE (10 hrs/week)
150,000 to 250,000	.50 FTE (20 hrs/week)
250,000 to 350,000	.75 FTE (30 hrs/week)
350,000 to 450,000	1.0 FTE (40 hrs/week)

9. **Training/Education/Certification/Accreditation**

9.1. **Field Training Officers (FTO).** Contractor shall designate a FTO who shall function as a trainer and perform other duties on behalf of Contractor. The FTO may function as the EMT-P preceptor only upon successful completion of the County EMS Preceptor Program. The name of each FTO and each Preceptor shall be submitted to VC EMS within 10 days of appointment.

9.2. **Field Care Audits (Tape Review).** Contractor shall work cooperatively with the Base Hospitals and the EMS Agency in identifying and assisting with field care audits.

9.3. **Mandatory Education for Local EMT-P Accreditation**. Contractor shall cooperate fully with the EMS Agency and Base Hospitals to notify EMT-Ps of mandatory education programs. Examples of such programs are the Ventura County Skills Lab and mandatory bi-annual EMS updates. Contractor and its subcontractors shall pay a penalty of $500 for each employee that fails to attend mandatory education within the time required for attending. If an employee is terminated from employment within 7 days of notification of non-compliance, the penalty to contractor will be waived. The amounts specified above shall be adjusted as of July 1, 2009, and every 5 years thereafter, based on changes in the CPI, in increments rounded to the nearest five (5) dollars. (See Section 40)

9.4. **Mandatory Training Required by EMS Agency**

9.5. Contractor will complete within specified time frames, any additional training required by the EMS Agency. Failure to comply with the above requirements will result in a $1,000 penalty. An additional $100 will be assessed for each day over the time listed. The amounts specified above shall be adjusted as of July 1, 2009, and every 5 years thereafter, based on changes in the CPI, increments rounded to the nearest five (five) dollars. (See Section 40)

9.6. **EMT-P Interview by EMS Agency**. Contractor will cooperate fully with County in the coordination of any interviews of an employee of Contractor by County.

10. **Ambulance Staff:** All ambulances will be staffed with either two EMT-P's or one

EMT-P and one EMT1, and all non transporting ALS response vehicles will be staffed with a minimum of one EMT-P in accordance with the applicable criteria below.

A. Level I

1. An EMT-P will have Level I status upon completion of the following:
   a. Current EMT-P Licensure by the State of California
   b. Current Accreditation in the County of Ventura.
2. A Level I EMT-P is authorized to staff an ALS ambulance when accompanied by a Level II EMT-P.
3. To maintain Level I status, the EMT-P shall:
   a. Maintain employment with an approved Ventura County ALS service provider.
   b. Complete a minimum of 288 hours of practice as an EMT-P or 30 patient contact (minimum of 15 ALS) every six month period;
4. If the EMT-P fails to meet these requirements, s/he is authorized to practice only when accompanied by an authorized Ventura County EMT-P Preceptor.
5. To be reauthorized as a Level I paramedic, the EMT-P must complete a minimum of 48 hours as a second or third crew member under direct field observation by an authorized Ventura County EMT-P Preceptor, including a minimum of 5 ALS contacts.

B. Level II

1. An EMT-P will have Level II status upon completion of the following:
   a. Employer approval.
   b. All of the requirements of Level I.
   c. 1) A minimum of 288 hours of direct field observation by an authorized Ventura County EMT-P Preceptor, including a minimum of 30 patient contacts (minimum 15 ALS); or
      2) A minimum of 4000 hours of prehospital field experience performing initial ALS assessment and care and Ventura County Preceptor observation with

the approval of the EMT-P Preceptor and PCC of no less than 144 hours or 20 patient contacts (minimum 10 ALS).

d. Approval by EMT-P preceptor.

e. Assessment process (Favorable Result)

1) Arrhythmia recognition and treatment

2) Scenario skills assessment (participants: Preceptor, provider's clinical coordinator, PCC and, when possible, a PLP).

f. Satisfactory completion of written policy competency assessment administered by VCEMS.

g. Favorable recommendation by PCCs who have evaluated the EMT-P during the upgrade process. The PCC's recommendation will be based upon a review of the completed performance evaluation standards, review of patient contacts and direct clinical observation (Emergency Department, simulated, or ride-alongs). Appeals may be made to the VCEMS Medical Director.

h. Notification of VC EMS

2. A Level II EMT-P is authorized to staff an ALS Support Vehicle or while accompanied by an EMT-D or any Level EMT-P, to staff an ambulance.

3. To maintain Level II status, the EMT-P shall:

a. Maintain employment with an approved Ventura County ALS service provider.

b. Function as a paramedic for a minimum of 576 hours, or have a minimum of 60 patient contacts (minimum 30 ALS), over the previous six-month period. This requirement may be satisfied in whole or in part as noted below:

1) For those EMT-Ps with a minimum of 3 years field experience, no more than 144 hours of this requirement may be met by documentation of receipt of actual instruction at approved PALS, PEPP, ACLS, PHTLS, BTLS, EMT-1 or EMT-P training programs.

2) With the approval of the VCEMS Medical Director, for those EMT-Ps with a minimum of 3 years of field experience in Ventura County and who are employed as a field paramedic in another county or work in an acute care setting (RN or LVN) on a full time basis, the level II requirement may be met by completing a minimum of 288 hours of practice, or 30 patient contacts (minimum 15 ALS), in the previous 6 month period in Ventura County.

3) An EMT-P whose primary duties are administering the ALS Program (90% of the time) for his/her agency may with approval of the VCEMS Medical Director maintain his/her level II status by performing a minimum of 5 ALS calls per 6 months.

C. If the EMT-P fails to meet these requirements:

1. His/her EMT-P status reverts to Level I.
2. If Level II authorization has lapsed for less than one year, reauthorization will require completion of a minimum of 96 hours of direct field observation by an authorized Ventura County EMT-P Preceptor, to include a minimum of 10 ALS patient contacts.
3. If Level II authorization has lapsed for greater than one year, reauthorization will require completion of all of the requirements in subsection "B" above.
4. If the EMT-P has been employed as an EMT-P outside of Ventura County during the period of lapse of authorization, these requirements may be reduced at the discretion of the VC EMS Medical Director.

D. Each EMT-P must complete three (3) successful field intubations per twelve (12) month period based on license cycle, signed off by a physician or PCC. If the patient is not transported, the paramedic can sign the Documentation of Intubation Attempt form. If an EMT-P has not completed three (3) successful field intubations by the end of each twelve-month period of the accreditation cycle, s/he may be signed off by the PCC or PLP as demonstrating competence in endotracheal intubation.

E. The Ventura County EMS Agency Medical Director may revise or waive any part of this section at his/her discretion.

F. Any individual adversely affected in his/her level of practice under the foregoing provisions will have the right to appeal any adverse decision to the VCEMS Medical Director.

11. **Personnel and Working Conditions**

11.1. **Workload Production** EMT-Ps may be required to work additional consecutive hours that are equal to one normal shift length, but may not work over 72 consecutive hours.

12. **Special Programs for Personnel**

12.1. **Critical Incident Stress Debriefing and On-going Stress Reduction.** Contractor shall establish and provide critical incident stress debriefing and on-going stress reduction programs which are documented, well publicized, and readily available to its personnel. This program may be contracted. An accurate description of this program shall be on file at VC EMS within 90 days of the execution of this Agreement. Failure to provide this document within the above guidelines will result in a $1,000 penalty. An additional $100 will be assessed for each day over the time listed above. The amounts specified above shall be adjusted as of July 1, 2009, and every 5 years thereafter, based on changes in the CPI, in increments rounded to the nearest five (5) dollars. (See Section 40).

12.2. **Chemical Dependency**. Contractor shall have and provide an organized and documented plan to assist its personnel with chemical dependency problems. An accurate description of this program shall be on file at VC EMS within 90 days of the execution of this Agreement.

13. **Preventative Health Care.**

13.1. **Immunizations.** Contractor shall provide at no cost to the employee, MMR (measles, mumps, rubella) and HBV (hepatitis B) immunizations, semi-annual tuberculosis PPD (purified protein derivative) test and any other immunizations specified by VC Public Health (PH) Department.

13.2. **Infection Control**. Contractor shall have written infection control policies and procedures which meet OSHA and Cal OSHA standards, as applicable. Testing and counseling services shall be provided to employees at no cost for employees

exposed to serious infectious diseases. The contractor shall report any known employee exposures to VC EMS.

13.3. **Wellness Programs**. Contractor shall establish and provide programs to foster wellness, according to OSHA illness and injury prevention standards.

14. **Supervisors**. Contractor shall designate field supervisors and have at least one field supervisor on duty at all times in the contract service area. All supervisors shall be currently certified and accredited as Level II EMT-Ps in Ventura County. The names of the persons designated as field supervisors shall be provided to VC EMS immediately following initial designation or any change in designation. If a Contractor has more than one contract with the County (i.e., contracts for multiple service areas), it may satisfy the requirement for having at least one field supervisor on duty at all times in each contract service area by having no less than two (2) field supervisors on duty at all times, with at least one on duty at all times in the western portion of the county and one on duty at all times in the eastern portion of the county.

14.1. **Key Personnel**. Contractor shall have key personnel responsible for the following areas employed at all times:

14.2. All divisional functions on a daily basis, including field operations, contract compliance, quality improvement, training and risk management. This individual will direct, coordinate and monitor overall system performance to ensure high standards of service, and contractual compliance.

14.3. Quality Improvement Program. This job category may be filled by a private contractor.

14.4. Training and educational programs. This individual will provide for initial in-house orientation and training as well as ongoing in-service continuing education.

14.5. Maintenance of ambulances and support vehicles.

14.6. Overall analysis and coordination of resource deployment. This individual shall be responsible for monitoring all system performance to ensure proper vehicle staffing and placement, response time compliance and system status planning.

15. **Crew Stations**. Contractor agrees to provide crew stations for crews normally scheduled to work more than twelve (12) consecutive hours. These stations shall meet applicable OSHA and Cal OSHA specifications. All crew stations shall be secure and field personnel safety shall be a primary consideration.

16. **Health and Safety Programs**

16.1. **Health and Safety Committee**. Contractor shall establish a Health and Safety committee within 90 days of January 1, 2005. The duties of the committee will include, but not be limited to, reviewing all employee accidents and injuries to determine preventability and making recommendations related to health programs. This committee may be the same committee as the vehicle safety committee described below and shall meet on at least a quarterly basis. Records of this committee's meetings must be submitted to VCEMSA for review within 30 days of the completion of the meeting. Failure to provide this document within the above requirements will result in a $1,000 penalty. An additional $100 will be assessed for each day over the time listed above. The amounts specified above shall be adjusted as of July 1, 2009, and every 5 years thereafter, based on changes in the CPI, in increments rounded to the nearest five (5) dollars. (See Section 40).

16.2. **Driver Training Program and Map Reading.** Contractor shall conduct a driver training and map reading program. All EMT-I's and EMT-Ps shall complete this program before being permitted to drive an ambulance. Documentation of this training must be maintained by Contractor and readily available for inspection by VCEMSA staff. Records of training completion must be submitted to VCEMSA for review within 30 days of the completion of the training. Failure to provide this documentation within the above requirement will result in a $1,000 penalty. An additional $100 will be assessed for each day over the time listed above. The amounts specified above shall be adjusted as of July 1, 2009, and every 5 years thereafter, based on changes in the CPI, in increments rounded to the nearest five (5) dollars. (See Section 40).

16.3. **Vehicle Safety**. Contractor shall convene a committee for the purpose of reviewing all vehicular accidents. This committee will be established within 90 days of January 1, 2005 and shall meet on at least a quarterly basis. This committee will make recommendations for improvement and prevention. Records of these meetings must be submitted to VCEMSA for review within 30 days of the completion of the meeting. Failure to provide this document within the above requirements will result in a $1,000 penalty. An additional $100 will be assessed for each day over the time listed above. The amounts specified above shall be adjusted as of July 1, 2009, and every 5 years thereafter, based on

changes in the CPI, in increments rounded to the nearest five (5) dollars. (See Section 40).

17. Vehicles and Equipment.

17.1. **Ambulance Specifications**. All ambulances furnished hereunder by Contractor shall be of a Type I, II, or III, shall be in good condition, and shall meet or exceed the State of California standards. All ambulances shall also meet or exceed the equipment standards of the State of California and VC EMS.

17.2. **Ambulance Replacement**. Replacement ambulances shall meet the required ambulance specifications described above.

17.3. **Vehicle Maintenance Program**. Contractor shall institute and maintain a preventative vehicle maintenance program including, but not limited to, the following provisions:

17.3.1 **Fleet Maintenance Plan**. Contractor shall have a plan for continuous service availability to all units. The plan shall also include preventative maintenance procedures.

17.3.2 **Fleet Maintenance Record Keeping**. Contractor shall provide fleet care record keeping that will document its preventative vehicle maintenance program as well as any other vehicle repairs.

18. **Medical Equipment/Supplies**

18.1. **Inventory Quota**. Contractor shall maintain sufficient backup supplies for major medical equipment required to fully equip every ambulance. Additionally, Contractor shall maintain, within Ventura County, an average of 15 days worth of EMS supplies.

18.2. **Equipment/Supplies Inventory per Ambulance**. Contractor shall, at all times, equip and supply ambulances according to the policies, procedures and protocols established by VC EMS. This inventory may be modified only with the approval of VC EMS.

18.3. **Ambulance Equipment/Supplies & Re-supply:** It shall be the responsibility of the Contractor to re-supply all expendable supplies and medications to all FD ALS and BLS resources for those patients that are transported. Contractor may charge user fees sufficient to replace such expendable supplies as were utilized for the patient utilizing the <u>then current</u> cost determination formula established by EMS, except that each chargeable item must be approved by VC EMS.

18.4. **Equipment Maintenance**. Contractor shall establish and maintain a preventative maintenance program for major medical equipment that is consistent with manufacturer recommendations.

19. **Communications Equipment.**

19.1. **Advanced Life Support Communications**. Contractor shall provide two-way communication between the EMT-P's and Base Hospital for Advanced Life Support communications. Cellular telephones may be utilized. ALS units shall have Med-Net (155.205) available for BLS communications and ALS backup. All radio equipment used for ALS communication shall operate within the frequency requirements of the Ventura County Communications Department. At the time that a county wide communications system is implemented, all ALS providers shall comply with the Ventura County Communications Department ALS communications plan.

19.2. VHF Radio Equipment.

19.2.1 Contractor shall provide two-way radios compatible with Emergency Medical Network frequency and other necessary communications equipment as determined by Ventura County Fire Protection District (VCFPD), Ventura County EMS Agency and VC Communications Department for all approved ambulances of Contractor.

19.2.2 Approved 2 way radios for ambulances shall be simplex (push to talk), have appropriate power ranges, multiple private line and frequency capabilities, not less than thirty-two channels, that recognize the needs of Contractor for multiple agency access, operations in varied terrain, and communications capacity in driver and patient compartments. The patient compartment component of the radio system shall consist of speaker, microphone, and volume control.

19.2.3 The radios shall remain the property of Contractor. Radios presently installed in the ambulances, purchased by County will remain the property of County, but Contractor is responsible for maintenance.

19.2.4 Contractor shall re-program radio channels to be in line or compatible with the approved County Fire Chief's Association and VC EMSA recommendation.

19.2.5 Contractor shall provide one hand-held radio per ambulance.

20. **Dispatch of Calls** Beginning January 1, 2007, or when the new VCFPD dispatch center becomes fully operational (including AVL system in place), whichever is later, VCFPD Communications will dispatch the closest available

ALS ambulance to any emergency call regardless of the ambulance service area, subject to the provisions of the EMS Policies and Procedures.

21. **Radio Chargers and Spare Radios**. Contractor shall provide a radio charger for each portable radio or a spare battery pack. Contractor shall stock a surplus of EMS portable radios. These radios shall be available as replacements for radios undergoing repair and for incidents requiring more EMS radios than available on participating ambulances.

22. **Miscellaneous Requirements**.

22.1. **Dispatch Center:** (a) A central component of the improved countywide VC EMS system for the future is a system having all pre-hospital emergency ambulance dispatch handled by and through the Ventura County Fire Protection District (VCFPD) as part of the Ventura County EMS system. The purpose is to provide the best possible, integrated pre-hospital emergency response and ambulance transport system to serve the public in Ventura County, including coordinated dispatch of fire and ambulance resources and the dispatch of the closest available field unit for the promptest possible response to the person or persons in need. Thus, as part of each new Agreement for Emergency Ambulance and Related Services with respect to each of the seven (7) existing operating areas ("Area") in Ventura County, of which this Agreement is one, VC EMS is requiring that, beginning January 1, 2007, or when the new VCFPD dispatch center becomes fully operational, whichever is later, all pre-hospital emergency ambulance dispatch (whether initiated by "9-1-1" calls, walk-ins, or seven (7) digit (regular line) emergency calls to VCFPD) be handled through and by the Ventura County Fire Protection District (VCFPD) as part of the Ventura County EMS system. With completion of the new VCFPD dispatch center in contemplation of incorporating all pre-hospital emergency ambulance dispatch services within Ventura County through the VCFPD, VCFPD will be able to commence providing the upgraded, integrated dispatch system desired by VC EMS. Thus commencing on January 1, 2007, or when the new VCFPD dispatch center becomes fully operational, whichever is later, Contractor is and shall be required to be dispatched for all pre-hospital emergency ambulance calls by the VCFPD.

(b) Subject to the OIG advisory opinion contingency set forth hereafter in section 22.7, beginning January 1, 2007, or when the new VCFPD dispatch center

becomes fully operational, whichever is later, the contracted emergency ambulance provider for each Area will be required to pay to the VCFPD an appropriate share of a portion of VCFPD's overall costs of providing pre-hospital emergency ambulance dispatch service for the emergency ambulance provider and shall reimburse VCFPD for Contractor's share of such costs in accordance with the terms and provisions set forth hereafter. Laidlaw Medical Transportation Inc. (hereafter "AMR") is the contracted provider for Areas 2, 3, 4, 5, and 7. LifeLine Ambulance (hereinafter "LifeLine ") is the contracted provider for Area 1. Gold Coast Ambulance (hereinafter "Gold Coast") is the contracted provider for Area 6. The contracted providers have negotiated and agreed with the VCFPD on a mutually acceptable formula and basis for sharing and determining the costs to be paid by each to the VCFPD for provision of pre-hospital emergency ambulance dispatch services, which costs and formula are acceptable to County and are incorporated as part of this Agreement and set forth below. It is understood and agreed that the costs to be borne by each Contractor determined by the methodology set forth below do not exceed, nor may they under any circumstances exceed, the actual costs of provision of such dispatch services by VCFPD. In the unlikely event that the actual costs of providing pre-hospital emergency dispatch services for a particular Contractor were to, at any time, be less than the Contractor's share under the methodology set forth below, the Contractor would be required to pay only the lesser amount, and in the event of an overpayment, a refund would be promptly required.

22.2. **Compensation**. Using 2004 costs and projecting future value, VCFPD estimated the less than full cost recovery cost of dispatch operations with additional staff and associated support costs for a 2007 dispatch implementation of all of the contracted providers to be $725,000. Accordingly, the parties have agreed that $725,000 shall be the total annual amount to be used to establish the initial "base compensation rate" effective on January 1, 2007, that shall be payable with respect to each EMS Area. AMR, Gold Coast and LifeLine each agree to pay their respective shares of this $725,000 annual amount (i.e., the respective initial "base compensation rate" for each EMS Area), in full, or on a prorated basis if the VCFPD dispatch center becomes fully operational on a date after January 1, 2007. The respective initial "base compensation rate" for each

provider will be determined by the VCFPD by allocating the $725,000 annual amount on a pro rata basis based on the population in each EMS Area as of June 1, 2006 compared to the total population in Ventura County on that date. In other words, if an EMS Area has 5% of the population of the County, the share (initial "base compensation rate) payable by the contracted provider for that EMS Area shall be 5% of $725,000. VCFPD will make the share determination based on its best, good faith determination or estimate utilizing available population data. The parties will have the right to discuss VCFPD's population determination with VCFPD, but, subject to review by the Board of Supervisors, any alternative dispute resolution the parties may agree to, or judicial review, the determination by VCFPD shall be final. It is the further intent of the involved parties that all increases in operational costs of pre-hospital emergency ambulance dispatching shall be borne by each respective Contractor based upon (1) increases in the Consumer Price Index (CPI) and (2) population growth increases as provided hereafter.

22.3. **Base Compensation.** As provided above, the total amount of $725,000 will be used to determine the initial "base compensation" that will be payable with respect to each EMS Area effective January 1, 2007. On June 1, 2006, using estimated population data provided by the State of California for January 1, 2006, VCFPD will estimate the population in each EMS Area, to determine the actual initial "base compensation" rate payable with respect to each EMS Area effective January 1, 2007. VCFPD will notify each contracted provider of its determination. The initial "base compensation" rate will apply through and including June 30, 2007. Commencing June 1, 2007, and repeated each June 1st thereafter, the base compensation rate in effect at that time with respect to each EMS Area will be recalculated and adjusted as provided in sections 22.4 & 22.5. The new, adjusted base compensation rate payable with respect to each EMS Area will become effective each July 1st. (Exhibit "E" attached hereto and incorporated herein by this reference provides an example of the intent of this section.)

22.4 **Adjustments Based on CPI**: On or before June 1st of each year, using the "All Urban Consumer - All Items" Los Angeles-Riverside-Orange County Consumer

Price Index (CPI) data, the actual percentage growth in the CPI will be established from the preceding twelve months. This CPI factor shall be used as an inflator factor to calculate the new annual base compensation payable for each EMS Area.

22.5. **Adjustments Based on Population Growth:** Beginning on June 1, 2008 and then every June, every other year thereafter, using population growth increase data supplied by the State of California, VCFPD will estimate or determine a percentage of population growth that has occurred for each EMS Area from the preceding twenty-four months. Said growth percentage shall be used as an inflator factor, along with the CPI percentage change per section 22.4, to calculate the new annual base compensation payable for each EMS Area. The percentage increases in CPI and population shall be added together and applied to the annual adjusted base compensation to determine the new annual adjusted base compensation amount. Every ten years or whenever new U.S. Census data is available, the VCFPD will make prospective adjustments for the ensuing year (not retroactively) based on actual population growth data, which may result in a reduced, neutral or increased base compensation payable with respect to particular EMS Areas. VCFPD will make its determinations based on its best, good faith determination or estimate utilizing available population data. The parties will have the right to discuss VCFPD's population determinations with VCFPD, but, subject to review by the Board of Supervisors, any alternative dispute resolution the parties may agree to, or judicial review, the determinations by VCFPD shall be final.

22.6. **Invoicing and Payment:** After the initial base compensation calculation, annually, on or about July 1, VCFPD will calculate the total amount due to VCFPD for the ensuing fiscal year from each ambulance provider as provided above. If the amount due VCFPD is $4,000 or more, VCFPD will invoice one-fourth of the total due quarterly. The amount due shall be payable upon receipt of the invoice by the ambulance provider. If the total due from any ambulance provider is less than $4,000, VCFPD will issue one invoice annually to the ambulance provider and the amount due shall be payable upon receipt of the invoice. Amounts due must be paid within fifteen (15) days of receipt of invoice

or will be deemed late. A late fee penalty will apply to all late payments in the amount of $100 or 1%, whichever is greater, or at the highest percent permitted under applicable law if lower than 1%, for every 15 days beyond the initial "late date" until payment is made. Effective July 1, 2009, and as of July 1 every five (5) years thereafter, the $100 amount set forth in the preceding sentence will be adjusted based on changes in the CPI in increments rounded to the nearest ten dollars ($10). (See Section 40) VCFPD may bill for amounts due and may take any other actions it deems necessary, including, without limitation, bringing any collection actions it may deem appropriate, to enforce the payment provisions of this Agreement. Failure of the Contractor to remain in good standing with the VCFPD Communications Center process or to pay billings promptly will be deemed a material breach of this Agreement.

22.7 **OIG Advisory Opinion.** While the parties and VCFPD believe the provisions set forth above relative to payment to the VCFPD for a portion of its costs of providing pre-hospital emergency ambulance dispatch services for the contracted providers are fair and reasonable and, as well, below the fair market value for the services to be provided by the VCFPD, in light of the Office of Inspector General (OIG) "Compliance Program for Ambulance Providers" ("CPG") the parties and VCFPD wish to obtain a specific OIG advisory opinion with respect to this matter. Therefore, the above payment provisions shall not become operative until and unless an OIG advisory opinion has been obtained with respect to this matter. The County and the VCFPD will seek such an advisory opinion and Contractor will join in the request as may be necessary or desirable in the sole discretion of County and VCFPD. If the advisory opinion from the OIG satisfies the County and the VCFPD that the payment provisions will not subject either the County, the VCFPD or Contractor to sanctions or enforcement action by the OIG, then the payment provisions will become fully operative as set forth. If the OIG advisory opinion were to identify any aspect or aspects of the payment provisions that would subject the County, the VCFPD or Contractor to sanctions or enforcement action by the OIG, then such matter would be deemed and treated as a "Contingency Event" under section 26 of this Agreement.

23. **Vehicle Locating Devices**. Contractor shall purchase and maintain a vehicle locating device for each 9-1-1 response unit. These devices must be compatible with the Ventura County Fire Department CAD system and receive VCEMS approval. In the event that the reasonable cost of an approved locating device exceeds $10,000 per unit, VC EMS will make up the difference.

24. **Public Education:** Contractor shall provide a public education program. Contractor shall, in cooperation with the EMS Agency, develop goals and objectives for this program each fiscal year (July 1 – June 30). The initial period shall be January 1, 2005 to June 30, 2005. Contractor shall provide a written report of its public education activities over the period covered to the EMS Agency each fiscal year beginning with the first 9 months (initial period referenced above) and continuing thereafter annually over the term of this Agreement. The report shall be due on or before August 15 each year, with the first report due on August 15, 2005. Public education programs will include, but not be limited to, when to access 9-1-1, senior citizens programs, and citizen cardiopulmonary resuscitation training programs.

24.1. Failure to provide the referenced written report within the above requirements will result in a $1,000 penalty. An additional $100 will be assessed for each day over the time listed above. The amounts specified above shall be adjusted as of July 1, 2009, and every 5 years thereafter, based on changes in the CPI, in increments rounded to the nearest five (5) dollars. (See Section 40)

25. **Ventura College Paramedic Training Program**: Contractor shall participate with the local Paramedic Training Program. Participation will include, but is not limited to, the provision of two EMS preceptors per class which meets the requirements set forth in the California Code of Regulations, Title 22, Division 9, Section 100149(e) (1)-(4) as well as complying with record and data collection.

26. **Backup Service**. Contractor shall develop and implement written agreements to request and provide backup service with adjoining providers. Copies shall be submitted to EMS. Contractor agrees to provide emergency ambulance response into adjacent ambulance areas upon dispatch by the VCFPD Communications Center (VCFPD). The normal response time standards within

this Agreement do not apply to those responses. However, best efforts shall be made to provide a timely backup response. Responses shall be made in a reasonable time as required by this Agreement. Contractor shall not charge patients fees in excess of what is permitted under this Agreement.

27. **Multiple Victim Responses.**

27.1. **In-County Major Multiple Victim Incidents or Disasters.** Contractor agrees to adhere to the medical incident response plan specified by the EMS Agency which includes SEMS. In large multiple victim incidents, Contractor shall make best efforts in calling back off-duty personnel and placing additional ambulances in service to supply sufficient resources to meet the needs of the incident. Contractor shall have a written disaster plan which will be submitted to EMS for approval within 90 days of January 1, 2005. The disaster plan shall represent a good faith, professional effort to properly and effectively address how Contractor will respond in the event of a disaster within Contractor's contract area and is subject to VCEMS approval. If VCEMS reasonably concludes that the plan submitted fails to meet the above criteria or needs rewording or further work, the plan may be rejected and a new deadline set for resubmittal. Once Contractor has an approved plan, the plan shall be exercised no less than once per year. The plan shall be reviewed and amended, as necessary, with amendments submitted to VCEMS for approval, no less than once every two years following the original approval. Failure to establish this plan and exercise on an annual basis within the above requirements will result in a $1,000 penalty on each occasion. An additional $100 will be assessed for each day over the time deadline applicable for required action. The amounts specified above shall be adjusted as of July 1, 2009, and every 5 years thereafter, based on changes in the CPI, in increments rounded to the nearest five (5) dollars. (See Section 40).

27.2. In long term disaster situations, such as a major earthquake, Contractor shall make best efforts to accommodate its field personnel's physical and emotional needs. In each incident, Contractor shall make best efforts to obtain necessary additional ambulances, equipment, and supplies from other locations.

27.3. **Drills.** Contractor agrees to participate with specified personnel and vehicles in County sponsored drills at least twice per year.

27.4. **Out of County Mutual Aid.** Contractor agrees to send ambulances and personnel to other EMS systems for the purposes of rendering care to a large

scale multiple victim incident when requested by VC EMS for a limited time period. During this period, County may waive all response time and work schedule requirements.

27.5. **Interagency Plans** Contractor agrees to develop and implement plans for interagency training and utilization of equipment, e.g., first responder defibrillator program.

28. **Data Collection and Recordkeeping.**

28.1. **EMS System and Patient Data.** Contractor shall be responsible for the provision of detailed patient and EMS system data, both periodic written reports as well as computerized data, according to specifications set forth by VC EMS and any future guidelines promulgated by VC EMS. Hard copies or computer images of patient care records are to be treated as confidential information, in accordance with applicable law.

28.2. **EMS Access to Data** VC EMS will have access to provider's data according to data collection needs described in VC EMS guidelines, policies, and procedures or EMSA requirements.

28.3. **Patient Medical Records:** The patient care record form and devices for inputting information will be specified by VC EMS. This form will be such that all routine documentation completed by the EMT-P for an emergency ambulance response (such as patient assessment and treatment) can be completed on the form. Contractor shall retain copies of all patient medical records for at least seven (7) years. These records shall be stored in a manner conducive to easy retrieval. A copy of the patient record shall be supplied to VC EMS upon request.

28.4. **EMT-P and EMT-I Records** Contractor shall be responsible for maintaining records for EMT-P and EMT-I personnel according to the specifications of the VCEMS including, but not limited to, licensure, accreditation, and employment status and performance in accordance to continuous quality improvement standards. These records shall be available to VC EMS upon request. Contractor shall pay a penalty in the amount of $500 for each day that any employee works (patient care) with any expired license/certification that is required according to VC EMS policies and procedures. The amounts specified above shall be adjusted as of July 1, 2009, and every 5 years thereafter, based on the changes in the CPI, in increments rounded to the nearest five (5) dollars. (See Section 40)

29. **EMT-P and EMT-I Certification/Accreditation Disciplinary Proceedings:** Contractor shall cooperate fully with the Base Hospital Prehospital Care Coordinators and VCEMS in disciplinary proceedings against an EMT-P's or EMT-I's certificate or accreditation. Such cooperation shall include, but not be limited to, provision of relevant patient records and incident reports.

30. **Billings, Collections, and Fees.**

30.1. **Patient Fee Schedule.**

30.1.1 Maximum fees to be charged to users of emergency medical services will be established by the methods described below, and will be incorporated, as Policy 112, into the VC EMS Policy Manual.

30.1.2 Patient fees include, but are not limited to, ALS and BLS Emergency Base rates, Non-Emergency Base rate, Mileage, Oxygen, rates for patients who refuse transport after receiving ALS care, rates for services and supplies provided to patients transported by helicopter after response and treatment by ground ambulances, medications, durable supplies, expendable supplies, and other services as were used for the patient.

30.1.3 Each year on July 1, beginning on July 1, 2005, the maximum fees chargeable will be adjusted, up or down, in accordance with changes in the CPI, utilizing the average of the percentage changes in the a) All Items, b) Transportation Services, and c) Medical Care Services of the Commodities and Services Group of the Consumer Price Index for All Urban Users, Los Angeles, Orange and Riverside Counties index, as compiled and reported by the Bureau of Labor Statistics for the 12-month period ending with the last day of December of the previous year The amount will be rounded to the nearest $0.25 and added or subtracted, as appropriate to the rate. Contractor shall be notified in writing of the new rates by May 15, beginning May 15, 2005. In no event, however, shall the permitted fees exceed or fall below an amount of 15% above or below the average of fees surveyed in California Counties or EMS Regions.

30.1.4 Periodic Base Rate Review

After adjustment by means of the above process, the maximum base rates for ALS and BLS services will be reviewed, in accordance with the following procedure, and will be adjusted, if appropriate, effective on July 1, 2005, and July 1 of each year of this agreement thereafter, if appropriate. Effective January 1, 2005, the regulatory compliance fee will be eliminated from the list of approved

fees and may no longer be charged, and the maximum ALS & BLS base rates will be increased by the amount of the eliminated regulatory compliance fee to $809.00 & $450.75 respectively.

30.1.5 On or about January 1 of each year, VC EMS will review the ALS and BLS rates of all other counties in California to determine the average rates for these services. If the Ventura County rates are equal to or above 85% of this average, no adjustment will be made, except as provided hereafter. If one or both of the Ventura County rates are less than the average, an appropriate adjustment to the rate(s) will be made to reach 85% of the average. Any required adjustment shall be rounded to the nearest $0.25.

30.1.6 Contractor shall be notified, in writing, of base rate adjustments by May 1.

30.1.7 Nothing herein is intended to prevent licensed ambulance operators from demonstrating that the maximum ALS or BLS rates in Ventura County fail to provide operators with a reasonable rate of return on their investment. A VC provider may, at any time, submit cost and revenue data, and other pertinent documentation which VC EMS may require for this purpose. If the submitted information demonstrates that the maximum ALS or BLS rate, or both, fails to provide the operator with a reasonable rate of return, VC EMS will propose a different maximum base rate structure to the Board of Supervisors for consideration.

30.1.8 **Non-transported Patients:** Contractor may charge applicable fees, not exceeding the maximum fees permitted, to patients who are not transported but to whom it has rendered treatment.

30.1.9 **Other Fees:** Contractor may charge a reasonable fee to the responsible party(ies) for a dedicated standby. If VC EMS Administrator, or his/her designee requires Contractor to provide a dedicated standby, response times exceptions may be issued for ambulance responses failing to meet the response time standard during the affected time period in the affected area.

31. **Children's Medical Services** Contractor shall bill Children's Medical Services, when advised in advance, or within 30 days that a child is eligible, and accept payment as payment in full; and provide Children's Medical Services with the necessary itemized bills required to facilitate the payment process.

32. **Billing and Collections**.

32.1. **Humane Practices**. County will hold Contractor responsible for humane billing and collection policies. Contractor's collection practices shall not be burdensome or oppressive and will be in accordance with all State collection laws and regulations. Contractor will not refer patients to the EMS Agency for patient billing and/or ambulance rate questions.

32.2. **Statements**.

32.2.1 **Medicare and Medi-Cal**. Contractor's accounts receivable management system shall automatically generate Medicare and Medi-Cal statements.

32.2.2 **Itemization**. Statements shall itemize services rendered and specific charges for the services and supplies provided so that all charges are clearly explained.

32.2.3 **Responsiveness**. Contractor's accounts receivable management system will be capable of timely response to patient and third-party payor inquiries regarding submission of insurance claims, dates and types of payments made, itemized charges, and other inquiries. There shall be staff available and trained specifically for Ventura County ambulance collections and available to answer questions regarding patient bills.

33. **Non-Emergency Ambulance Services** Contractor shall not be precluded from conducting or providing private non-emergency ambulance services providing that Contractor meets the requirements, duties, and obligations of this Agreement. This Agreement does not include any obligation by County to contract for such non-emergency ambulance services with Contractor. Contractor may utilize an ambulance included in the system status plan for the interfacility transfer of patients if the transfer is necessary to provide the patient with a higher level of emergency medical care and the transfer has been authorized as an emergency by the transferring physician, per VC EMS Policy 605.

34. **Dispatch Services and CAD Provisions**.

34.1. **Emergency Medical Dispatch Committee:** An Emergency Medical Dispatch Committee will be established to include representatives of VCFPD Communications, VCEMSA, and providers. This Committee will participate in the development of VC EMS guidelines relating to dispatch policies and procedures and related training programs, and continuous quality improvement programs.

35. Material Breach and Emergency Takeover Provisions

35.1. Material Breach

35.1.1 County may, subject to the provisions below, by written notice of material breach to Contractor, suspend or terminate the whole or any part of this Agreement in any one of the following circumstances:

35.1.1.1 Failure of Contractor to operate the ambulance service system in a manner which enables County and Contractor to remain in substantial compliance with the requirements of applicable Federal and State laws, rules and regulations.

35.1.1.2 Failure to meet the monthly response time requirements set forth above for a period of 3 consecutive months or a total of 4 months during any fiscal year commencing on July 1, 2004 or on July 1 of any subsequent year.

35.1.1.3 Failure to consistently meet the various clinical standards required in this Agreement.

35.1.1.4 Intentional falsification of data supplied to County during the course of operations, including by way of example, but not limited to, dispatch data, patient report data, response time data, financial data, or downgrading of presumptive run code designations to enhance Contractor's apparent performance, or falsification or deliberate omission of any other data required under this Agreement.

35.1.1.5 Failure of Contractor to earn two consecutive Agreement extensions.

35.1.1.6 County may suspend or terminate this Agreement upon 24 hours notice in the event that any failure by Contractor constituting a significant and immediate threat to public health and safety is not cured to the satisfaction of the Board of Supervisors or its designee within such time. In the event County intends to suspend or terminate this Agreement except pursuant to the foregoing sentence, the Contractor shall first receive a notice of deficiency stating the nature of the deficiency and shall have 30 days to cure such deficiency to the satisfaction of County. If such deficiency is not so cured, County may issue a notice of suspension or termination stating any deficiencies and the effective date of the suspension or termination, which shall be at least 30 days from the date of the notice. Contractor shall be entitled to request a hearing by notice to the Clerk of the Board within 10 days after receipt of any notice of suspension or termination. In the event of such notice, the Agreement shall remain in effect until a determination has been made, following the hearing. The hearing shall be held, at the discretion of the Board, either before the Board, or before a hearing officer appointed by the Board. At the hearing, both County and Contractor shall be

entitled to present evidence relevant to the issue of whether County has good cause for termination according to the provisions of this Agreement. Evidence shall be presented and considered as provided for in Government Code section 11513. In the event a hearing is held before a hearing officer of the Board, a proposed decision shall be prepared by the hearing officer which shall be submitted to the Board. The Board may adopt or modify the decision, or may remand the matter to the hearing officer for further proceedings.

35.1.1.7 Failure to reimburse VCFPD within thirty (30) days of receipt of invoice for dispatch services and/or failure to remain in good standing with VCFPD dispatch process.

36. **Declaration of Material Breach and County Assumption of Service**. In the event of suspension or early termination of this Agreement, Contractor shall cooperate fully with County to effect a prompt and orderly transition. County may immediately assume control, directly or through a designated operator, of all or a portion of Contractor's emergency ambulance service operations and equipment necessary to maintain public health and safety, including fully equipped vehicles with supplies, by assuming any existing lease payments or loan payments on the equipment for the period of County use. If the equipment is owned by Contractor, County will pay Contractor the fair market rental rate for the period of County use. It is the parties intent that use of Contractor's equipment by County in the event of default hereunder shall be limited to that period during which County is attempting to secure a new Contractor to serve Contractor's exclusive operating area. In no event, however, shall County's use of Contractor's equipment in these circumstances exceed 180 days.

36.1. **Dispute After County Assumption of Service:** Assumption of control by County will be effected within 72 hours after a finding of material breach by County as provided for above. A dispute by Contractor of any finding of material breach, including through litigation, shall not have the effect of delaying the immediate assumption of Contractor's operations by County. Neither shall such dispute by Contractor delay County's access to Contractor's emergency ambulance operations. Contractor's cooperation with County's assumption of service will not be construed as acceptance by Contractor of the finding of material breach, and shall not in any way jeopardize or limit Contractor's right to recovery should a court later determine that the declaration of material breach

was made in error. However, failure of Contractor to cooperate with County to effect an orderly assumption of operations shall itself constitute a material breach, even if it is later determined that the original declaration of material breach by County was made in error.

37. **"Lame Duck" Provisions:** It is acknowledged that the current Contractors have been grandfathered into the exclusive operating areas of Ventura County by the Board of Supervisors. In the event that the Board of Supervisors should in the future determine to conduct a competitive process or any other process for providing emergency ambulance services for the area(s) of responsibility in this Agreement, and should Contractor fail to be selected in that process, County will obviously depend upon Contractor to continue provision of all services required under this Agreement until a successor takes over provision of those services. Under these circumstances, Contractor would, for a period of time, be serving as a "lame duck" Contractor. To insure continued performance fully consistent with the performance requirements of this Agreement throughout any such "lame duck" period, the following provisions shall apply:

37.1. Contractor shall be required to comply with all response time, clinical standards, and other requirements as set forth in this Agreement.

37.2. County recognizes that, however, if a competing proposer is awarded a contract, Contractor may reasonably begin to prepare for transition of service to the new Contractor, and County will not unreasonably withhold its approval of Contractor's request to begin an orderly transition process, including reasonable plans to relocate staff, scale down certain inventory items, etc., so long as such transition activities do not impair Contractor's performance, and so long as such transition activities are approved by County prior to implementation.

38. **Other Provisions**

38.1. **Right of Inspection**. Director, VC Health Care Agency or his/her designee shall have the right to make inspections or investigations at any time without prior notice for the purpose of determining whether Contractor is complying with the terms and conditions of this Agreement.

38.2. Contractor shall make its records with respect to all matters covered by the Agreement available to Director, VC Health Care Agency or his/her designee, who may make excerpts or transcripts from such records and conduct audits of

all contracts, invoices, materials, daily logs, conditions of employment and other data related to all matters covered by the Agreement.

38.3. Director, VC Health Care Agency or his/her designee may ride as "third person" on any of Contractor's emergency ambulances at any time without prior notice.

38.4. Director, VC Health Care Agency or his/her designee may inspect any emergency ambulance at any time without prior notice.

38.5. Director, VC Health Care Agency or his/her designee may inspect any CAD records at any time without prior notice.

38.6. **Reporting of Deficiencies.** In the event that Contractor is found to be in substantial violation of any of the terms and conditions of this Agreement, County's Director of HCA or his/her designee shall notify Contractor of such deficiency, and Contractor shall make necessary corrections within thirty (30) days to the full satisfaction of County. Such violations shall include, but are not limited to, deficiencies in ambulance personnel's qualifications/certifications/accreditation, required training, vehicles, equipment, supplies, continuous quality improvement program, and actions which are not in the best interests of efficient and effective patient care.

38.7. **Notice to County.** Throughout the life of this Agreement, Contractor agrees to notify County in writing of any and all claims, accidents, and/or incidents which might give rise to litigation arising out of Contractor's performance pursuant to this Agreement within forty-eight (48) hours of receiving or becoming apprised of such information.

38.8. **Notice of Public Hearing**. County will provide notice of all public hearings before the County Board of Supervisors with reference to ambulance services at least three (3) days prior to the date of such hearings.

39. **Equipment Caches**. Contractor shall cooperate with OES in storing caches of equipment for disaster situations. This may be met by keeping a 15 day cache of medical supplies for Contractor's ambulances.

40. **CONSUMER PRICE INDEX (CPI) ADJUSTMENTS**. In various sections of this Agreement, references are made to adjustments to be made on the basis of changes in the consumer price index or "CPI." Unless the specifics of the particular section provide otherwise, the CPI changes shall be made or calculated based on the relevant change in the consumer price index (All Urban Consumers (base years 1982-1984=100) for the Los Angeles-Riverside-Orange

County CMSA) published by the United States Department of Labor, Bureau of Labor Statistics. For administrative convenience, unless otherwise specified, the changes shall be calculated commencing from June 1, 2004, and utilizing a period commencing with June 1 and ending with May 31, for each subsequent calculation. In this manner, the percentage change should be known in June of any particular year, and the new applicable amount, based on the CPI adjustment, should be capable of being ascertained. VC EMS will give written notice to CONTRACTOR of the adjusted amounts within forty-five (45) days of ascertaining the same. Rounding shall occur as specifically provided with respect to the particular charge or penalty amount. If there is a change with respect to the base year used for any index referenced in this Agreement, the use of that index in connection with this Agreement shall be adjusted or converted as appropriate (in accordance with a conversion factor, if any, published by the by the United States Department of Labor, Bureau of Labor Statistics) to the end that the substance of this Agreement continues to be implemented as closely as reasonably possible. If an index referenced in this Agreement is discontinued or revised while this Agreement is in effect, the government index or computation with which it is replaced shall be used in order to obtain substantially the same result as if the index had not been discontinued or revised.

EXHIBIT A

AMBULANCE AREA MAP

Ventura County American Medical Response Ambulance Service Areas

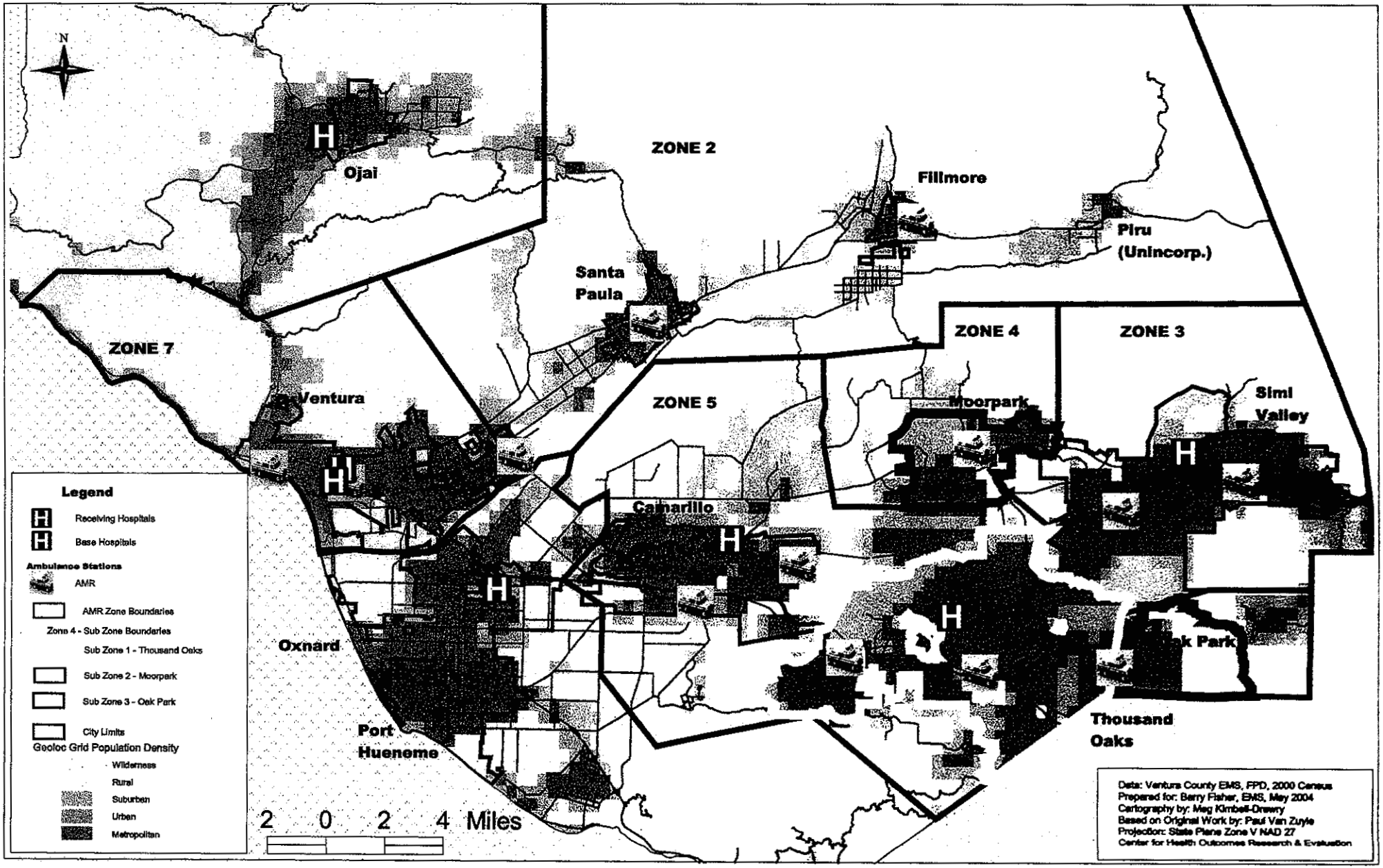


EXHIBIT B

CONTRACTOR REVIEW PROCESS
EMS Advisory Committee

A panel comprised of five persons who are not representing ambulance companies designated by the Board of Supervisors, and two members designated by or representing VC EMS will evaluate the performance of Contractor, pursuant to this Agreement, at least every 2 years, beginning July 1, 2006. (See section 2 "Term of Agreement"). This performance evaluation will include whether:

- Response time performance has met or exceeded the minimum requirements in the Agreement; and
- Performance has met or exceeded the minimum requirements of the VC EMS CQI process.

An evaluation report will be submitted to the Board of Supervisors within 90 days following each review period. If the conclusion of the Board of Supervisors is that Contractor's performance has met the minimum contract requirements and expectations, then Contractor shall be entitled to a two-year extension of the term of this Agreement, up to a maximum five (5) two year extensions as provided in Section 2 "Term of Agreement". Even if all possible two-year extensions have been earned and no further extensions are then earnable, the review process will continue every two years and a report will be made to the Board of Supervisors as a matter of keeping the Board of Supervisors informed. No extensions shall be earnable as part of that process.

EXHIBIT C

AGREEMENT STANDARDS REVIEW PROCESS

Beginning July 1, 2006 and every two years thereafter, VC EMS will review the performance standards stated in this Agreement to determine compliance with current standards in the practice of prehospital emergency medical care.

If it is found that revisions to the standards are necessary, VC EMS will recommend appropriate revisions to the Board of Supervisors.

If the Board of Supervisors approves any revisions to the standards set forth in Schedule B, the same shall become effective as directed by the Board of Supervisors and thereafter govern the level of performance required.

EXHIBIT D

CHART OF ACCOUNTS

INCOME: Ambulance Fees *(Break down accounts according to payor, i.e., Medi-Cal, Medicare, Insurance, Cash, Bad Debt, Indigents, etc.)*
- Ambulance Rental
- Subvention
- Subsidy
- Other

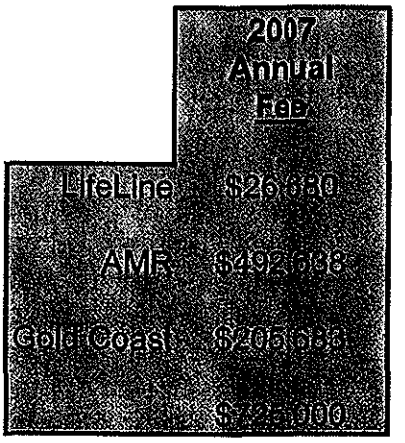
EXPENSES:
- Accounting and Legal
- Advertising
- Ambulance Rental
- Ambulance Supplies
- Automotive, Gas and Oil
- Automotive, Repairs and Maintenance
- Building Maintenance and Janitorial Services
- Collection Fees
- Depreciation and Amortization
- Dues and Subscriptions
- Equipment Repairs and Maintenance
- Insurance, Liability and Fire
- Insurance, Health and Workman's Compensation
- Insurance, Other
- Laundry and Uniforms
- Licenses, Business
- Licenses, Automotive
- Licenses, Other
- Miscellaneous (Identify)
- Outside Services
- Office Supplies and Expenses
- Promotion and Entertainment
- Rent, Buildings
- Rent, Other
- Salaries
- Taxes, Payroll
- Taxes, Property
- Taxes, Other
- Telephone
- Training Expenses
- Travel and Meetings
- Utilities

Exhibit "E"
Examples Calculations of Compensation for Dispatch Services.

Using 2004 costs and projecting future value, on a less than full cost recovery basis, VCFPD estimated its increased staffing and support costs for a 2007 dispatch implementation of all ambulance companies to be $725,000.

This number is multiplied by the percentage of County population within each of the seven EMS Areas, thus projecting the dispatch base compensation for each Area. For example:

	Current Amb. Provider	01/2007 % of Est. Pop.	01/2007 Estimate Ambulance Dispatching Cost (Less than Full Cost)
ASA 1	LifeLine	3.68%	$26,680
ASA 2	AMR	6.67%	$48,358
ASA 3	AMR	15.17%	$109,983
ASA 4	AMR	23.00%	$166,750
ASA 5	AMR	9.68%	$70,180
ASA 6	Gold Coast	28.37%	$205,683
ASA 7	AMR	13.43%	$97,368



Section 22.5 Base Compensation - **Example Only**

June 1, 2006

- $725,000 amount is used to determine initial base compensation rate
- This number is multiplied by the percentage of County population within each of the seven EMS Areas. This establishes the initial dispatch base compensation for each EMS Area effective January 1, 2007.

June 1, 2007

- January 1, 2007 EMS Area initial base compensation rate (established on June 1, 2006)
- Apply actual CPI increases from 6/06 to 6/07 to each
- Establish each EMS Area's base compensation effective July 1, 2007.

June 1, 2008

- Use July 2007 base compensation rate (established on June 1, 2007 for each EMS Area)
- Apply the total of the percentage increases of the following:
  - .. Actual CPI increases from 6/07 to 6/08
  - .. Projected population growth increases for each EMS Area from 6/06 to 6/08
- Establish each EMS Area's base compensation rate effective July 1, 2008

This process is repeated every year with population adjustments every two years and after U.S. Census data is available

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BOARD MINUTES

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS,
KATHY I. LONG, PETER C. FOY AND JOHN K. FLYNN
June 5, 2007 at 8:30 a.m.

403

FIRE PROTECTION DISTRICT - Approval of Appointments to the Fire Protection District Board of Appeals, Effective June 6, 2007.

(X) All board members are present, except Supervisor Flynn.

(X) The following person is heard: Diane Morgan.

(X) Upon motion of Supervisor Long, seconded by Supervisor Foy, and duly carried, the Board hereby approves the attached staff recommendation.

By: Kathryn Reiss
Deputy Clerk of the Board

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument
is a true and correct copy of the document
which is on file in this office.
JOHN F. JOHNSTON, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board

Item 37
6/05/07

DISTRIBUTION: Originating Agency, Auditor, File

VENTURA COUNTY
FIRE PROTECTION DISTRICT

BOB ROPER
County Fire Chief

165 Durley Avenue
Camarillo, CA 93010-8586
(805) 389-9710
FAX (805) 388-4364

June 5, 2007

Board of Directors
Ventura County Fire Protection District
800 S. Victoria Avenue
Ventura, CA 93009

SUBJECT: Appointments to the Fire Protection District Board of Appeals

RECOMMENDATION:

Approve the appointments of Gary Heathcote, Lou Nagy and David Atkin for two-year terms, and Ken Carter and Eric Inglis for one-year terms, to the Fire Protection District Board of Appeals, effective June 6, 2007.

FISCAL IMPACT: None.

DISCUSSION:

On November 22, 1983, your Board adopted Ventura County Fire Protection District Ordinance 16. Section 2.302 of that ordinance established a five-member Board of Appeals for the Fire Protection District to be appointed by your Board. That section now appears, without substantive change, as section 103.1.4 of the Fire Protection District's presently operative ordinance, Ordinance 25, adopted by your Board on October 3, 2006.

Initial appointments to the appeals board were made for two years, with the exception of the appointments of two members, which were for one year in order to set up a pattern of rotation. The members receive no remuneration for their service.

The function of the appeals board is to determine the suitability of proposed alternate materials and types of construction; to provide for reasonable interpretations of the provisions of all Fire Protection District ordinances, with the exception of the provisions dealing with the abatement of combustible and flammable materials; and to hear appeals of decisions of the Fire Chief regarding the interpretation of Appendix VII, Fire Protection Systems, of Ordinance 25.

The appeals board is required to adopt reasonable rules and regulations for conducting its investigations and render decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant, and may recommend to your Board such new legislation as is consistent therewith. The appeals board hears all Fire Protection District appeals and its decisions are final, except in the case of appeals from governmental agencies. Such agencies have the right to a review by your Board. A review by your Board is final.

The Fire Protection District Board of Appeals has been required to rule on appeals very few times since its inception. Over the past ten years, only two Fire Protection District appeals have been filed. Because of this infrequency and the willingness of appeals board members to continue to serve, members have been replaced only if requested. Their terms have been extended for two-year periods, upon approval by your Board, and several members have served multiple terms.

In order to provide the opportunity for additional members to serve on the Fire Protection District Board of Appeals, the Fire Protection District has contacted the Ventura County Chapter of the American Institute of Architects, the Council of Consulting Engineers of Ventura County, and the Ventura County Contractors Association to request submission of two names to the Fire Protection District for review and recommendation of one from each association by the Fire Protection District to your Board for appointment to the appeals board. The Fire Protection District will also provide a recommendation for the two remaining positions, a fire code expert and a public member, to serve for one year, in order to maintain the intended pattern of rotation of the board. The following individuals are recommended by the Fire Protection District for appointment to the Fire Protection District Board of Appeals:

Gary Heathcote, Architect	2 years
Lou Nagy, Civil Engineer	2 years
David Atkin, General Contractor	2 years
Battalion Chief Ken Carter, Fire Marshal, Torrance Fire Dept.	1 year
Eric Inglis, Public Representative	1 year

The County Executive Office, the Auditor-Controller's Office and County Counsel have reviewed this letter. If you have any questions, please call Fire Marshal Diane Morgan at 389-9729 or me at 389-9700.

BOB ROPER
Fire Chief

FIRE PROTECTION ORDINANCE NO. 16

AN ORDINANCE OF THE VENTURA COUNTY FIRE PROTECTION DISTRICT ADOPTING BY REFERENCE THE UNIFORM FIRE CODE (1982 EDITION), INCLUDING UNIFORM FIRE CODE STANDARDS (1982 EDITION), TOGETHER WITH THE APPENDIX I-B, II-A THROUGH D, II-F, III-C, IV-A, V-A, VI-C AND D, AND ADDITIONS, DELETIONS AND AMENDMENTS THERETO

The Board of Supervisors of the County of Ventura for the Fire Protection District, do ordain as follows:

Section 1. Fire Protection Ordinance No. 13 is hereby repealed.

Section 2. The Uniform Fire Code, 1982 Edition, together with the Appendix, is hereby adopted as follows:

UNIFORM FIRE CODE

The Uniform Fire Code (1982 Edition), together with the Appendix noted above, is hereby adopted by reference and incorporated herein as though fully set forth, except as added to, deleted from, and amended hereinafter.

All articles, divisions, sections and other headings shall be those of the Uniform Fire Code. Generally, each alphabetized portion of this Code, such as section 1.102(a), is deemed to be a separate section. An amendment to such an alphabetized portion amends only that section and does not, by omission of reference, delete any other section such as section 1.102(b). An amendment to the Uniform Fire Code shall be made by ordinance amendment to the specific article, division, section, or other heading involved.

ADDITIONS, DELETIONS AND AMENDMENTS ARE AS FOLLOWS:

ARTICLE 2

Section 2.105 is amended to read as follows:

The Chief, members of the Fire Prevention Bureau and other representatives as designated by the Chief, shall have the powers of a police officer in performing their duties under this code, and shall have the power to issue citations for violations of this code and any other ordinance of the Ventura County Fire Protection District.

Section 2.201 (a) is amended to read as follows:

The Chief or his authorized representative shall inspect, as often as may be necessary, all buildings and premises, including such other hazards or appliances as the Chief may designate for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.

Section 2.206 has been added and reads as follows:

Plans Approved

Except as otherwise determined by the Chief, plans for the construction, alteration, repair, or conversion of buildings or portions thereof which are classified as A, E, H, or I occupancies as set forth in the Uniform Building Code, shall be reviewed by the Fire Department to verify compliance with applicable laws and regulations under its jurisdiction.

Section 2.302

In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of all Fire Protection District Ordinances with the exception of the provisions dealing with the abatement of combustible and flammable materials, there shall be and hereby is created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon pertinent matters. The Chief Administrative Officer shall provide staff services for the Board. The Board of Appeals shall be appointed by the executive body and shall hold office at their pleasure.

The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant, and may recommend to the executive body such new legislation as is consistent therewith. The Board of Appeals shall hear all appeals and its decisions shall be final, except that in the case of appeals from governmental agencies, such agencies shall have the right to a review by the Board of Supervisors. A review by the Board of Supervisors shall be final.

The fee for appeals shall be consistent with the Ventura County Building Code.

ARTICLE 3

Section 3.101 is amended as follows:

Section 3.101 is changed to Section 3.101(a) and Section 3.101(b) is added and reads as follows:

Compliance and Penalties

(b) Any person who shall violate any of the provisions of this code hereby adopted, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 3.105(a & b) are added and read as follows:

(a) All construction or work for which a permit or approval is required shall be subject to inspection.

It shall be the duty of the applicant to cause the work to be accessible and exposed for inspection purposes. Neither the Fire Chief nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(b) Whenever any work is being done contrary to the provisions of this code, or in violation of the plans and specifications as approved by the Chief, the Chief may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Chief to proceed with the work.

ARTICLE 4

Section 4.104 is changed to Section 4.104(a) and Sections (b) and (c) are added which read as follows:

Inspection Required

(a) Before a permit may be issued, the Chief or his authorized representative shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the fire department, joint approval shall be obtained from all departments concerned.

Inspection Requests

(b) It shall be the duty of the person doing the work authorized by a permit to notify the Fire Chief that such work is ready for inspection. The Fire Chief may require that every request for inspection be filed at least 48 hours before such inspection is desired. Such request may be in writing or by telephone at the option of the Fire Chief.

It shall be the duty of the person requesting any inspections required by this code to provide access to and means for proper inspection of such work.

(c) When construction or installation work requiring a permit is ready for operation or use, but before being operated or used, a final inspection shall be requested. Such requests shall be made in the same manner as set forth above. No such appliance, device, equipment or system shall be used or operated until the installation has been approved by the authorized person making the final inspection.

Section 4.108 is added which reads as follows:

Sale or Delivery Without Permit

No person shall sell, deliver, or cause to be delivered, any hazardous commodity to any person not in possession of a valid permit when such permit is required by the provisions of this code.

ARTICLE 9

Section 9.118 is amended to read as follows:

"PERSON", "firm", or "corporation" shall mean any and all entities of whatsoever nature or kind, including but not limited to individuals, corporations, partnerships whether general or limited, unincorporated associations, unions or organizations, cooperatives and trusts, and shall include the plural as well as the singular number, the male and female gender, and all governmental entities subject in whole or in part to this Code and the codes adopted by reference herein.

ARTICLE 10

Section 10.207(b) is amended to read as follows:

(b) Obstructing. The required width of access roadways shall not be obstructed in any manner, including parking of vehicles. NO PARKING signs or other appropriate notice, or both, prohibiting obstructions may be required and shall be maintained. Installation and maintenance of signs and/or other appropriate means of notice shall be the responsibility of owner, lessee, or other person in charge of such access roadway.

Section 10.207(f) is amended to read as follows:

(f) Bridges. Where a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using design live loading sufficient to carry the imposed loads of the fire apparatus. Approved signs stating the load capacity of the bridge shall be posted and maintained at the entrance to the bridge by owner, lessee, or other person in charge of such bridge.

Section 10.208 is changed to 10.208(a) and Section 10.208(b), (c) and (d) are added and read as follows:

(b) Address numbers shall be posted at the road for those buildings set back from the road. Additionally, address numbers shall be posted as deemed necessary by the Chief on roads or driveways leading to structures.

(c) For complexes and large buildings, a directory, premises map and directional signs may be required at approved locations. When deemed necessary by the Chief, these signs, maps, etc., shall be illuminated.

(d) Prior to the occupancy of any new structure, approved street name signs shall be installed and the provisions set forth in these sections (10.208) shall be complied with.

Section 10.301(e) is amended and reads as follows:

All fire alarm systems, fire hydrant systems, fire extinguishing systems (including automatic sprinklers), wet and dry standpipes, basement inlet pipes, and other fire protection systems and devices and pertinents thereto, shall meet the approval of the Fire Department as to installation, location and operation, and shall be subject to tests prior to occupancy, and such periodic tests as required by the Chief. Plans and specifications shall be submitted to the Fire Department for review and approval prior to construction.

Section 10.302(a) is amended by deletion of the exception

Section 10.308(e) is added and reads as follows:

(e) Fire department connections and local alarms shall be at a location approved by the Fire Chief.

ARTICLE 11

Section 11.114 is hereby deleted.

Section 11.210(a) and (b) are added and read as follows:

Fire Prevention.

(a) Every building or portion of a building governed by these regulations shall be maintained free from any condition that would create a fire or life hazard, or which would add or contribute to the rapid spread of fire.

(b) Electric motors, filters on heating equipment, shall be checked periodically and kept clean and maintained in a safe operating condition.

Section 11.211 is added and reads as follows:

Illegal Dumping

No person shall place, deposit, or dump any ashes or combustible waste material in or upon any lands not approved for such use.

Section 11.301(c) is added and reads as follows:

(c) Any person upon discovering or being notified of an uncontrolled or dangerous gas leak, flammable or combustible liquids, or hazardous materials spill, shall immediately notify the Fire Department.

ARTICLE 79

Section 79.504 is amended to read as follows:

Tank Marking

All above-ground storage tanks over 100 gallons (water capacity) permanently installed, mounted or affixed and used for the storage of Class I, II or III-A liquids, shall bear the Department of Transportation Hazardous Material warning placards, which incorporates the four (4) digit commodity identification number within the placard. Placarding shall be in accordance with the Code of Federal Regulations Title 49.

(Exception: Tanks of 300 gallon capacity or less located on private property and used for heating and cooking fuels in single-family dwellings need not be marked.)

ARTICLE 80

Section 80.103(h) is amended and reads as follows:

(h) Material Safety data sheets shall be readily available for all hazardous materials on the premises. When required by the Chief, these Material Safety data sheets shall be kept in a key box at a location approved by the Fire Chief.

Section 80.111(a) is amended to read as follows:

Above-ground Storage Tanks and Pressure Vessels

(a) All above-ground storage tanks, pressure vessels and containers over 100 gallons (water capacity) permanently installed, mounted or affixed and used for the storage of flammable and combustible liquids, compressed gases, or hazardous chemicals regulated by this article, shall be identified using the Department of Transportation Hazardous Material warning placards, which incorporates the four (4) digit commodity identification number within the placard. Placarding shall be in accordance with the Code of Federal Regulations Title 49. Placards shall be affixed to tanks, vessels or containers, so as to be conspicuously visible at all times.

(Exception: Portable tanks not permanently mounted, temporary tanks used on construction sites, drum storage and packaged materials in containers of 55 gallon or less capacity.)

ARTICLE 11

DIVISION II-A

ABATEMENT OF COMBUSTIBLE AND FLAMMABLE MATERIALS

Fire Nuisance. Section 11.250. The presence of combustible material on a lot, or on land lying within sixty feet (60') thereof, when such presence creates, in the opinion of the Fire Chief, a fire hazard, shall constitute a nuisance. "Combustible Material" as used in this Article, means and includes weeds, stubble, brush, rubbish, litter, dry grass, dry leaves, or flammable material of any kind. "Lot" as used in this Article, means and includes any parcel of land, whether or not occupied by any building or structure.

Unlawful Disposal. Section 11.251. Every person who places, deposits or dumps combustible material on a lot, or on land lying within sixty feet (60') thereof, whether or not he owns such lot or land, or whether or not he so places, deposits or dumps on such lot or land with the consent of the owner thereof, is guilty of a misdemeanor.

Prosecution. Section 11.252. The Fire Chief may serve a written order personally upon the owner or possessor of a lot, or of land lying within sixty feet (60') thereof, when, in his opinion, a nuisance exists thereon. The order shall direct such owner or possessor to remove or abate the nuisance within ten (10) days after such personal service. Every owner or possessor who fails or refuses to remove the said nuisance from such lot or land within ten (10) days after being personally served with such order is guilty of a misdemeanor. Evidence that the current assessment roll of the County shows real property assessed to a person shall constitute prima facia evidence that such person is the owner of such property.

Clearance Upon Default of Owner of Lessee. Section 11.253

(a) Notice - The Fire Chief may, instead of, or in addition to, following the procedure set forth in Section 11.252, cause a notice to be mailed.

(b) Mailed Notice. If notice is to be mailed, the Fire Chief shall mail a copy of the notice in the form provided above except that such copy shall, in addition, include a description of the property according to that set forth on the County assessment roll, to the last assessee of the property at the address given on the said roll. The Fire Chief shall also post such notice, including the description, in some conspicuous place in the Courthouse. The notice shall be mailed at least ten (10) days before the Board of Supervisors meets to hear the report of the Fire Chief regarding the alleged nuisance.

(c) Hearing. At the time and place stated in the notices, the Board of Supervisors shall meet to hear the report of the Fire Chief and any objections thereto. The Fire Chief or his designated representative shall attend, inform the Board as to the alleged nuisance, and supply the description of the lot upon which it exists, the name and address of the last known assessee thereof, and state what he has done in order to give notice of the hearing according to the provisions of this Code. The Board may continue the hearing from time to time as it sees fit.

(d) Clean-up Order. If, after a hearing, the Board of Supervisors finds that a nuisance exists upon a lot, or on land lying within sixty feet (60') thereof, it may direct the Fire Chief to abate the nuisance. The board shall maintain a record of its proceedings at such hearing and retain therewith the report of the Fire Chief and a description of such lot or land and, where available, the name and address of its last known assessee.

(e) Abatement. If the Board of Supervisors directs the Fire Chief to abate a nuisance, he shall proceed to abate such nuisance unless it has been abated, completely, before his agents arrive to begin such abatement. The Fire Chief may expend district funds for such abatement and may contract with a person or persons for the performance of the work of such abatement.

Collection of the Cost of Abatement. Section 11.254.

(a) Account of Expenses. The Fire Chief shall keep an account of his expenses when abating a nuisance pursuant to an order of the Board of Supervisors and file the account thereof with the Board which account shall include a description, according to the County assessment roll, of the lot or land upon which such nuisance existed and, when available, the name and address of the last known assessee.

(b) Confirmation of Expense Account. The account of expenses shall be maintained on file, open to public inspection, in the office of the Clerk of the Board of Supervisors for at least ten (10) days before a hearing of the Board to confirm such account. If any person shall, before the expiration of such ten (10) days, file a written request for notice of the hearing upon such confirmation, the Board shall mail

such notice to the address supplied in any such written request. At the time fixed for such hearing, the Board shall meet to hear any objections to the account of expenses filed by the Fire Chief. At such hearing the Board may make any modification in the amount it deems just, after which the account shall be confirmed.

(c) Special Assessment and Lien. The amount of expenses incurred by the Fire Chief for abating a nuisance when confirmed by the Board of Supervisors shall constitute a special assessment against the lot or land from which the said nuisance was removed and a lien thereon for the amount of such assessment.

(d) Transmittal of Account. The Board of Supervisors shall deliver a copy of the account, as confirmed, to the Auditor of the County on or before the 10th day of August following such confirmation.

(e) Inclusion of Assessment. The County Auditor shall enter the amount stated in the account as a special assessment against the property described in the account. The Tax Collector of the County shall include the amount of the assessment on the bill for taxes levied against the property. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessments, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such property shall be transferred

to the unsecured roll for collection. All special assessments collected shall be paid into the county treasury to be used on behalf of the Fire Department.

APPENDIX II-F

NATIONAL FOREST

1. Prohibition. It is unlawful for any person to go upon or be upon any portion of a National Forest which is designated by the Regional Forester of the United States Forest Service as an area of fire hazard and which is closed to the public use by reason of such condition.

2. Definition of Area Closed to the Public Use. A portion of a National Forest is closed to the public use when:

a. "Closed Area" signs are posted at the entrance of all roads and trails into the exterior boundaries of the area designated as closed by the Regional Forester of the United States Forest Service; and

b. Notice of the closing of such portion of said National Forest is published once in a newspaper of general circulation in the county. A printed copy of said notice and the certificate of the publisher or printer that said notice was published and the date of said publication shall be prima facie evidence of the notice, the publication thereof and the date of such publication.

3. Exemption.

a. This prohibition shall not apply to any person who carries in his possession a written permit to be upon such closed area of a National Forest issued by the proper officer or representative of the United States Forest Service. It is unlawful for any person having such permit to go or enter upon or be upon areas of fire hazard closed to public use other than the areas specified in said permit, and it is unlawful for such permittee to deviate from the route specified in such permit for entering and leaving such closed area.

b. This prohibition shall not apply to any person who resides within such National Forest while such person is going to or from his home by regular and customary routes of travel.

4. Violation. Any person who violates this prohibition is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed $500 or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

ADOPTED this 22nd day of November, 1983 by the following vote:

AYES: Supervisors Lacey, Jones, Erickson, Dougherty, Flynn

NOES: None

ABSENT: None

John K. Flynn
Chairman, Board of Supervisors

ATTEST:

RICHARD D. DEAN, County Clerk
County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof.

By Faye Willard
Deputy Clerk

COUNTY OF VENTURA CALIFORNIA

VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NUMBER 25

AN ORDINANCE OF THE VENTURA COUNTY FIRE PROTECTION DISTRICT AMENDING APPENDIX VII OF THE UNIFORM FIRE CODE VOLUME 1 (2000 EDITION) THAT WAS ADOPTED BY ORDINANCE NO. 24 AND RESTATING THE REMAINDER OF ORDINANCE NO. 24 THAT ADOPTED BY REFERENCE THE UNIFORM FIRE CODE VOLUME 1 (2000 EDITION), TOGETHER WITH THE APPENDIX CHAPTERS I-C, II-A THROUGH II-D~~,~~ II-I, III-A THROUGH III-C, IV-A, V-A, VI-A, VI-C, VI-G THROUGH VI-K, WITH ADDITIONS, DELETIONS AND AMENDMENTS THERETO AND UPON CERTAIN EVENTS REPEAL ORDINANCE NO. 24.

The Board of Directors of the Ventura County Fire Protection District ordains as follows:

PART 1. ADOPTION OF UNIFORM FIRE CODE.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion or hazardous materials, that certain Code known as the Uniform Fire Code Volume 1, including Appendix I-C, II-A THROUGH II-D~~,~~ II-I, III-A THROUGH III-C , IV-A, V-A, VI-A, VI-C, VI-G THROUGH VI-K published by the Western Fire Chiefs Association being particular the 2000 editions thereof and the whole thereof, save and except such portions as are hereinafter added, deleted, modified or amended by Part 3 of this ordinance, are hereby adopted pursuant to Section 13869 of the California Health and Safety Code and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the Ventura County Fire Protection District.

All articles, sections, and other headings shall be those of the Uniform Fire Code. Generally, each numbered portion of this code, such as Section 103.1.2, is deemed to be a separate section. An amendment to such a numbered portion amends only that section and does not, by omission of reference, delete any other section such as Section 103.1.2.1. An amendment to the Uniform Fire Code shall be made by ordinance amendment to the specific article, section or other heading involved.

PART 2. REPEAL OF CONFLICTING ORDINANCES.

Ordinance No. 24, is repealed as to the County of Ventura or a city wherein its provisions apply, when Ventura County Fire Protection District Ordinance No. 25 is ratified by the legislative body of the County of Ventura or that city, respectively. Ordinance No. 24 shall be repealed upon ratification of Ordinance No. 25 by the County of Ventura and each and every city which previously ratified Ordinance No. 24.

PART 3. AMENDMENTS TO THE UNIFORM FIRE CODE.

The Uniform Fire Code is amended and changed in the following respects.

Section 103.1.4 is amended to read as follows:

103.1.4 Appeals. In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of all Fire District Ordinances with the exception of the provisions dealing with the abatement of combustible and flammable materials, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The County Executive Officer shall provide staff services for the board. The board of appeals shall be appointed by the executive body and shall hold office at their pleasure. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the fire chief, with a duplicate copy to the appellant, and may recommend to the executive body such new legislation as is consistent therewith. The Board of Appeals shall hear all appeals and its decisions shall be final, except that in the case of appeals from governmental agencies, such agencies shall have the right to a review by the Board of Directors. A review by the Board of Directors shall be final.

The fee for appeals shall be consistent with the Ventura County Building Code.

Section 103.2.1.2 is amended to read as follows:

103.2.1.2 Fire department personnel and police. The chief, members of the fire prevention bureau and other representatives as designated by the chief shall have the powers of a peace officer in performing their duties under this code, and shall have the power to issue citations for violations of this code and any other ordinance of the Ventura County Fire Protection District.

When requested to do so by the chief, the chief of police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

Section 103.3.1.1 is amended to read as follows:

103.3.1.1. Authority to inspect. The chief, members of the fire prevention bureau and other representatives as designated by the chief shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.

Section 103.3.2.1 is amended to read as follows:

103.3.2.1. General. Construction or work for which a permit or fire department approval is required shall be subject to inspection by the chief during construction or installation, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Prior to operation, use or occupancy a final inspection shall be requested. No appliance, device, equipment, or system shall be operated or used until the installation has been approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes. Neither the chief nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Section 103.3.2.2 is amended to read as follows:

103.3.2.2 Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the chief that such work is ready for inspection. The chief is authorized to require that every request for inspection be filed not less than two working days before such inspection is desired. Such request may be in writing or by telephone at the option of the chief.

It shall be the duty of the person requesting any required inspections to provide access to and means for proper inspection of such work.

Section 103.4.1.3 is amended to read as follows:

103.4.1.3 Stopping Uses, evacuation. The chief is authorized to order an operation or use stopped, or the evacuation, of any premises, building or vehicle or portion thereof which has or is a hazardous condition or other situation which presents a hazard to life or property.

Section 103.4.1.5 is added and reads as follows:

103.4.1.5 Stop Order. Whenever any work is being done contrary to the provisions of this code, or in violation of the plans and specifications as approved by the chief, the chief may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the chief to proceed with the work.

Section 103.4.4 is amended to read as follows:

103.4.4 Citations The chief is authorized to issue a citation to persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard

to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so. Such persons shall be subject to the criminal sanctions set forth in Health and Safety Code Section 13871.

Section 103.4.4.1 is added and reads as follows:

103.4.4.1 Compliance and Penalties. Any person who shall violate any of the provisions of this code or standards hereby adopted, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or shall build in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be subject to the criminal sanctions set forth in Health and Safety Code Section 13871. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 103.5 is added and reads as follows:

103.5 Plans Approved

103.5 Plans Approved. Except as otherwise determined by the chief, plans for the construction, alteration, repair, or conversion of buildings or portions thereof which are classified as Groups A, E, H, I, and R occupancies, except Group R Division 3 occupancies, shall be submitted to the Fire Prevention Bureau for review prior to obtaining a building permit. The fire department shall check for compliance with state and local laws and regulations that relate to fire and life safety.

Section 105.4 an exception is added and reads as follows:

105.4 Inspection Required. Before a permit is issued, the chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the fire department, joint approval shall be obtained from all departments concerned.

EXCEPTION: An inspection is not required when approved by the Chief.

Section 105.8 an exception is added and reads as follows:

105.8 Permit Required. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions:

EXCEPTION: With approval of the executive body, the chief may establish a rule in accordance with Section 101.4 that modifies when a permit is required.

Section 105.9 is added and reads as follows:

105.9 Sale or Delivery Without Permit. No person shall sell, deliver or cause to be delivered, any hazardous commodity to any person not in possession of a valid permit when such permit is required by the provisions of this code.

Section 209 is amended to add:

HELISPOT is a site used for helicopter landings and take-offs during emergency operations.

Section 217 definition of "PERSON" is amended to read as follows:

PERSON is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership whether general or limited, corporation, unincorporated association, union or organization, cooperative and trust, its or their successors or assigns, or the agent of any of the aforesaid. It shall include the plural as well as the singular number, the male and female gender, and all governmental entities subject in whole or in part to this code and the codes adopted by reference herein.

Section 901.4.4 is amended with new sections added to read as follows:

901.4.4 Premises identification.

901.4.4.1 General. Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property and at additional locations on the building as required by the chief. Numbers shall contrast with their background.

901.4.4.2 Driveways. When required by the chief, additional numbers or addresses shall be provided adjacent to roads or driveways leading to buildings.

901.4.4.3 Directories. For complexes with multiple buildings the chief may require directories, premises maps and directional signs at approved locations. When deemed necessary by the chief, these signs, maps, etc., shall be illuminated.

901.4.4.4 Timing of Installation. When required by the chief, approved street or road signs and address numbers at the site shall be installed prior to combustible construction of any new building.

Prior to occupancy of any new building, premises identification required by Section 901.4.4 shall be installed.

Section 902.2.1 EXCEPTION 3 is amended to read as follows:

3. When there are not more than four Group R, Division 3, any Group U, and any building with a total floor area of 700 square feet or less, the requirements of Section 902.2.1 and 902.2.2 may be modified by the chief.

Section 902.2.4.2 is amended to read as follows:

902.2.4.2 Closure of accessways. The chief is authorized to require the installation and maintenance of gates or other approved barricades across roads, trails, access to helispots or other accessways, not including public streets, alleys or highways.

When required, gates and barricades shall be secured in an approved manner. Roads, trails, helispots and other accessways which have been closed and obstructed in the manner prescribed by Section 902.2.4.2 shall not be trespassed upon or used unless authorized by the owner and the chief.

EXCEPTION: Public officers acting within their scope of duty.

Locks, gates, doors, barricades, chains, enclosures, signs, tags or seals which have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise molested in any manner.

EXCEPTION: When authorized by the chief or performed by public officers acting within their scope of duty.

Section 1003.1.3 is added and reads as follows:

1003.1.3 Identification. Fire department connections to sprinklers or standpipes shall be clearly identified in a manner approved by the chief.

Section 1003.2.1 is amended and reads as follows:

1003.2.1 General. An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in Section 1003.2 and Appendix VII.

For provisions on special hazards and hazardous materials, see Section 1001.9 and Articles 79, 80 and 81.

Table 1004-A Footnote 2 is amended and reads as follows:

[2] The standpipe system shall be combined with the automatic sprinkler system.

Section 1103.1 is amended to read as follows:

1103.1 General. Storage, accumulation, abatement, use and handling of combustible materials shall be in accordance with Section 1103.

Section 1103.3.7 is added to read as follows:

1103.3.7 Combustible materials subject to spontaneous ignition.

1103.3.7.1 General. Combustible materials subject to spontaneous ignition shall be in accordance with Section 1103.3.7.

1103.3.7.2 Prevention of ignition. Materials shall be stored, handled, treated or monitored as necessary and in such a manner as to prevent ignition.

1103.3.7.3 Provisions for extinguishment. The owner or person responsible for such materials shall provide the necessary means to extinguish a fire should ignition occur. Piles shall be arranged in such a manner as not to exceed the capability of available resources to extinguish a fire in a single pile. Access for firefighting apparatus shall be provided when required by the chief.

1103.3.7.4 Location. When materials are located in, upon or adjoining any hazardous watershed fire area, clearance from combustible vegetation shall be in accordance with Section 1103.4 for buildings.

Section 1103.4 is added to read as follows:

1103.4 Fire Hazard Abatement.

1103.4.1 Definitions.

1103.4.1.1 General. For definitions, see Article 2.

1103.4.1.2 Limited application. For the purpose of Section 1103.4 certain terms are defined as follows:

Combustible Material includes seasonal and recurrent weeds, stubble, brush, dry leaves, tumbleweeds, rubbish, litter or flammable materials of any kind.

Parcel is a portion of land of any size, the area of which is determined by the assessor's maps and records and may be identified by an assessor's parcel number whether or not any buildings are present.

Public Nuisance is a declaration by the chief that the presence of combustible material on a parcel creates a fire hazard.

1103.4.2 Unlawful Disposal. Every person who places, deposits or dumps combustible material on a parcel whether or not he owns such parcel, or whether or not he so places, deposits or dumps on such parcel with the consent of the owner thereof, is subject to the criminal sanctions set forth in Health and Safety Code Section 13871.

1103.4.3 Clearance of Brush, Vegetative Growth and Combustible Material from Parcels. All parcels declared a public nuisance shall be cleared entirely of combustible material. If the chief determines this impractical, the provisions of Section 1103.4.4 may be used.

1103.4.4 Clearance of Brush or Vegetative Growth from Structures. Any person owning, leasing, controlling, operating or maintaining any building in, upon, or adjoining any hazardous watershed fire area, and any person owning, leasing or controlling any land adjacent to such buildings, shall at all times maintain around and adjacent to such building an effective firebreak made by removing and clearing away, all combustible material for a distance not less than 100 feet from all portions of the building. This section shall not apply to single specimens or stands of protected species of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting a fire from the native growth to any building.

1103.4.5 Prosecution. The chief shall serve a written order upon the owner or possessor of a parcel, when, in his opinion, a public nuisance exists thereon. The order shall direct such owner or possessor to remove or abate the public nuisance within ten days after such order is given. Every owner or possessor who fails or refuses to abate said public nuisance from such parcel within ten days after being served with such order is guilty of a misdemeanor. Evidence that the current assessment roll of the County shows real property assessed to a person shall constitute prima facia evidence that such person is the owner of such property.

1103.4.6 Clearance Upon Default of Owner or Lessee.

1103.4.6.1 Notice. The chief may, instead of, or in addition to, following the procedure set forth in Section 1103.4.5, cause a notice to be mailed.

1103.4.6.2 Mailed Notice. If a notice is mailed, the chief shall provide information specified in Section 1103.4.5 and shall include a description of the property according to that set forth on the County assessment roll, to the last assessee of the property at the address given on said roll. The chief shall also provide such notice, including the description, to the Clerk of the Board of Directors three days prior to the Board hearing. The notice shall be mailed at least ten days before the Board of Directors meets to hear the report of the chief regarding the alleged public nuisance. It shall be the responsibility of the owner of record in the current assessment roll to notify any new owner or possessor of the property of the notice that was received and forward the notice to the new owner or possessor of the property. It shall also be the responsibility of the current owner of record to notify the fire department of this change in ownership on the form provided.

1103.4.6.3 Hearing. At the time and place stated in the notices, the Board of Directors shall meet to hear the report of the chief and any objections thereto. The chief or his designated representative shall attend, inform the Board as to the alleged public nuisance, and supply the description of the parcel upon which it exists, the name and address of the last known assessee thereof, and state what has been done in order to give notice of the hearing according to the provisions of this code. The Board may continue the hearing from time to time as it sees fit.

1103.4.6.4 Clean-up Order. If, after a hearing, the Board of Directors finds that a public nuisance exists upon a parcel, the Board may direct the chief to abate the public nuisance. The Board shall maintain a record of its proceedings at such hearing and retain therewith the report of the chief and a description of such parcel and, where available, the name and address of its last known assessee.

1103.4.6.5 Abatement. If the Board of Directors directs the chief to abate a public nuisance, he shall proceed to abate such nuisance unless it has been completely abated before his agents arrive to begin such abatement. The chief may expend fire department funds for such abatement and may contract with a person or persons for such abatement.

1103.4.7 Collection of the Cost of Abatement

1103.4.7.1 Account of Expenses. The chief shall keep an account of his expenses when abating a public nuisance pursuant to an order by the Board of Directors and file the account thereof with the Board which shall include a description, according to the County assessment roll, of the parcel upon which such public nuisance existed and, when available, the name and address of the last known assessee.

1103.4.7.2 Confirmation of Expense Account. The account of expenses shall be maintained on file, open to public inspection, in the office of the Clerk of the Board of Directors for at least ten days before a hearing of the Board to confirm such account. Before the expiration of such ten days, any person may file a written request to be notified of such hearing. Upon confirmation, the Board shall mail notice to the address supplied for any such written request. At the time fixed for such hearing, the Board shall meet to hear any objections to the account of expenses filed by the chief. At such hearing the Board may make any modification in the amount it deems just, after which the account shall be confirmed.

1103.4.7.3 Special Assessment and Lien. The amount of expenses incurred by the chief for abating a public nuisance when confirmed by the Board of Directors shall constitute a special assessment against the parcel from which the said public nuisance was removed and a lien thereon for the amount of such assessment.

1103.4.7.4 Transmittal of Account. The Board of Directors shall deliver a copy of the account, as confirmed, to the Auditor of the County on or before the 10th day of August following such confirmation.

1103.4.7.5 Inclusion of Assessment. The County Auditor shall enter the amount stated in the account as a special assessment against the parcel described in the account. The Tax Collector of the County shall include the amount of the assessment on the bill for taxes levied against the parcel. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessments, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such real property shall be transferred to the unsecured roll for collection. All special assessments collected shall be paid into the county treasury to be used on behalf of the fire department.

Section 1107.1 is amended to reads as follows:

1107.1 General. Heating appliances shall be installed and maintained in accordance with their listing and the Building, Electrical and Mechanical codes. Clearance from combustible material shall be maintained as set forth in the Building, Electrical and Mechanical codes and the product listing.

Filters on heating equipment shall be checked periodically and kept clean and maintained in a safe operating condition.

Section 1114 is added and reads as follows:

Section 1114 -- Illegal Dumping

No person shall place, deposit, or dump any ashes or combustible waste material in or upon any lands not approved for such use.

Section 1303.1 is amended and reads as follows:

1303.1 General. Emergency plans, staff training and fire drills shall be provided in accordance with Section 1303. If provision in California Code of Regulations (CCR) Title 19 Section 3.09 conflict with provisions of Section 1303, the requirements in CCR Title 19 shall apply.

Section 1303.3.3.2 is amended and reads as follows:

1303.3.3.2 Fire drills. Fire drills in Group E Occupancies shall be conducted as follows:

1. **Frequency.** Fire drills shall be conducted at least once each month during school sessions.

EXCEPTIONS: 1. During severe weather, fire drills may be postponed when approved.

2. For secondary level, fire drills may be conducted twice every school year. One fire drill shall be conducted within the first 30 days of a new school year.

2. **Extent of evacuation.** Fire drills shall include the complete evacuation of all persons from the building or portion thereof used for educational purposes.

EXCEPTION: The staff member responsible for notifying the fire department and handling emergency communications.

3. **Fire department notification.** When required by the chief, the fire department shall be notified prior to each drill.

4. **Initiation.** When a fire alarm system is provided, fire drills shall be initiated by activation of the fire alarm system.

Section 4901.2.2 add a definition for “cutting” to read as follows:

Cutting is any process, including grinding, which produces sparks capable of igniting combustible or flammable materials.

Section 5202.3.7 an exception is added to read as follows:

5202.3.7 Protected aboveground tanks. When approved, the storage and dispensing of motor fuels into the fuel tanks of motor vehicles from protected aboveground tanks located outside buildings are allowed in accordance with this section and Section 7902.1.9.

EXCEPTION: Dispensing motor fuels from protected aboveground tanks is not allowed at automotive fuel dispensing stations open to the public for retail sales.

Section 7902.1.3.2 is amended to read as follows:

7902.1.3.2 Label or placard. Tanks over 100 gallon (378.5L) in capacity permanently installed or mounted and used for the storage of Class I, II, or III-A liquids shall bear the Department of Transportation Hazardous Material warning placards, which incorporates the four (4) digit commodity identification number within the placard. Placarding shall be in accordance with the Code of Federal Regulations Title 49.

EXCEPTIONS: 1. Tanks of 300 gallons (1135.5L) capacity or less located on private property and used for heating and cooking fuels in single-family dwellings.

2. Tanks located underground.

3. When approved by the chief, tanks containing a commonly recognized product and labeled with the product name, such as "Gasoline" or "Diesel" need not be marked with the DOT placard.

Section 8001.6 is amended to read as follows:

8001.6 Material Safety Data Sheets. Material Safety Data Sheets (MSDS) shall be readily available on the premises for hazardous materials regulated by Article 80. The chief is authorized to require the Material Safety Data Sheets be kept in a key box at an approved location. See also Section 8001.3.2.

Section 8001.8 is amended to read as follows:

8001.8 Signs. In addition to the hazard identification signs required by Section 8001.7, additional hazard identification and warning signs shall be provided as follows:

1. Stationary containers and tanks shall be placarded with hazard identification signs as specified in UFC Standard 79-3 for the specific material contained.

2. Signs prohibiting smoking shall be provided in the following situations:

2.1 In rooms or areas where hazardous materials are stored or dispensed or used in open systems in amounts requiring a permit in accordance with Section 8001.3.1.

2.2 Within 25 feet (7620mm) of outdoor storage, dispensing or open-use areas.

3. Stationary aboveground tanks, pressure vessels and containers shall be placarded using the Department of Transportation Hazardous Material warning placards, which incorporates the four (4) digit commodity identification number within the placard. Placarding shall be in accordance with the Code of Federal Regulations Title 49.

EXCEPTION: When approved by the chief, tanks containing a commonly recognized product and labeled with the product name, need not be marked with the DOT placard.

Signs shall not be obscured or removed. Signs shall be in English as a primary language or in symbols allowed by this code. Signs shall be durable. The size, color, and lettering shall be in accordance with nationally recognized standards.

Section 8003.1.16 is added and reads as follows:

8003.1.16 Enclosures. Two means of access shall be provided when an enclosure is provided on three or more sides of a hazardous material container, tank or storage area. The two points of access shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the enclosure.

Each access shall be a minimum of three feet in width. When provided, the method of locking or securing the enclosure shall be approved by the chief.

Article 86 is deleted.

Appendix III-A, Section 2 is amended to read as follows:

Section 2 - DEFINITIONS
For the purpose of Appendix III-A, certain terms are defined as follows:

AGRICULTURAL BUILDING is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public. The California Building Code classifies this building as a Group U occupancy.

FIRE AREA is the floor area, in square feet, used to determine the required fire flow.

FIRE FLOW is the flow rate of a water supply, measured at 20 psi (137.9kPa) residual pressure, that is available for firefighting. When water supply tanks are approved for use, the flow rate of a water supply may be at draft.

GREEN HOUSE is an agricultural building used for the growing of plants. It shall include other structures also known as hothouses, coldframes and other similar specialty categories. It shall include construction materials of glass, rigid plastic, flexible plastic, masonry, wood, metal and concrete.

ISOLATED RESIDENTIAL is a single Group R, Division 3 dwelling on a parcel of land of 5 acres or more in size where no building is closer than 100 feet to the nearest building on any adjacent parcel.

Appendix III-A, Section 5 is amended to read as follows:

SECTION 5 -- FIRE-FLOW REQUIREMENTS FOR BUILDINGS

5.1 One- and Two-Family Dwellings. The minimum fire-flow and flow duration requirements for one- and two-family dwellings and U-1 private garages shall be 1000 gallons per minute (3785.4 L/min.) for two hours. When approved the following exceptions may be applied.

> **EXCEPTIONS:** 1. A reduction in required fire-flow of 50 percent, as approved by the chief, is allowed when the building is provided with an approved automatic sprinkler system.
> 2. Isolated residential lots and existing residential parcels in existence prior to October 7, 1980, fire-flow for buildings may be reduced to 500 gallons per minute.

3. Buildings on residential parcels in existence prior to October 7, 1980, where there is no water purveyor or the water purveyor's current system can not meet fire-flow or duration requirements without excessive system modifications, an on-site water storage tank may provide the fire protection water supply when the building has an approved automatic sprinkler system. The location, capacity, connections and other appurtenances of the tank shall be approved.
4. Buildings on residential parcels created after October 7, 1980, where there is no water purveyor or the water purveyor certifies the system cannot provide the required fire-flow or duration, the provisions of Exception 3 may be utilized.
5. Buildings classified as Group R, Division 3 Occupancies with a total fire area of 700 square feet or less are not required to provide fire-flow.

5.2 Buildings other than One- and Two-Family Dwellings. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table No. A-III-A-1. When approved the following exceptions may be applied.

EXCEPTIONS: 1. A reduction in required fire flow of up to 50 percent, as approved by the chief, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire-flow shall not be less than 1250 gallons per minute (4731.3 L/min.).
2. In rural areas where there is no water purveyor or the water purveyor certifies the system can not provide the required fire-flow or duration, and the building is protected by an approved automatic sprinkler system, the provisions in NFPA 13 for combined inside and outside hose lines may be utilized to determine fire-flow and duration. The location, connections and other appurtenances of tanks shall be approved.
3. Buildings classified as Group U, agricultural buildings used as barns, storage structures, stables, poultry buildings and other similar uses with a total fire area of 1500 square feet or less are not required to provide fire-flow.
4. Buildings classified as Group U, agricultural buildings used as greenhouses, horticultural structures, nurseries and similar uses with a total fire area of 3000 square feet or less are not required to provide fire-flow.
5. For buildings classified as Group U, not exempt from fire-flow requirements by Exceptions 3 or 4, shall provide a minimum fire-flow of 500 gallons per minute for a minimum two (2) hour duration. Where there is no water purveyor or the water purveyor certifies the system can not provide the required fire-flow or duration , an on-site water storage tank and shall be provided. The tank capacity, location, connections and other appurtenances of tanks shall be approved.
6. Buildings with a total floor area of 700 square feet or less are not required to provide fire-flow.

Appendix VII is added to read as follows:

APPENDIX VII
FIRE PROTECTION SYSTEMS

Section 1. Definitions

A. **Automatic Fire Extinguishing System** - as defined in the California Building Code.
B. **Building, Existing** – as defined in the California Building Code.
C. **Floor Area** - as defined in the California Building Code.

Section 2. Automatic Fire Extinguishing Systems

A. **General.** An automatic fire extinguishing system shall be installed in all occupancies and locations as set forth in Appendix VII, Section 1003 and Article 90. For the purpose of this section, area separation walls shall not be considered as creating separate buildings. In addition to requirements of UFC Standard 10-4 sprinklers shall be installed in Group U, Division 1 occupancies (garages) attached to Group R, Division 3 occupancies (single family dwellings).

B. **Buildings.** An automatic fire extinguishing system shall be installed in all buildings.

EXCEPTIONS: Group U Occupancies when approved by the Fire Chief and the Building Official.

C. **Buildings, Existing**. Buildings in existence at the time of the effective date of Appendix VII may have their existing use continued if such use was legal at the time.
Additions and modifications to buildings shall require an automatic fire extinguishing system installed throughout, including areas not previously protected.

EXCEPTIONS:
1. All occupancies, except Group R, Division 3, where addition or modification is 25% or less of the existing floor area.
2. Buildings classified as Group R, Division 3, including attached Group U, Division 1 private garages, where addition or modification is 1000 square feet or less or 50% or less of the existing floor area.

Section 3. Emergency Communications Equipment

A. **General.** An Emergency Voice Alarm Signaling System and Fire Department Communication System, which conform to the

California Building Code Section 403.5, shall be installed in buildings, which exceed three stories or where the floor level of the top most stories exceeds 48 feet above the lowest level of fire department vehicle access.

B. **Maintenance.** Emergency communication equipment shall be subject to annual inspection and testing in accordance with nationally recognized standards approved by the chief. Deficiencies shall be repaired.

Section 4. Inspection and Enforcement

A. **General.** The provisions of this appendix shall be enforced by the Ventura County Fire Protection District.

B. **Plans and Specifications.** Plans, calculations, diagrams, specifications and testing procedures for proposed automatic fire extinguishing systems and emergency communication systems which conform to adopted standards shall be submitted for approval by the Ventura County Fire Protection District prior to installation.

C. **Inspections.** Fire extinguishing systems and emergency communications systems required by this Appendix shall be inspected during installation at intervals adopted by nationally recognized standards. Such inspections shall be conducted by designated members of the Ventura County Fire Protection District.

Section 5. Maintenance of Area Separation Walls

General. Area separation fire walls used to create fire areas less than 5000 square feet in buildings, for which the original application for permit under which the building was constructed was accepted by Building and Safety before November 1, 2002 shall be maintained as approved area separation fire walls with no openings.

Section 6. Penalties and Citations

A. **Penalties.** Any person, firm or corporation failing to comply with any of the provisions of this Appendix, or who fail to comply with any order made hereunder, or shall build in violation of any detailed statement of specifications or plans submitted and approved hereunder, or who fails to comply with such an order as affirmed or modified by the Board of Appeals, shall severally for each and every such violation be subject to the criminal sanctions set forth in Health and Safety Code Section 13871. Each ten

days or portion thereof during which any such violation is committed or continued shall constitute a separate offense.

B. **Citations.** Any person, firm or corporation subject to the provisions of this Appendix, who fail to comply with the requirements of said Appendix when ordered or notified to do so by the Fire Chief shall be subject to the criminal sanctions set forth in Health and Safety Code Section 13871 and subject to citation.

Section 7. Appeals

General. Any aggrieved party may appeal any decision of the Fire Chief regarding interpretation of this Appendix to the Fire District Board of Appeals, as established by amended Section 103.1.4, within thirty days from the date of the decision to be appealed.

Section 8. Findings

A. **General.** After due consideration the Board of Directors of the Ventura County Fire Protection District hereby finds that due to local climatic, geologic and topographic conditions as stated in this section, that modifications and changes to the current California Building Code are reasonably necessary to provide sufficient and effective protection of life, health and property.

B. **Climatic.** Ventura County experiences periods of high temperatures, accompanied by low humidity and high winds each year. These conditions create an environment in which the Fire District commits large numbers of fire fighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have great difficulty in controlling fires in structures not having built-in fire protection.

C. **Geological.** Ventura County is in a potential high activity seismic zone. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in larger structures, which will increase the availability of firefighting resources after seismic activity.

D. **Topographical.** Ventura County has rural areas that are in high fire hazard areas. Due to topography, access to structures in rural areas increases response time and delays fire suppression efforts. An extended response time will allow fires to grow

beyond the control of initial attack fire suppression resources. Structure fires in the hillside areas will have a greater likelihood of starting a wildland fire, which may expose additional structures to fire.

Section 9. Ratification

General. Before Ordinance 25 is effective in the County of Ventura or in a city within the Fire Protection District, the legislative body of the County or of the city shall ratify Appendix VII in accordance with California Health and Safety Code Section 13869.7.

PART 4. EFFECTIVE DATE

Ordinance No.25, as contained herein, shall be effective in the County of Ventura or a city wherein its provisions will apply, when it is ratified by the legislative body of the County of Ventura or that city, respectively, pursuant to the provisions of Health and Safety Code section 13869.7, subdivision (c), on May 1, 2007.

PASSED AND ADOPTED this 3rd day of OCTOBER 2006, by the following vote:

AYES: Directors BENNETT, LONG, MIKELS, FLYNN AND PARKS

NOES: NONE

ABSENT: NONE

Linda Parks
CHAIR, BOARD OF DIRECTORS

ATTEST:

JOHN F. JOHNSTON
Clerk of the Board of Supervisors,
County of Ventura, State of California,

By Kathryn Price
Deputy Clerk of the Board

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION **130100**-130155

130100. There is hereby created a program in the state for the purposes of promoting, supporting, and improving the early development of children from the prenatal stage to five years of age.

These purposes shall be accomplished through the establishment, institution, and coordination of appropriate standards, resources, and integrated and comprehensive programs emphasizing community awareness, education, nurturing, child care, social services, health care, and research.

(a) It is the intent of this act to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development and to ensure that children are ready to enter school. This system should function as a network that promotes accessibility to all information and services from any entry point into the system.

It is further the intent of this act to emphasize local decisionmaking, to provide for greater local flexibility in designing delivery systems, and to eliminate duplicate administrative systems.

(b) The programs authorized by this act shall be administered by the California Children and Families Commission and by county children and families commissions. In administering this act, the state and county commissions shall use outcome-based accountability to determine future expenditures.

(c) This division shall be known and may be cited as the "California Children and Families Act of 1998."

130105. The California Children and Families Trust Fund is hereby created in the State Treasury.

(a) The California Children and Families Trust Fund shall consist of moneys collected pursuant to the taxes imposed by Section 30131.2 of the Revenue and Taxation **Code**.

(b) All costs to implement this act shall be paid from moneys deposited in the California Children and Families Trust Fund.

(c) The State Board of Equalization shall determine within one year of the passage of this act the effect that additional taxes imposed on cigarettes and tobacco products by this act has on the consumption of cigarettes and tobacco products in this state. To the extent that a decrease in consumption is determined by the State Board of Equalization to be the direct result of additional taxes imposed by this act, the State Board of Equalization shall determine the fiscal effect the decrease in consumption has on the funding of any Proposition 99 (the Tobacco Tax and Health Protection Act of 1988) state health-related education or research programs in effect as of November 1, 1998, and the Breast Cancer Fund programs that are funded by excise taxes on cigarettes and tobacco products. Funds shall be transferred from the California Children and Families Trust Fund to those affected programs as necessary to offset the revenue decrease directly resulting from the imposition of additional taxes by this act. These reimbursements shall occur, and at any times, as determined necessary to further the intent of this subdivision.

(d) Moneys shall be allocated and appropriated from the California Children and Families Trust Fund as follows:

(1) Twenty percent shall be allocated and appropriated to separate accounts of the state commission for expenditure according to the following formula:

(A) Six percent shall be deposited in a Mass Media Communications Account for expenditures for communications to the general public utilizing television, radio, newspapers, and other mass media on subjects relating to and furthering the goals and purposes of this act, including, but not limited to, methods of nurturing and parenting that encourage proper childhood development, the informed selection of child care, information regarding health and social services, the prevention and cessation of tobacco, alcohol, and drug use by pregnant women, the detrimental effects of secondhand smoke on early childhood development, and to ensure that children are ready to enter school.

(B) Five percent shall be deposited in an Education Account for expenditures to ensure that children are ready to enter school and for programs relating to education, including, but not limited to, the development of educational materials, professional and parental education and training, and technical support for county commissions in the areas described in subparagraph (A) of paragraph (1) of subdivision (b) of Section 130125.

(C) Three percent shall be deposited in a Child Care Account for expenditures to ensure that children are ready to enter school and for programs relating to child care, including, but not limited to,

the education and training of child care providers, the development of educational materials and guidelines for child care workers, and other areas described in subparagraph (B) of paragraph (1) of subdivision (b) of Section 130125.

(D) Three percent shall be deposited in a Research and Development Account for expenditures to ensure that children are ready to enter school and for the research and development of best practices and standards for all programs and services relating to early childhood development established pursuant to this act, and for the assessment and quality evaluation of those programs and services.

(E) One percent shall be deposited in an Administration Account for expenditures for the administrative functions of the state commission. Any funds not needed for the administrative functions of the state commission may be transferred to the Unallocated Account described in subparagraph (F), upon approval by the state commission.

(F) Two percent shall be deposited in an Unallocated Account for expenditure by the state commission for any of the purposes of this act described in Section **130100** provided that none of these moneys shall be expended for the administrative functions of the state commission.

(G) In the event that, for whatever reason, the expenditure of any moneys allocated and appropriated for the purposes specified in subparagraphs (A) to (F), inclusive, is enjoined by a final judgment of a court of competent jurisdiction, then those moneys shall be available for expenditure by the state commission for mass media communication emphasizing the need to eliminate smoking and other tobacco use by pregnant women, the need to eliminate smoking and other tobacco use by persons under 18 years of age, and the need to eliminate exposure to secondhand smoke.

(H) Any moneys allocated and appropriated to any of the accounts described in subparagraphs (A) to (F), inclusive, that are not encumbered or expended within any applicable period prescribed by law shall (together with the accrued interest on the amount) revert to and remain in the same account for the next fiscal period.

(2) Eighty percent shall be allocated and appropriated to county commissions in accordance with Section 130140.

(A) The moneys allocated and appropriated to county commissions shall be deposited in each local Children and Families Trust Fund administered by each county commission, and shall be expended only for the purposes authorized by this act and in accordance with the county strategic plan approved by each county commission.

(B) Any moneys allocated and appropriated to any of the county

commissions that are not encumbered or expended within any applicable period prescribed by law shall (together with the accrued interest on the amount) revert to and remain in the same local Children and Families Trust Fund for the next fiscal period under the same conditions as set forth in subparagraph (A).

(e) All grants, gifts, or bequests of money made to or for the benefit of the state commission from public or private sources to be used for early childhood development programs shall be deposited in the California Children and Families Trust Fund and expended for the specific purpose for which the grant, gift, or bequest was made. The amount of any such grant, gift, or bequest shall not be considered in computing the amount allocated and appropriated to the state commission pursuant to paragraph (1) of subdivision (d).

(f) All grants, gifts, or bequests of money made to or for the benefit of any county commission from public or private sources to be used for early childhood development programs shall be deposited in the local Children and Families Trust Fund and expended for the specific purpose for which the grant, gift, or bequest was made. The amount of any such grant, gift, or bequest shall not be considered in computing the amount allocated and appropriated to the county commissions pursuant to paragraph (2) of subdivision (d).

130110. (a) There is hereby established a California Children and Families Commission, which may also be known as First 5 California, composed of seven voting members and two ex officio members.

(b) The voting members shall be selected, pursuant to Section 130115, from persons with knowledge, experience, and expertise in early child development, child care, education, social services, public health, the prevention and treatment of tobacco and other substance abuse, behavioral health, and medicine (including, but not limited to, representatives of statewide medical and pediatric associations or societies), upon consultation with public and private sector associations, organizations, and conferences composed of professionals in these fields.

(c) The Secretary of the California Health and Human Services Agency and the Secretary for Education, or their designees, shall serve as ex officio nonvoting members of the state commission.

130115. The Governor shall appoint three members of the state

commission, one of whom shall be designated as chairperson. One of the Governor's appointees shall be either a county health officer or a county health executive. The Speaker of the Assembly and the Senate Rules Committee shall each appoint two members of the state commission. Of the members first appointed by the Governor, one shall serve for a term of four years, and two for a term of two years. Of the members appointed by the Speaker of the Assembly and the Senate Rules Committee, one appointed by the Speaker of the Assembly and the Senate Rules Committee shall serve for a period of four years with the other appointees to serve for a period of three years. Thereafter, all appointments shall be for four-year terms. No appointee shall serve as a member of the state commission for more than two four-year terms.

130120. The state commission shall, within three months after a majority of its voting members have been appointed, hire an executive director. The state commission shall thereafter hire such other staff as necessary or appropriate. The executive director and staff shall be compensated as determined by the state commission, consistent with moneys available for appropriation in the Administration Account. All professional staff employees of the state commission shall be exempt from civil service. The executive director shall act under the authority of, and in accordance with the direction of, the state commission.

130125. The powers and duties of the state commission shall include, but are not limited to, the following:

(a) Providing for statewide dissemination of public information and educational materials to members of the general public and to professionals for the purpose of developing appropriate awareness and knowledge regarding the promotion, support, and improvement of early childhood development.

(b) Adopting guidelines for an integrated and comprehensive statewide program of promoting, supporting, and improving early childhood development that enhances the intellectual, social, emotional, and physical development of children in California.

(1) The state commission's guidelines shall, at a minimum, address the following matters:

(A) Parental education and support services in all areas required

for, and relevant to, informed and healthy parenting. Examples of parental education shall include, but are not limited to, prenatal and postnatal infant and maternal nutrition, education and training in newborn and infant care and nurturing for optimal early childhood development, parenting and other necessary skills, child abuse prevention, and avoidance of tobacco, drugs, and alcohol during pregnancy. Examples of parental support services shall include, but are not limited to, family support centers offering an integrated system of services required for the development and maintenance of self-sufficiency, domestic violence prevention and treatment, tobacco and other substance abuse control and treatment, voluntary intervention for families at risk, and any other prevention and family services and counseling critical to successful early childhood development.

(B) The availability and provision of high quality, accessible, and affordable child care, both in-home and at child care facilities, that emphasizes education, training and qualifications of care providers, increased availability and access to child care facilities, resource and referral services, technical assistance for caregivers, and financial and other assistance to ensure appropriate child care for all households.

(C) The provision of child health care services that emphasize prevention, diagnostic screenings, and treatment not covered by other programs; and the provision of prenatal and postnatal maternal health care services that emphasize prevention, immunizations, nutrition, treatment of tobacco and other substance abuse, general health screenings, and treatment services not covered by other programs.

(2) The state commission shall conduct at least one public hearing on its proposed guidelines before they are adopted.

(3) The state commission shall, on at least an annual basis, periodically review its adopted guidelines and revise them as may be necessary or appropriate.

(c) Defining the results to be achieved by the adopted guidelines, and collecting and analyzing data to measure progress toward attaining these results.

(d) Providing for independent research, including the evaluation of any relevant programs, to identify the best standards and practices for optimal early childhood development, and establishing and monitoring demonstration projects.

(e) Soliciting input regarding program policy and direction from individuals and entities with experience in early childhood development, facilitating the exchange of information between these

individuals and entities, and assisting in the coordination of the services of public and private agencies to deal more effectively with early childhood development.

(f) Providing technical assistance to county commissions in adopting and implementing county strategic plans for early childhood development.

(g) Reviewing and considering the annual audits and reports transmitted by the county commissions and, following a public hearing, adopting a written report that consolidates, summarizes, analyzes, and comments on those annual audits and reports.

(h) Applying for gifts, grants, donations, or contributions of money, property, facilities, or services from any person, corporation, foundation, or other entity, or from the state or any agency or political subdivision thereof, or from the federal government or any agency or instrumentality thereof, in furtherance of a statewide program of early childhood development.

(i) Entering into any contracts and allocating funds to county commissions as necessary or appropriate to carry out the provisions and purposes of this act.

(j) Making recommendations to the Governor and the Legislature for changes in state laws, regulations, and services necessary or appropriate to carry out an integrated and comprehensive program of early childhood development in an effective and cost-efficient manner.

130130. Procedures for the conduct of business by the state commission not specified in this act shall be contained in bylaws adopted by the state commission. A majority of the voting members of the state commission shall constitute a quorum. All decisions of the state commission, including the hiring of the executive director, shall be by a majority of four votes.

130135. Voting members of the state commission shall not be compensated for their services, except that they shall be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the state commission.

130140. Any county or counties developing, adopting, promoting, and implementing local early childhood development programs consistent with the goals and objectives of this act shall receive moneys pursuant to paragraph (2) of subdivision (d) of Section 130105 in accordance with the following provisions:

(a) For the period between January 1, 1999, and June 30, 2000, county commissions shall receive the portion of the total moneys available to all county commissions equal to the percentage of the number of births recorded in the relevant county (for the most recent reporting period) in proportion to the entire number of births recorded in California (for the same period), provided that each of the following requirements has first been satisfied:

(1) The county's board of supervisors has adopted an ordinance containing the following minimum provisions:

(A) The establishment of a county children and families commission. The county commission shall be appointed by the board of supervisors and shall consist of at least five but not more than nine members.

(i) Two members of the county commission shall be from among the county health officer and persons responsible for management of the following county functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services.

(ii) One member of the county commission shall be a member of the board of supervisors.

(iii) The remaining members of the county commission shall be from among the persons described in clause (i) and persons from the following categories: recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, or a local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies.

(B) The manner of appointment, selection, or removal of members of the county commission, the duration and number of terms county commission members shall serve, and any other matters that the board of supervisors deems necessary or convenient for the conduct of the county commission's activities, provided that members of the county commission shall not be compensated for their services, except they

shall be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the county commission.

(C) The requirement that the county commission adopt an adequate and complete county strategic plan for the support and improvement of early childhood development within the county.

(i) The county strategic plan shall be consistent with, and in furtherance of the purposes of, this act and any guidelines adopted by the state commission pursuant to subdivision (b) of Section 130125 that are in effect at the time the plan is adopted.

(ii) The county strategic plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; a description of the programs, services, and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services, and projects will be determined by the county commission using appropriate reliable indicators. No county strategic plan shall be deemed adequate or complete until and unless the plan describes how programs, services, and projects relating to early childhood development within the county will be integrated into a consumer-oriented and easily accessible system.

(iii) The county commission shall, on at least an annual basis, be required to review its county strategic plan and to revise the plan as may be necessary or appropriate.

(iv) The county commission shall measure the outcomes of county funded programs through the use of applicable, reliable indicators and review that information on a periodic basis as part of the public review of its county strategic plan.

(D) The requirement that the county commission conduct at least one public hearing on its proposed county strategic plan before the plan is adopted.

(E) The requirement that the county commission conduct at least one public hearing on its periodic review of the county strategic plan before any revisions to the plan are adopted.

(F) The requirement that the county commission submit its adopted county strategic plan, and any subsequent revisions thereto, to the state commission.

(G) The requirement that the county commission prepare and adopt an annual audit and report pursuant to Section 130150. The county commission shall conduct at least one public hearing prior to adopting any annual audit and report.

(H) The requirement that the county commission conduct at least one public hearing on each annual report by the state commission

prepared pursuant to subdivision (b) of Section 130150.

(I) Two or more counties may form a joint county commission, adopt a joint county strategic plan, or implement joint programs, services, or projects.

(2) The county's board of supervisors has established a county commission and has appointed a majority of its members.

(3) The county has established a local Children and Families Trust Fund pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105.

(b) Notwithstanding any provision of this act to the contrary, no moneys made available to county commissions under subdivision (a) shall be expended to provide, sponsor, or facilitate any programs, services, or projects for early childhood development until and unless the county commission has first adopted an adequate and complete county strategic plan that contains the provisions required by clause (ii) of subparagraph (C) of paragraph (1) of subdivision (a).

(c) In the event that any county elects not to participate in the California Children and Families Program, the moneys remaining in the California Children and Families Trust Fund shall be reallocated and reappropriated to participating counties in the following fiscal year.

(d) For the fiscal year commencing on July 1, 2000, and for each fiscal year thereafter, county commissions shall receive the portion of the total moneys available to all county commissions equal to the percentage of the number of births recorded in the relevant county (for the most recent reporting period) in proportion to the number of births recorded in all of the counties participating in the California Children and Families Program (for the same period), provided that each of the following requirements has first been satisfied:

(1) The county commission has, after the required public hearings, adopted an adequate and complete county strategic plan conforming to the requirements of subparagraph (C) of paragraph (1) of subdivision (a), and has submitted the plan to the state commission.

(2) The county commission has conducted the required public hearings, and has prepared and submitted all audits and reports required pursuant to Section 130150.

(3) The county commission has conducted the required public hearings on the state commission annual reports prepared pursuant to subdivision (b) of Section 130150.

(4) The county commission, in a public hearing, has adopted policies that are consistent with the following state laws:

(A) With regard to conflict of interest of the commission members, the county commission's policies shall be consistent with Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government **Code**, Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government **Code**, and Chapter 7 (commencing with Section 87100) of Title 9 of the Government **Code**.

(B) With regard to contracting and procurement, the county commission's policies shall be consistent with Article 7 (commencing with Section 54201) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government **Code**, Chapter 2 (commencing with Section 2000) of Part 1 of Division 2 of the Public Contract **Code**, Section 3410 of the Public Contract **Code**, and Chapter 3.5 (commencing with Section 22150) of Part 3 of Division 2 of the Public Contract **Code**.

(5) The county commission, in a public hearing, has adopted a limit on the percentage of the county commission's operating budget that may be spent on administrative functions, pursuant to guidelines issued by the state commission that define administrative functions.

(6) The county commission has adopted, in a public hearing, policies and processes establishing the salaries and benefits of employees of the county commission. Salaries and benefits shall conform with established county commission or county government policies.

(e) In the event that any county elects not to continue participation in the California Children and Families Program, any unencumbered and unexpended moneys remaining in the local Children and Families Trust Fund shall be returned to the California Children and Families Trust Fund for reallocation and reappropriation to participating counties in the following fiscal year.

(f) For purposes of this section, "relevant county" means the county in which the mother of the child whose birth is being recorded resides.

130140.1. (a) In the event a county elects to participate in the California Children and Families Program, and satisfies the requirements set forth in Section 130140, the county may establish a county commission that is either of the following:

(1) A legal public entity separate from the county.

(2) An agency of the county with independent authority over the strategic plan described in Section 130140 and the local trust fund established pursuant to subparagraph (A) of paragraph (2) of

subdivision (d) of Section 130105.

(b) In the event a county elects to establish a county commission as specified in paragraph (1) of subdivision (a), the following conditions shall apply:

(1) The county commission shall be considered a legal public entity separate from the county, and shall file a statement as required by Section 53051 of the Government **Code**.

(2) The powers, duties, and responsibilities of the county commission shall include, but shall not be limited to, the following:

(A) The power to employ personnel and contract for personal services required to meet its obligations.

(B) The power to enter into any contracts necessary or appropriate to carry out the provisions of this division.

(C) The power to acquire, possess, and dispose of real or personal property, as necessary or appropriate to carry out the provisions and purposes of this division.

(D) The power to sue or be sued.

(3) The county commission shall be deemed to be a public agency that is a unit of local government for purposes of all grant programs and other funding and loan guarantee programs.

(4) Any obligations of the county commission, statutory, contractual, or otherwise, shall be obligations solely of the commission.

(5) All claims or actions for money or damages against a county commission shall be governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government **Code**, except as provided by other statutes or regulations that expressly apply to county commissions.

(6) The county commission, its members, and its employees are protected by the immunities applicable to public entities and public employees governed by Part 1 (commencing with Section 810) and Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government **Code**, except as provided by other statutes or regulations that apply expressly to the county commissions.

(7) If a county board of supervisors elects not to continue the county's participation in the California Children and Families Program, the board shall adopt an ordinance terminating the county commission.

(A) In terminating its county commission, the board of supervisors shall allow, to the extent possible, an appropriate transition period to allow for the county commission's then-existing obligations to be satisfied.

(B) In event of termination, any unencumbered and unexpended moneys remaining in the local Children and Families Trust Fund shall be distributed pursuant to subdivision (e) of Section 130140.

(C) Prior to the termination of the county commission, the board of supervisors shall notify the state Children and Families Commission of its intent to terminate the county commission.

(D) The liabilities of the county commission shall not become obligations of the county upon either the termination of the county commission or the liquidation or disposition of the county commission's remaining assets.

(c) If a county elects to establish a county commission as provided in paragraph (2) of subdivision (a), the county commission shall be deemed to be an agency of the county with independent authority over the strategic plan described in Section 130140 and the local Children and Families Trust Fund established pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105.

(d) Any county commission established prior to the effective date of this section that substantially complies with the provisions of either subdivision (b) or (c) shall be deemed to be in compliance with this section.

(e) (1) Individually identifiable physical or mental health information, substance abuse information, child care or education information, personnel or employment information, financial information, criminal justice information, or demographic information, regarding a child or a child's parent, legal guardian, or other family member, that is provided to a county commission by a parent, legal guardian, family member, health care provider, health plan, public health authority, school, law enforcement agency, social services agency, probation agency, or any other source, shall be considered confidential, and may be disclosed only to a person, agency, or entity that receives funding from the county commission, by way of a grant award or contract or as a service provider for the provision of early childhood services, and only to the extent necessary to the provision of services, unless further disclosure is authorized by a written consent of the parent or legal guardian, or where disclosure is required by state or federal law.

(2) Confidential information identified in accordance with this section shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government **Code**).

130145. The state commission and each county commission shall establish one or more advisory committees to provide technical and professional expertise and support for any purposes that will be beneficial in accomplishing the purposes of this act. Each advisory committee shall meet and shall make recommendations and reports as deemed necessary or appropriate.

130150. (a) On or before October 15 of each year, each county commission shall conduct an audit of, and issue a written report on the implementation and performance of, its functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward, and the achievement of, program goals and objectives, and information on programs funded and populations served for all funded programs.

On or before November 1 of each year, each county commission shall submit its audit and report to the state commission for inclusion in the state commission's consolidated report required in subdivision (b). Each commission shall submit its report in a format prescribed by the state commission if the state commission approves that format in a public meeting prior to the fiscal year during which it is to be used by the county commissions. The state commission shall develop the format in consultation with the county commissions.

(b) The state commission shall, on or before January 31 of each year, do both of the following:

(1) Conduct an audit and prepare a written report on the implementation and performance of the state commission functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended and the progress toward, and the achievement of, program goals and objectives.

(2) Prepare a written report that consolidates, summarizes, analyzes, and comments on the annual audits and reports submitted by all of the county commissions and the Controller for the preceding fiscal year. The written report shall include a listing, by category, of the aggregate expenditures on program areas funded by the state and county commissions pursuant to the purposes of this act, according to a format prescribed by the state commission. This report by the state commission shall be transmitted to the Governor, the Legislature, and each county commission.

(3) In the event a county commission does not submit the information prescribed in subdivision (a), the state commission may

withhold funds that would otherwise have been allocated to the county commission from the California Children and Families Trust Fund pursuant to Section 130140 until the county commission submits the data as required by subdivision (a).

(c) The state commission shall make copies of each of its annual audits and reports available to members of the general public on request and at no cost. The state commission shall furnish each county commission with copies of those documents in a number sufficient for local distribution by the county commission to members of the general public on request and at no cost.

(d) Each county commission shall make copies of its annual audits and reports available to members of the general public on request and at no cost.

130151. (a) In addition to the requirements in Section 130150, the Controller shall issue guidelines for expanded annual audits of each county commission required pursuant to subdivision (b) of Section 130150 and associated quality control functions, subject to funding by the state commission.

(b) The scope of the audits shall address a review of county commission policies and practices with respect to the following elements:

(1) Contracting and procurement policies, to determine whether they are in place pursuant to paragraph (4) of subdivision (d) of Section 130140, whether state and county commissions are operating in accordance with these policies, and whether these policies contain provisions to ensure that the grants and contracts are consistent with the state or county commission's strategic plan.

(2) Administrative costs, to ensure that the county commission's definitions comply with the state commission's guidelines and that the county commission has a process in place to monitor these costs.

(3) Policies and procedures, established pursuant to paragraph (4) of subdivision (d) of Section 130140, designed to assure compliance by the state commission and county commissions with all applicable state and local conflict-of-interest statutes and regulations.

(4) Policies and practices designed to assure that county commissions are adhering to county commission ordinances established pursuant to paragraph (1) of subdivision (a) of Section 130140.

(5) Long-range financial plans, to determine whether state and county commissions have these plans and that the plans have been formally adopted by the commission in a public hearing.

(6) Financial condition of the commission.

(7) Amount commissions spend on program evaluation and the documented results of these expenditures.

(8) Salaries and benefit policies, to determine whether the county commission's employee salaries and benefits comply with the policies that the county commission adopted pursuant to paragraph (6) of subdivision (d) of Section 130140.

(c) The auditor for the state commission or the county commission shall submit each audit report, upon completion, simultaneously to both the Controller and to the state commission or applicable county commission.

(d) The state commission and each respective county commission shall schedule a public hearing within two months of receipt of the audit to discuss findings within the report and any response to the findings. Within two weeks of the public hearing, the state or county commission shall submit to the Controller a response to the audit findings.

(e) Within six months of the state or county commission's response pursuant to subdivision (d), the Controller shall determine whether a county commission has successfully corrected its practices in response to the findings contained in the audit report. The Controller may, after that determination, recommend to the state commission to withhold the allocation of money that the county commission would otherwise receive from the California Children and Families Trust Fund until the Controller determines that the county commission has a viable plan and the ability to correct the practices identified in the audit.

(f) The Controller shall prepare a summary report of the final audits and submit the report to the state commission by November 1 of each year for inclusion in the annual report required pursuant to subdivision (b) of Section 130150.

(g) On or before April 30, 2006, the Controller shall present to the state commission in a public meeting the final audit guidelines and implementation plan. When developing the guidelines, the Controller shall consider the reasonableness of the projected costs and administrative burden of the required audit functions.

130155. The following definitions apply for purposes of this act:

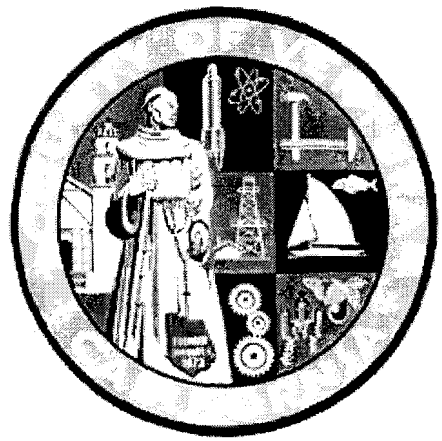
(a) "Act" means the California Children and Families Act of 1998.

(b) "County commission" means each county children and families

commission established in accordance with Section 130140.

(c) "County strategic plan" means the plan adopted by each county children and families commission and submitted to the California Children and Families Commission pursuant to Section 130140.

(d) "State commission" means the California Children and Families Commission established in accordance with Section 130110.



Ordinance Number

4182

Date Adopted

12/22/1998

Subject

VENTURA COUNTY ORDINANCE TO ESTABLISH THE VENTURA COUNTY CHILDREN AND FAMILIES FIRST COMMISSION

Comments

ORDINANCE NO. 4182

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS TO ESTABLISH THE VENTURA COUNTY CHILDREN AND FAMILIES FIRST COMMISSION

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1. Purpose

The California Children and Families First Act of 1998 (Division 108 of the Health and Safety Code), which increases the state surtax on cigarettes and other tobacco products and creates the California Children and Families First Commission (State Commission), was adopted by the voters in the November 3, 1998 election; and the County of Ventura desires to establish a Ventura County Children and Families First Commission (County Commission) and take all other actions necessary and useful to attain eligibility to receive funds from the California Children and Families First Trust Fund for the implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development.

Section 2. Establishment and Composition of Commission

There is hereby established a Ventura County Children and Families First Commission composed of nine members appointed by the Board of Supervisors, for terms as specified in Section 3. The members shall include:

(a) One member of the Board of Supervisors;

(b) Two members shall be selected from among the County Health Officer and persons responsible for management of the following County functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services;

(c) A representative of the Child Care Planning Council, a subdivision of the Ventura County Children, Family and Community Commission (Community Commission);

(d) The remaining five members shall be selected from among members of the Community Commission nominated, one each, by the members of the Board of Supervisors, who are described in (b) above or who are: (1) recipients of project services included in the Plan, (2) educators specializing in early childhood development, (3) representatives of a local child care resource or referral agency or child care coordinating group, (4) representatives of a local organization for prevention or early intervention for families at risk, (5) representatives of community-based organizations that have the goal of promoting nurturing and early childhood development, (6) representatives of local school districts, or (7) representatives of local medical, pediatric, or obstetric associations or societies.

Section 3. Term of Commission Members and Removal

(a) Members of the County Commission appointed pursuant to Section 2(a) through (d) shall serve during their incumbency of the office or position designated, unless earlier removed, with or without cause, by the Board of Supervisors.

(b) The Board of Supervisors shall designate four of the members of the County Commission, initially appointed pursuant to Sections 2(b) and 2(d) to serve for terms of two years or until the appointment of a successor and the other three members shall serve three-year terms or until the appointment of a successor, at the pleasure of the Board of Supervisors. Thereafter, members appointed pursuant to Sections 2(b) and 2(d) shall serve two-year terms or until the appointment of a successor, unless earlier removed, with or without cause, by a majority vote of the Board of Supervisors.

(c) Any member may be removed, at any time, with or without cause, by a majority vote of the members of the Board of Supervisors.

Section 4. Governance and Rule Making

The members of the County Commission shall annually elect a chairperson who shall serve for a term of one year. The County Commission shall make such rules and regulations as are necessary to conduct its business.

Section 5. County Commission Subject to Ralph M. Brown Act

The County Commission's meetings are subject to the open meeting laws contained in the Ralph M. Brown Act (Government Code section 54950 et seq.).

Section 6. Compensation of County Commission Members

County Commission members shall not be compensated for their services, except that they shall be reimbursed for reasonable expenses, if any, incurred to attend meetings and discharging other official responsibilities as authorized by the County Commission and approved by the Board of Supervisors.

Section 7. Adoption of Strategic Plan

The County Commission shall adopt an adequate and complete County Strategic Plan (the Plan) for the support and improvement of early childhood development within the County and shall submit the Plan to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their approval prior to final adoption.

(a) The County Strategic Plan shall be consistent with, and in furtherance of, the purposes of the California Children and Families First Act of 1998 (the Act) and any guidelines adopted by the State Commission pursuant to subdivision (b) of section 130125 of the Health and Safety Code that are in effect at the time the Plan is adopted.

(b) The County Strategic Plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; a description of the programs, services and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services, and projects will be determined by the County Commission using appropriate reliable indicators. No County Strategic Plan shall be deemed adequate or complete until and unless the Plan describes how programs, services, and projects relating to early childhood development within the County will be integrated into a consumer-oriented and easily accessible system.

(c) At least annually and in conjunction with the preparation, adoption and review of the County Strategic Plan, the County Commission shall prepare and submit to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their approval, a budget for all expenditures of funds.

(d) The County Commission shall, on at least an annual basis, be required to periodically review its County Strategic Plan and to revise the Plan as may be necessary or appropriate. Any proposed revision to the Plan shall be submitted to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their review and approval prior to final adoption.

Section 8. Public Hearings and Submission to State Commission

(a) The County Commission shall conduct at least one public hearing on its proposed County Strategic Plan before the Plan is adopted.

(b) The County Commission shall conduct at least one public hearing on its periodic review of the County Strategic Plan before any revisions to the Plan are adopted.

(c) The County Commission shall submit its adopted County Strategic Plan, and any subsequent revisions thereto, to the State Commission.

Section 9. Trust Fund

There is hereby established a Ventura County Children and Families First Trust Fund to be administered by the County of Ventura.

Section 10. Annual Audit and Report

On or before October 15 of each year, the County Commission shall conduct an audit of, and issue a written report on, the implementation and performance of its functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward and the achievement of program goals and objectives, and the measurement of specific outcomes through appropriate reliable indicators. Copies of the audit and report shall be transmitted to the Board of Supervisors and to the State Commission.

Section 11. Definitions

(a) "Act" means the California Children and Families First Act of 1998.

(b) "County Commission" means the Ventura County Children and Families First Commission.

(c) "State Commission" means the California Children and Families First Commission.

(d) "Community Commission" means the Ventura County Children, Family and Community Commission.

(e) "Trust Fund" means the Ventura County Children and Families First Trust Fund.

(f) "County Strategic Plan" or "Plan" means the County of Ventura's strategic plan.

PASSED AND ADOPTED this 22nd day of December, 1998, by the following vote:

AYES: Supervisors Lacey, Schillo, Long, Flynn and Mikels

NOES: None.

ABSENT: None

Judy Mikels
CHAIR, BOARD OF SUPERVISORS

ATTEST:

Richard D. Dean, County Clerk,
County of Ventura, State of
California, and ex officio Clerk
of the Board of Supervisors thereof.

By Roberta Rodriguez
Deputy Clerk

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BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

December 22, 1998 at 9:00 a.m.

ORD. #4182/233

ESTABLISHMENT OF THE VENTURA COUNTY CHILDREN AND FAMILIES FIRST COMMISSION

An Ordinance of the Ventura County Board of Supervisors to Establish the Ventura County Children and Families First Commission, is presented to the Board at this time, and upon motion of Supervisor Flynn, seconded by Supervisor Lacey, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4182.

Board members vote as follows:

Ayes: Supervisors Lacey, Schillo, Long, Flynn and Mikels.

Noes: None.

Absent: None.

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4182.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for an against the same, at least once in the Ventura County Coast Reporter. A newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

Supervisor Lacey
Supervisor Flynn
HSA
Files (3)
Item 24
12/22/98

CERTIFICATE OF PUBLICATION

FOR COURT USE ONLY

CASE NO. & INFO: GI-8852
VENTURA COUNTY CHILDREN & FAMILIES
FIRST COMMISSION

NAME

ROBERTA RODRIGUEZ
4TH FLOOR, HALL OF ADMIN.
800 S. Victoria Avenue
Ventura , CA 93009

STATE OF CALIFORNIA
COUNTY OF VENTURA > **SS**

I, Laurie Montee, hereby certify that the Ventura County Reporter is a newspaper of general circulation within the provisions of the Government Code of the State of California, printed & published in the City of Ventura, County of Ventura, State of California; that I am the principal clerk of the printer of said newspaper that the annexed clipping is true printed copy and was published in said newspaper on the following dates, to wit:

12/31/98.

I certify under penalty of perjury that the foregoing is true and correct, at Ventura, California, on the 31 Day of December, 2000

SIGNATURE Laurie Montee

PROOF OF PUBLICATION

SEE PG 2

CERTIFICATE OF PUBLICATION • Page 2

CASE NO. & INFO: GI-8852

VENTURA COUNTY CHILDREN & FAMILIES FIRST COMMISSION

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS TO ESTABLISH THE VENTURA COUNTY CHILDREN AND FAMILIES FIRST COMMISSION • ORDINANCE NO. 4182

The Board of Supervisors of the County of Ventura ordains as follows. **Section 1. Purpose:** The California Children and Families First Act of 1998 (Division 108 of the Health and Safety Code) which increases the state surtax on cigarettes and other tobacco products and creates the California Children and Families First Commission (State Commission), was adopted by the voters in the November 3, 1998 election, and the County of Ventura desires to establish a Ventura County Children and Families First Commission (County Commission) and take all other actions necessary and useful to attain eligibility to receive funds from the California Children and Families First Trust Fund for the implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development. **Section 2. Establishment and Composition of Commission:** There is hereby established a Ventura County Children and Families First Commission composed of nine members appointed by the Board of Supervisors, for terms as specified in Section 3. The members shall include: **(a)** One member of the Board of Supervisors. **(b)** Two members shall be selected from among the County Health Officer and persons responsible for management of the following County functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services. **(c)** A representative of the Child Care Planning Council, a subdivision of the Ventura County Children, Family and Community Commission (Community Commission). **(d)** The remaining five members shall be selected from among members of the Community Commission nominated, one each, by the members of the Board of Supervisors, who are described in (b) above or who are: **(1)** recipients of project services included in the PIM **(2)** educators specializin in early childhood devbl opment, **(3)** representatives of a local child care resource or referral agency or child cue coordinating group, **(4)** representatives of a local organization for prevention or early intervention for families at risk, **(5)** representatives of community-based organizations that have the goal of promoting nurturing and early childhood development **(6)** representatives of local school districts, or **(7)** representatives of local medical, pediatric, or obstetric associations or societies. **Section 3 Term of commission Members and Removal:** (a) Members of the County Commission appointed pursuant to Section 2(a) through (d) shall serve during their incumbency of the office or position designated, unless earlier removed, with or without cause, by the Board of Supervisors. **(b)** The Board of Supervisors shall designate four of the members of the County Commission, initially appointed pursuant to Sections 2(b) and 2(d) to serve for terms of two years or until the appointment of a successor and the other three members shall serve three-year terms or until the appointment of a successor at the pleasure of the Board of Supervisors. Thereafter, members appointed pursuant to Sections 2(b) and 2(d) shall serve two-year terms or until the appointment of a successor unless earlier removed, with or without cause, by a majority vote of the Board of Supervisors. (c) Any member may be removed, at any time, with or without cause, by a majority vote of the members of the Board of Supervisors. **Section 4. Governance and Rule Making:** The members of the County Commission shall annually elect a chairperson who shall serve for a term of one year. The County Connaission shall make such rules and regulations as are necessary to conduct its business. **Section 5. County Commission Subject to Ralph M. Brown Act:** The County Commission's meeting are subject to the open meeting laws contained in the Ralph M. Brown Act (Government Code section 54950 et seq.). **Section 6. Compensation of County Commission Members:** County Commission members shall not be compensated for their services , ept that they shall be reimbursed for reasonable expenses, if any, incurred to attend meetings and discharging other official responsibilities as authorized by the County Commission and approved by the Board of Supervisors. **Section 7. Adoption of Strategic Plan:** The County Commission shall adopt an adequate and complete County Strategic Plan (the Plan) for the support and improvement of early childhood development within the County and shall submit the Plan to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their approval prior to final adoption. **(a)** The County Strategic Plan shall be consistent with, and in furtherance of, the Purposes Of the California Children and Families First Act of 1998 (the Act) and any guidelines adopted by the State Commission Pursuant to subdivision **(b)** of section 130125 of the Health and Safety Code that are in effect at the time the Plan is adopted. (b) The County Strategic, Plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; a description of the programs, services and projects proposed to be provided, sponsored, or facilitated, and a description of how measurable outcomes of such programs, services, and projects will be determined by the County Commission using appropriate reliable indicators. No County Strategic Plan shall be deemed adequate or complete until and unless the Plan describes how programs, services, and projects relating to early childhood development within the County will be integrated into a consumer-oriented and easily accessible system. **(c)** At least annually and in conjunction with the preparation, adoption and review of the County Strategic plan, the County Commission shall prepare and submit to the Ventura County Children, Family and community commission and the Board of Supervisors for their approval, a budget for all expenditures of funds. (d) The County Commission shall on at least an annual basis, be required to periodically review its County Strategic Plan ad to revise the Plan as may be necessary or appropriate. Any proposed revision to the Plan shall be submitted to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their review and approval prior to final adoption. **Section 8. Public Hearings and Submission to State Commission:** **(a)** The county Commission shall conduct at least one public hearing on its proposed County Strategic Plan before the plan is adopted. **(b)** The County Commission shall conduct at least one public hearing on its periodic review of the County Strategic plan before ally revisions to the Plan are adopted. **(c)** The County Commission SW submit its adopted County Strategic Plan, and Any subsequent revisions thereto, to the State Commission. **Section 9. Trust Fund:** There is hereby established a Ventura County Children and Families First Trust Fund to be administered by the County of Ventura. **Section 10. Annual Audit and Report:** On or before October 15 of each year, the County commission shall conduct an audit of, and issue a written report on, the implementation and perform ance of its funtions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward and the achievement of program goals and objectives, and the measurement of specific outcomes through appropriate reliable indicators. Copies of the audit and report shall be transmitted to the Board of Supervisors and to the State Commission. **Section 11. Definitions:** **(a)** "Act" means the California Children and Families First Act of 1998. **(b)** "County Commission" means the Ventura County Children and Families First Commission. **(c)** "State Commission" means the California Children and Families First Commission. **(d)** "Community Commission" means the Ventura County Children, Family and Community Commission. **(e)** "Trust Fund" means the Ventura County Children and Families First Trust Fund. **(f)** "County Strategic Plan" or "Plan" means the County of Ventura's strategic plan. **PASSED AND ADOPTED** this 22nd day of December, 1998, by the following vote: **AYES:** Supervisors Lacey, Schills, Long, Flynn and Mikels. **NOES:** None. ABSENT: None. SIGNED: **Judy Mikels, CHAIR, BOARD OF SUPERVISORS. ATTEST:** Richard D. Dean, County Clerk, County of Ventura, state Of California, and ex officio Clerk of the Board of Supervisors thereof. By: Roberta Rodriguez, Deputy Clerk. **• Publish: Dec. 31, 1998.**

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS SUSAN K. LACEY, FRANK SCHILLO, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN
December 15, 1998 at 8:30 a.m.

233 ORD #4182

POLICY MATTER - Recommendation of Supervisors Flynn and Lacey to Adopt an Ordinance Establishing the Ventura County Children and Families First Commission. READ ORDINANCE IN TITLE ONLY; CONTINUE FINAL ADOPTION TO DECEMBER 22, 1998 AT 9:00 A.M.

( ) All board members are present.

(X) All board members are present except Supervisor Schillo.

( ) The following person(s) are heard: _____.

(X) Copy of Page Two of Ordinance showing correction to Section 3(b).

( ) The Board holds a public hearing.

(X) Upon motion of Supervisor Flynn, seconded by Supervisor Lacey and duly carried, the Board hereby approves the staff recommendations with the following modification: Page Two of Ordinance, Section 3(b), line three, should read: . . . two years or until the appointment of a successor and the other **three** members shall serve . . ., reads ordinance in title only; Continue Final Adoption to December 22, 1998 at 9:00 a.m.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: KAREL L. PLACENCIA
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____

Item # 40
12/15/98

DISTRIBUTION: Originating Agency, Auditor, File _____

MEMBERS OF THE BOARD
JUDY MIKELS
Chair
SUSAN K. LACEY
FRANK SCHILLO
KATHY I. LONG
JOHN K. FLYNN

KATHY I. LONG
SUPERVISOR, THIRD DISTRICT
(805) 654-2276
FAX: (805) 654-2226
E-mail: kathy.long@mail.co.ventura.ca.us
TOLL FREE NUMBERS:
CAMARILLO/LA CONCHITA/OJAI (805) 654-5000 EXT. 6542276
ALL OTHER AREAS (800) 660-5474 EXT. 6542276

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION, L #1880
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

December 15, 1998

Board of Supervisors
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009

SUBJECT: ORDINANCE ESTABLISHING THE VENTURA COUNTY CHILDREN AND FAMILIES FIRST COMMISSION (FIRST READING)

RECOMMENDATION:

That your Board adopt the attached Ordinance Of The Ventura County Board of Supervisors to Establish The Ventura County Children and Families First Commission and The Ventura County Children and Families First Commission Trust Fund as required by Proposition 10, The California Children and Families First Act of 1998.

FISCAL/MANDATES IMPACT:

Any fiscal impacts will be covered by Proposition 10.

DISCUSSION:

Proposition 10, The California Children and Families First Act of 1998, approved by the voters on November 3, 1998 increases the state surtax on cigarettes and other tobacco products and is anticipated to generate millions of dollars for the county to use in connection with early childhood development programs. Although the tax will not commence until January 1999 there are certain steps which must be taken to qualify for the receipt of funds.

The four steps that must be taken include:

1. The adoption of an ordinance by the county Board of Supervisors containing several specific features;
2. The actual establishment of the commission provided for in the ordinance and that appointment of a majority of its members;

Recycled Paper

3. The establishment of a trust fund for the receipt of program funds; and
4. The adoption of an adequate and complete county strategic plan containing certain specific components.

The recommendation before you today is to adopt the required ordinance. The ordinance sets the parameters for the establishment and composition of the commission; the terms and removal procedures of commission members; adoption of the strategic plan; public hearings; establishment of the trust fund; and annual audit and report.

If you have any questions please contact Supervisor Susan Lacey at (805) 654-2703, Supervisor Kathy Long at (805) 654-2276, or County Counsel Jim McBride at (805) 654-2581.

Sincerely,

KATHY I. LONG
Supervisor, Third District

SUSAN K. LACEY
Supervisor, First District

Attachment

Recycled Paper

(d) The remaining five members shall be selected from among members of the Community Commission nominated, one each, by the members of the Board of Supervisors, who are described in (b) above or who are: (1) recipients of project services included in the Plan, (2) educators specializing in early childhood development, (3) representatives of a local child care resource or referral agency or child care coordinating group, (4) representatives of a local organization for prevention or early intervention for families at risk, (5) representatives of community-based organizations that have the goal of promoting nurturing and early childhood development, (6) representatives of local school districts, or (7) representatives of local medical, pediatric, or obstetric associations or societies.

Section 3. Term of Commission Members and Removal

(a) Members of the County Commission appointed pursuant to Section 2(a) through (d) shall serve during their incumbency of the office or position designated, unless earlier removed, with or without cause, by the Board of Supervisors.

(b) The Board of Supervisors shall designate three of the members of the County Commission, initially appointed pursuant to Sections 2(b) and 2(d) to serve for terms of two years or until the appointment of a successor and the other two members shall serve three-year terms or until the appointment of a successor, at the pleasure of the Board of Supervisors. Thereafter, members appointed pursuant to Sections 2(b) and 2(d) shall serve two-year terms or until the appointment of a successor, unless earlier removed, with or without cause, by a majority vote of the Board of Supervisors.

(c) Any member may be removed, at any time, with or without cause, by a majority vote of the members of the Board of Supervisors.

Section 4. Governance and Rule Making

The members of the County Commission shall annually elect a chairperson who shall serve for a term of one year. The County Commission shall make such rules and regulations as are necessary to conduct its business.

Section 5. County Commission Subject to Ralph M. Brown Act

The County Commission's meetings are subject to the open meeting laws contained in the Ralph M. Brown Act (Government Code section 54950 et seq.).

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, FRANK SCHILLO, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN

June 25, 2002 at 8:30 a.m.

205/ORD. # /ORD. #4182/ORD. #4192/ORD.#4198

POLICY MATTER – Recommendation of Supervisor Long to Revise an Ordinance of the Ventura County Board of Supervisors Relating to the Children and Families First Commission of Ventura County.
READ ORDINANCE IN TITLE ONLY; CONTINUE FINAL ADOPTION TO JULY 2, 2002 AT 9:00 A.M.

(X) All board members are present.

(X) The following person(s) are heard: Supervisor Long .

(X) Upon motion of Supervisor Long, seconded by Supervisor Bennett, and duly carried, the Board hereby approves the attached staff recommendation; Read Ordinance in Title Only and Continues Final Adoption to July 2, 2002 at 9:00 a.m.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.

( ) Without motion, the Board hereby makes the attached presentation.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: _____
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument Is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy County Clerk

Item #34
06/25/02

DISTRIBUTION: Originating Agency, Auditor, File

MEMBERS OF THE BOARD
JOHN K. FLYNN
Chair
STEVE BENNETT
FRANK SCHILLO
KATHY I. LONG
JUDY MIKELS

KATHY I. LONG
SUPERVISOR, THIRD DISTRICT
(805) 654-2276
FAX: (805) 654-2226
(800) 660-5474 EXT. 6542276
E-mail: kathy.long@mail.co.ventura.ca.us

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION, L #1880
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

June 25, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Revised Ordinance of the Ventura County Board of Supervisors Relating to the Children & Families First Commission of Ventura County

Dear Board Members:

RECOMMENDATION
Recommend the Board read in title only and continue final adoption to July 2, 2002 at 9:00 a.m.

FISCAL IMPACT
Changes are administrative only and should not have significant financial impact. Any minor fiscal impact will be covered by the Commission.

DISCUSSION
The Children and Families First Commission (CFFC) was established in 1999 by Ordinance 4182 and amended by Ordinances 4192 and 4198 for the purpose of administering the Proposition 10 tobacco tax funds. These funds are administered by a nine-member commission and directed to organizations and agencies throughout Ventura County that provide programs and services to families with infants and children through the age of 5.

The CFFC has initiated this recommendation and determined the ordinance revisions are desirable in bringing clarity to the commission's duties and name. The new ordinance, which is attached for your review, was thoroughly reviewed by County Counsel prior to the CFFC's unanimous support at their May 16, 2002 meeting. Specific changes are noted in the attached summary.

I have served on the CFFC as the Board's representative since its inception and fully support the recommended changes.

Sincerely,

Kathy I. Long

KATHY I. LONG
Supervisor Third District

Attachments: Ordinance
Summary of Changes

Recycled Paper

ORDINANCE NO._____

REVISED ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS RELATING TO THE CHILDREN & FAMILIES FIRST COMMISSION OF VENTURA COUNTY

Whereas, the Ventura County Children & Families First Commission ("Commission") has been previously established and has been functioning in Ventura County pursuant to prior ordinances enacted by the Ventura County Board of Supervisors; and

Whereas, it is desired to change the official name of the Commission to the "Children & Families First Commission of Ventura County" and to consolidate previous ordinances into a single revised ordinance and make minor changes and clarifications in connection therewith.

NOW THEREFORE, the Board of Supervisors of the County of Ventura hereby adopts this revised ordinance and ordains as follows:

Section 1. Purpose

The California Children and Families First Act of 1998 (Division 108 of the Health and Safety Code), which increases the state surtax on cigarettes and other tobacco products and created the California Children & Families First Commission (State Commission), was adopted by the voters in the November 3, 1998 election; and the County of Ventura desires to establish a Children & Families First Commission of Ventura County (County Commission) and take all other actions necessary and useful to attain eligibility to receive funds from the California Children and Families First Trust Fund for the implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development.

Section 2. Establishment and Composition of Commission

There is hereby established a Children & Families First Commission of Ventura County composed of nine members appointed by the Board of Supervisors, for terms as specified in Section 3. The members shall include:

(a) One member of the Board of Supervisors;

(b) Two members recommended by the County Executive Officer. The members recommended by the County Executive Officer shall be selected from among the County Health Officer and persons responsible for management of the following County functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services;

(c) A representative recommended by the Child Care Planning Council;

(d) The remaining five members shall be selected from among members of the Ventura County Children, Family and Community Commission (Community Commission) nominated, one each, by the members of the Board of Supervisors, who are either described in (b) above or are: (1) recipients of project services included in the Plan, (2) educators specializing

in early childhood development, (3) representatives of a local child care resource or referral agency or child care coordinating group, (4) representatives of a local organization for prevention or early intervention for families at risk, (5) representatives of community-based organizations that have the goal of promoting nurturing and early childhood development, (6) representative of local school districts, or (7) representatives of local medical, pediatric, or obstetric associations or societies.

Section 3. Term of Commission Members and Removal

(a) The member of the County Commission appointed pursuant to Section 2(a) shall serve during their incumbency of the office, unless earlier removed, with or without cause, by the Board of Supervisors.

(b) Members of the County Commission appointed pursuant to Section 2(b) shall serve (1) during their incumbency in the office or position designated, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors.

(c) The member of the County commission appointed from the Child Care Planning Council shall serve (1) during his/her incumbency on the Child Care Planning Council, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors.

(d) The members of the County Commission appointed pursuant to Section 2(d) shall serve a term coterminous with that of the member of the Board of Supervisors who nominated said member or until the appointment of a successor, unless earlier removed, with or without cause, by a majority vote of the Board of Supervisors.

(e) Any member may be removed, at any time, with or without cause, by a majority vote of the members of the Board of Supervisors.

Section 4. Governance and Rule Making

The members of the County Commission shall annually elect a chairperson who shall serve for a term of one year. The County Commission shall make such rules and regulations as are necessary to conduct its business.

Section 5. County Commission Subject to Ralph M. Brown Act

The County Commission's meetings are subject to the open meeting laws continued in the Ralph M. Brown Act (Government Code section 54950 et seq.)

Section 6. Compensation of County Commission Members

County Commission members shall not be compensated for their services, except that they shall be reimbursed for reasonable expenses, if any, incurred to attend meetings and discharging other official responsibilities as authorized by the County Commission.

Section 7. Adoption of Strategic Plan

(a) The County Commission shall adopt an adequate and complete County Strategic Plan (the Plan) for the support and improvement of early childhood development within the County and shall submit the Plan to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their comment prior to final adoption.

(b) The County Strategic Plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; a description of the programs, services and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services, and projects will be determined by the County Commission using appropriate reliable indicators. No County Strategic Plan shall be deemed adequate or complete until and unless the Plan describes how programs, services, and projects relating to early childhood development with the County will be integrated into a consumer-oriented and easily accessible system.

(c) At least annually and in conjunction with the preparation, adoption and review of the County Strategic Plan, the County Commission shall prepare and submit to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their comment, a budget for all expenditures of funds.

(d) The County Commission shall, on at least an annual basis, be required to periodically review its County Strategic Plan and to revise the Plan as may be necessary or appropriate. Any proposed revision to the Plan shall be submitted to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their review and comment prior to final adoption.

Section 8. Public Hearings and Submission to State Commission

(a) The County Commission shall conduct at least one public hearing on its proposed County Strategic Plan before the Plan is adopted.

(b) The County Commission shall conduct at least one public hearing on its periodic review of the County Strategic Plan before any revisions to the plan are adopted.

(c) The County Commission shall submit its adopted County Strategic Plan, and any subsequent revisions thereto, to the State Commission.

Section 9. Trust Fund

There is hereby established a Children & Families First Commission of Ventura County Trust Fund to be administered by the Children & Families First Commission of Ventura County.

Section 10. Annual Audit Report

On or before October 15, commencing in the year 2000, the County Commission shall conduct an audit of, and issue a written report on, the implementation and performance of its functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward and achievement of program goals and objectives, and the

measurement of specific outcomes through appropriate reliable indicators. Copies of the audit and report shall be transmitted to the Board of Supervisors and to the State Commission.

Section 11. Definitions

(a) "Act" means the California Children and Families First Act of 1998.

(b) "County Commission" means the Children & Families First Commission of Ventura County.

(c) "State Commission" means the California Children & Families Commission.

(d) "Community Commission" means the Ventura County Children, Family and Community Commission.

(e) "Trust Fund" means the Children & Families First Commission of Ventura County Trust Fund.

(f) "County Strategic Plan" or "Plan" means the Children & Families First Commission of Ventura County's strategic plan.

Section 12. Prior Ordinances Superseded

As of its effective date, this Ordinance shall supersede Ordinance Nos. 4182, 4192, and 4198.

The three year terms established in section 3, subdivisions (b) and (c), of this Ordinance shall begin to run with respect to Commissioners currently serving at the time of adoption of this Ordinance on a prospective basis only, with the terms deemed to commence as of January 1, 2003.

Section 13. Effective Date

This Ordinance shall become effective on the 31st day following final passage and adoption.

PASSED AND ADOPTED this ___ day of _____, 2002, by the following vote:

AYES: Supervisors

_____

_____

NOES: _____

ABSENT: _____

_____

_____
CHAIR, BOARD OF SUPERVISORS

ATTEST:

Richard D. Dean, County Clerk,
County of Ventura, State of
California, and ex officio Clerk
of the Board of Supervisors thereof.

By

Deputy Clerk

REVISED ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS RELATING TO THE CHILDREN & FAMILIES FIRST COMMISSION OF VENTURA COUNTY

SUMMARY OF CHANGES

Title: Name changed to: "*Children & Families First Commission of Ventura County.*"

Initial Section

Summarizes intent of changes and consolidates all previous ordinances into a single revised ordinance

Section 1: Purpose

Paragraph 1: Name changed to: "*Children & Families First Commission of Ventura County.*"

Section 2: Establishment and Composition of Commission

Paragraph 1: Name changed to: "*Children & Families First Commission of Ventura County.*"

(b) "*Two members recommended by the County Executive Officer. The members recommended by the County Executive Officer shall be*"...
Clarifies that members from the County agencies will be recommended by the County Executive Officer.

(c) "*A representative recommended by the Child Care Planning Council;*"
Clarifies that the Child Care Planning Council representative should be recommended by the Council. Eliminates language referring to the Child Care Planning Council as a subdivision of the Community Commission, as they are no longer associated.

(d) "*Ventura County Children, Family and Community Commission (Community Commission)*"...
Identifies Ventura County Children, Family and Community Commission as "Community Commission", as this is the first occurrence.

...who are "*either*" described in (b) above "*or ~~who~~ are*"...
Clean-up language to clarify intent.

Section 3: Term of Commission Members and Removal

(a) *"The member of the County Commission appointed pursuant to Section 2(a) shall serve during their incumbency of the office,"...*
Removes reference to members appointed pursuant to Section 2(b) as these positions will have set terms as described in 3(b) below. The only position who will serve during their incumbency of the office will be the member of the Board of Supervisors.

(b) *"Members of the County Commission appointed pursuant to Section 2(b) shall serve (1) during their incumbency in the office or position designated, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors."*
Establishes three-year terms for members appointed pursuant to Section 2(b).

(c) *"The member of the County Commission appointed from the Child Care Planning Council shall serve (1) during his/her incumbency on the Child Care Planning Council, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors."*
Removes language indicating nomination would be done by the Community Commission, as previously noted in Section 2(c).

Clarifies three-year term for member appointed pursuant to Section 2(c).

Changes language from "at the pleasure of the Board of Supervisors".

(d) Change in numbering as section was added.

(e) Change in numbering as section was added.

Section 9: Trust Fund

Name changed in two occurrences to: *"Children & Families First Commission of Ventura County."*

Section 11: Definitions

(b) Name changed to: *"Children & Families First Commission of Ventura County."*

(e) Name changed to: *"Children & Families First Commission of Ventura County."*

(f) Name changed to: *"Children & Families First Commission of Ventura County's."*

Section 12: Prior Ordinances Superseded

New section added, establishing this new ordinance will supersede all prior ordinances. Clarifies when the newly established three year terms will begin.

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

July 2, 2002 at 9:00 a.m.

ORD 4270/205/ORD 4182/ORD 4192/ORD 4198

RELATING TO THE CHILDREN AND FAMILIES FIRST COMMISSION

An Ordinance of the Ventura County Board of Supervisors Relating to the Children and Families First commission of Ventura County, is presented to the Board at this time, and upon motion of Supervisor Bennett, seconded by Supervisor Long, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4270.

Board members vote as follows:

Ayes: Supervisors Bennett, Long, Mikels and Flynn

Noes: None

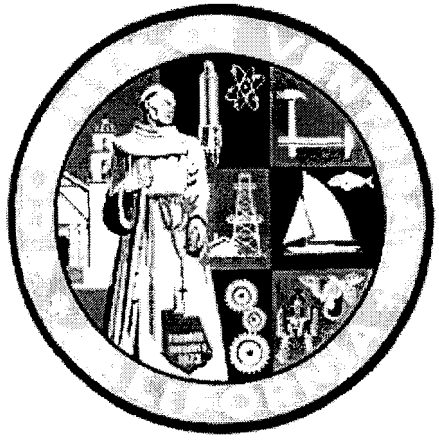
Absent: Supervisor Schillo

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4270.

It is further ordered that said ordinance shall take effect and be enforced at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days a summary of said ordinance shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Santa Paula Times (SPT), a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

HUMAN SERVICE AGENCY
SUPERVISOR LONG
AUDITOR
FILES
ITEM 21
7/2/02
KP



Ordinance Number

4270

Date Adopted

7/2/2002

Subject

VENTURA COUNTY ORDINANCE RELATING TO THE CHILDREN AND FAMILIES FIRST COMMISSION

Comments

ADDITIONAL FILE NUMBERS: ORDINANCE 4192 - ORDINANCE 4198

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

July 2, 2002 at 9:00 a.m.

ORD 4270/205/ORD 4182/ORD 4192/ORD 4198

RELATING TO THE CHILDREN AND FAMILIES FIRST COMMISSION

An Ordinance of the Ventura County Board of Supervisors Relating to the Children and Families First commission of Ventura County, is presented to the Board at this time, and upon motion of Supervisor Bennett, seconded by Supervisor Long, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4270.

Board members vote as follows:

Ayes: Supervisors Bennett, Long, Mikels and Flynn

Noes: None

Absent: Supervisor Schillo

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4270.

It is further ordered that said ordinance shall take effect and be enforced at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days a summary of said ordinance shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Santa Paula Times (SPT), a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

HUMAN SERVICE AGENCY
SUPERVISOR LONG
AUDITOR
FILES
ITEM 21
7/2/02
KP

ORDINANCE NO. 4270

REVISED ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS RELATING TO THE CHILDREN & FAMILIES FIRST COMMISSION OF VENTURA COUNTY

Whereas, the Ventura County Children & Families First Commission ("Commission") has been previously established and has been functioning in Ventura County pursuant to prior ordinances enacted by the Ventura County Board of Supervisors; and

Whereas, it is desired to change the official name of the Commission to the "Children & Families First Commission of Ventura County" and to consolidate previous ordinances into a single revised ordinance and make minor changes and clarifications in connection therewith.

NOW THEREFORE, the Board of Supervisors of the County of Ventura hereby adopts this revised ordinance and ordains as follows:

Section 1. Purpose

The California Children and Families First Act of 1998 (Division 108 of the Health and Safety Code), which increases the state surtax on cigarettes and other tobacco products and created the California Children & Families First Commission (State Commission), was adopted by the voters in the November 3, 1998 election; and the County of Ventura desires to establish a Children & Families First Commission of Ventura County (County Commission) and take all other actions necessary and useful to attain eligibility to receive funds from the California Children and Families First Trust Fund for the implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development.

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There is hereby established a Children & Families First Commission of Ventura County composed of nine members appointed by the Board of Supervisors, for terms as specified in Section 3. The members shall include:

(a) One member of the Board of Supervisors;

(b) Two members recommended by the County Executive Officer. The members recommended by the County Executive Officer shall be selected from among the County Health Officer and persons responsible for management of the following County functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services;

(c) A representative recommended by the Child Care Planning Council;

(d) The remaining five members shall be selected from among members of the Ventura County Children, Family and Community Commission (Community Commission) nominated, one each, by the members of the Board of Supervisors, who are either described in (b) above or are: (1) recipients of project services included in the Plan, (2) educators specializing

in early childhood development, (3) representatives of a local child care resource or referral agency or child care coordinating group, (4) representatives of a local organization for prevention or early intervention for families at risk, (5) representatives of community-based organizations that have the goal of promoting nurturing and early childhood development, (6) representative of local school districts, or (7) representatives of local medical, pediatric, or obstetric associations or societies.

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(b) Members of the County Commission appointed pursuant to Section 2(b) shall serve (1) during their incumbency in the office or position designated, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors.

(c) The member of the County commission appointed from the Child Care Planning Council shall serve (1) during his/her incumbency on the Child Care Planning Council, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors.

(d) The members of the County Commission appointed pursuant to Section 2(d) shall serve a term coterminous with that of the member of the Board of Supervisors who nominated said member or until the appointment of a successor, unless earlier removed, with or without cause, by a majority vote of the Board of Supervisors.

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County Commission members shall not be compensated for their services, except that they shall be reimbursed for reasonable expenses, if any, incurred to attend meetings and discharging other official responsibilities as authorized by the County Commission.

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(a) The County Commission shall adopt an adequate and complete County Strategic Plan (the Plan) for the support and improvement of early childhood development within the County and shall submit the Plan to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their comment prior to final adoption.

(b) The County Strategic Plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; a description of the programs, services and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services, and projects will be determined by the County Commission using appropriate reliable indicators. No County Strategic Plan shall be deemed adequate or complete until and unless the Plan describes how programs, services, and projects relating to early childhood development with the County will be integrated into a consumer-oriented and easily accessible system.

(c) At least annually and in conjunction with the preparation, adoption and review of the County Strategic Plan, the County Commission shall prepare and submit to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their comment, a budget for all expenditures of funds.

(d) The County Commission shall, on at least an annual basis, be required to periodically review its County Strategic Plan and to revise the Plan as may be necessary or appropriate. Any proposed revision to the Plan shall be submitted to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their review and comment prior to final adoption.

Section 8. Public Hearings and Submission to State Commission

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measurement of specific outcomes through appropriate reliable indicators. Copies of the audit and report shall be transmitted to the Board of Supervisors and to the State Commission.

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The three year terms established in section 3, subdivisions (b) and (c), of this Ordinance shall begin to run with respect to Commissioners currently serving at the time of adoption of this Ordinance on a prospective basis only, with the terms deemed to commence as of January 1, 2003.

Section 13. Effective Date

This Ordinance shall become effective on the 31st day following final passage and adoption.

PASSED AND ADOPTED this 2 day of July, 2002, by the following vote:

AYES: Supervisors Bennett, Long, Mikels and Flynn

NOES: None

ABSENT: Supervisor Schultz

John K. Flynn
CHAIR, BOARD OF SUPERVISORS

ATTEST:

Richard D. Dean, County Clerk,
County of Ventura, State of
California, and ex officio Clerk
of the Board of Supervisors thereof.

By Laura L. Placencia
Deputy Clerk

ORD 4270

County of Ventura/ Clerk, Board of Supervisors Division
Hall of Administration, 4th Floor
800 South Victoria Ave.
Ventura, CA 93009-1920

RECEIVED
JUL 23 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of Ventura,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Ventura County Reporter, a newspaper of general circulation, printed and published weekly in the City of Ventura, County of Ventura, and which newspaper has been adjudged a newspaper of general circulation in Ventura, Oxnard, Camarillo, Ojai, Thousand Oaks, Newberry Park, Port Hueneme, and Westlake by the Superior Court of the County of Ventura, State of California, under the date of August 20, 1981, Case Number SP50329; that the notice, of which the annexed is a printed copy (set in type no smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

July 11, 2002

all in the year 2002

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Ventura, California,

This July 11, 2002

Signature

ORDINANCE NO. 4270

REVISED ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS RELATING TO THE CHILDREN & FAMILIES FIRST COMMISSION OF VENTURA COUNTY

Whereas, the Ventura County Children & Families First Commission ("Commission") has been previously established and has been functioning in Ventura County pursuant to prior ordinances enacted by the Ventura County Board of Supervisors; and

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NOW THEREFORE, the Board of Supervisors of the County of Ventura hereby adopts this revised ordinance and ordains as follows:

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There is hereby established a Children & Families First Commission of Ventura County composed of nine members appointed by the Board of Supervisors, for terms as specified in Section 3. The members shall include:

(a) One member of the Board of Supervisors;
(b) Two members recommended by the County Executive Officer. The members recommended by the County Executive Officer shall be selected from among the County Health Officer and persons responsible and management of the following County functions; children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services;

legals
Continued on Page 44

(c) A representative recommended by the Child Care Planning Council; (d) The remaining five members shall be selected from among members of the Ventura County Children, Family and Community Commission (Community Commission) nominated, one each, by the members of the Board of Supervisors, who are either described in (b) above or are; (1) recipients of project services included in the Plan; (2) educators specializing in early childhood development, (3) representatives of a local child care resource or referral agency or child care coordinating group, (4) representatives of a local organization for prevention or early intervention for families at risk, (5) representatives of community-based organizations that have the goal of promoting nurturing and early childhood development, (6) representative of local school districts, or (7) representatives of local medical, pediatric, or obstetric associations or societies.

Section 3. Term of Commission Members and Removal

(a) The member of the County Commission appointed pursuant to Section 2(a) shall serve during their incumbency of the office, unless earlier removed, with or without cause, by the Board of Supervisors.
(b) Members of the County Commission appointed pursuant to Section 2(b) shall serve (1) during their incumbency in the office or position designated, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors,
(c) The member of the County commission appointed from the Child Care Planning Council shall serve (1) during his/her incumbency on the Child Care Planning Council, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors,
(d) The members of the County Commission appointed pursuant to Section 2(d) shall serve a term coterminous with that of the member of the Board of Supervisors who nominated said member or until the appointment of a successor, unless earlier removed, with or without cause, by a majority vote of the Board of Supervisors.
(e) Any member may be removed, at any time, with or without cause, by a majority vote of the, members of the Board of Supervisors.

Section 4. Governance and Rule Making

The members of the County Commission shall annually elect a chairperson who shall serve for a term of one year, The County Commission shall make such rules and regulations as are necessary to conduct its business.

Section 5. County Commission Subject to Ralph M. Brown Act

The County Commission's meetings are subject to the open meeting laws continued in the Ralph M. Brown Act (Government Code section 54950 et seq.)

Section 6. Compensation of County Commission Members

County Commission members shall not be compensated for their services, except that they shall be reimbursed for reasonable expenses, if any, incurred to attend meetings and discharging other official responsibilities authorized by the County Commission.

Section 7. Adoption of Strategic Plan

(a) The County Commission shall adopt an adequate and complete County Strategic Plan (the Plan) for the support and improvement of early childhood development within the County and shall submit the Plan to the Ventura County Children. Family and Community Commission and the Board of Supervisors for their comment prior to final adoption,
(b) The County Strategic Plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; a description of the programs, services and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services, and projects will be determined by the County Commission using appropriate reliable indicators. No County Strategic Plan shall be deemed adequate or complete until and unless the Plan describes how programs, services, and projects relating to early childhood development with the County will be integrated into a consumeroriented and easily accessible system.
(c) At least annually and in conjunction with the preparation, adoption and review of the County Strategic Plan, the County Commission shall prepare and submit to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their Comment, a budget for all expenditures of funds,
(d) The County Commission shall, on at least an annual basis, be required to periodically review its County Strategic Plan and to revise the Plan as may be necessary or appropriate, Any proposed revision to the Plan shall be submitted to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their review and comment prior to final adoption,

Section 8. Public Hearings and Submission to State Commission

(a) The County Commission shall conduct at least one public hearing on its proposed County Strategic Plan before the Plan is adopted,
(b) The County Commission shall conduct at least one public hearing on its periodic review of the County Strategic Plan before any revisions to the plan are adopted.
(c) The County Commission shall submit its adopted County Strategic Plan, and any subsequent revisions thereto, to the State Commission,

Section 9. Trust Fund

There is hereby established a Children & families First Commission of Ventura County Trust Fund to be administered by the Children & Families First Commission of Ventura County.

Section 10. Annual Audit Report

On or before October 15, commencing in the year 2000, the County Commission shall conduct an audit of, and is-sue a written report on, the implementation and performance of its functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward and achievement of program goals and objectives, and the measurement of specific outcomes through appropriate reliable indicators. Copies of the audit and report shall be transmitted to the Board of Supervisors and to the State Commission.

Section 11. Definitions

(a) "Act" means the California Children and Families First Act of 1998,
(b) "County Commission" means the Children & Families First Commission of Ventura County.
(c) "State Commission" means the California Children & Families Commission.
(d) "Community Commission" means the Ventura County Children, Family and Community Commission,
(e) "Trust Fund" means the Children & Families First Commission of Ventura County Trust Fund.
(f) "County Strategic Plan" or "Plan" means the Children & Families First Commission of Ventura County's strategic plan.

Section 12. Prior Ordinances Superseded

As of its effective date, this Ordinance shall supersede Ordinance Nos. 4182, 4192, and 4198.

The three year terms established in section 3, subdivisions (b) and (c), of this Ordinance shall begin to run with respect to Commissioners currently serving at the time of adoption of this Ordinance on a prospective basis only, with the terms deemed to commence as of January 1, 2003.

Section 13. Effective Date

This Ordinance shall become effective on the 31st day following final passage and adoption,

PASSED AND ADOPTED this 2 day of July 2002, by the following vote:

AYES: Supervisors Bennett, Long, Mikels and Flynn
NOES: None
ABSENT: Supervisor Schultz
Chair Board of Supervisors; John K Flynn
ATTEST: Richard D Dean, County Clerk, County of Ventura, State of California, and ex officio
clerk of the Board of Supervisors thereof.
By (signed) Karel Placencia
Deputy Clerk
Date: July 11, 2002
Publish: Ventura County Reporter

REVISED ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS RELATING TO THE CHILDREN & FAMILIES FIRST COMMISSION OF VENTURA COUNTY

SUMMARY OF CHANGES

Title: Name changed to: "*Children & Families First Commission of Ventura County.*"

Initial Section

Summarizes intent of changes and consolidates all previous ordinances into a single revised ordinance

Section 1: Purpose

Paragraph 1: Name changed to: "*Children & Families First Commission of Ventura County.*"

Section 2: Establishment and Composition of Commission

Paragraph 1: Name changed to: "*Children & Families First Commission of Ventura County.*"

(b) "*Two members recommended by the County Executive Officer. The members recommended by the County Executive Officer shall be*"...
Clarifies that members from the County agencies will be recommended by the County Executive Officer.

(c) "*A representative recommended by the Child Care Planning Council;*"
Clarifies that the Child Care Planning Council representative should be recommended by the Council. Eliminates language referring to the Child Care Planning Council as a subdivision of the Community Commission, as they are no longer associated.

(d) "*Ventura County Children, Family and Community Commission (Community Commission)*"...
Identifies Ventura County Children, Family and Community Commission as "Community Commission", as this is the first occurrence.

...who are "e*ither*" described in (b) above "*or ~~who~~ are*"...
Clean-up language to clarify intent.

Section 3: Term of Commission Members and Removal

(a) *"The member of the County Commission appointed pursuant to Section 2(a) shall serve during their incumbency of the office,"...*
Removes reference to members appointed pursuant to Section 2(b) as these positions will have set terms as described in 3(b) below. The only position who will serve during their incumbency of the office will be the member of the Board of Supervisors.

(b) *"Members of the County Commission appointed pursuant to Section 2(b) shall serve (1) during their incumbency in the office or position designated, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors."*
Establishes three-year terms for members appointed pursuant to Section 2(b).

(c) *"The member of the County Commission appointed from the Child Care Planning Council shall serve (1) during his/her incumbency on the Child Care Planning Council, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors."*
Removes language indicating nomination would be done by the Community Commission, as previously noted in Section 2(c).

Clarifies three-year term for member appointed pursuant to Section 2(c).

Changes language from "at the pleasure of the Board of Supervisors".

(d) Change in numbering as section was added.

(e) Change in numbering as section was added.

Section 9: Trust Fund

Name changed in two occurrences to: *"Children & Families First Commission of Ventura County."*

Section 11: Definitions

(b) Name changed to: *"Children & Families First Commission of Ventura County."*

(e) Name changed to: *"Children & Families First Commission of Ventura County."*

(f) Name changed to: *"Children & Families First Commission of Ventura County's."*

Section 12: Prior Ordinances Superseded

New section added, establishing this new ordinance will supersede all prior ordinances. Clarifies when the newly established three year terms will begin.

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, FRANK SCHILLO, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN

June 25, 2002 at 8:30 a.m.

205/ORD. # /ORD. #4182/ORD. #4192/ORD.#4198

POLICY MATTER – Recommendation of Supervisor Long to Revise an Ordinance of the Ventura County Board of Supervisors Relating to the Children and Families First Commission of Ventura County.
READ ORDINANCE IN TITLE ONLY; CONTINUE FINAL ADOPTION TO JULY 2, 2002 AT 9:00 A.M.

(X) All board members are present.

(X) The following person(s) are heard: Supervisor Long .

(X) Upon motion of Supervisor Long , seconded by Supervisor Bennett , and duly carried, the Board hereby approves the attached staff recommendation; Read Ordinance in Title Only and Continues Final Adoption to July 2, 2002 at 9:00 a.m.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.

( ) Without motion, the Board hereby makes the attached presentation.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: _____
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument Is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy County Clerk

Item #34
06/25/02

DISTRIBUTION: Originating Agency, Auditor, File

MEMBERS OF THE BOARD
JOHN K. FLYNN
Chair
STEVE BENNETT
FRANK SCHILLO
KATHY I. LONG
JUDY MIKELS

KATHY I. LONG
SUPERVISOR, THIRD DISTRICT
(805) 654-2276
FAX: (805) 654-2226
(800) 660-5474 EXT. 6542276
E-mail: kathy.long@mail.co.ventura.ca.us

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION, L #1880
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

June 25, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Revised Ordinance of the Ventura County Board of Supervisors Relating to the Children & Families First Commission of Ventura County

Dear Board Members:

RECOMMENDATION
Recommend the Board read in title only and continue final adoption to July 2, 2002 at 9:00 a.m.

FISCAL IMPACT
Changes are administrative only and should not have significant financial impact. Any minor fiscal impact will be covered by the Commission.

DISCUSSION
The Children and Families First Commission (CFFC) was established in 1999 by Ordinance 4182 and amended by Ordinances 4192 and 4198 for the purpose of administering the Proposition 10 tobacco tax funds. These funds are administered by a nine-member commission and directed to organizations and agencies throughout Ventura County that provide programs and services to families with infants and children through the age of 5.

The CFFC has initiated this recommendation and determined the ordinance revisions are desirable in bringing clarity to the commission's duties and name. The new ordinance, which is attached for your review, was thoroughly reviewed by County Counsel prior to the CFFC's unanimous support at their May 16, 2002 meeting. Specific changes are noted in the attached summary.

I have served on the CFFC as the Board's representative since its inception and fully support the recommended changes.

Sincerely,

Kathy I. Long

KATHY I. LONG
Supervisor Third District

Attachments: Ordinance
Summary of Changes

Recycled Paper

ORDINANCE NO._____

REVISED ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS RELATING TO THE CHILDREN & FAMILIES FIRST COMMISSION OF VENTURA COUNTY

Whereas, the Ventura County Children & Families First Commission ("Commission") has been previously established and has been functioning in Ventura County pursuant to prior ordinances enacted by the Ventura County Board of Supervisors; and

Whereas, it is desired to change the official name of the Commission to the "Children & Families First Commission of Ventura County" and to consolidate previous ordinances into a single revised ordinance and make minor changes and clarifications in connection therewith.

NOW THEREFORE, the Board of Supervisors of the County of Ventura hereby adopts this revised ordinance and ordains as follows:

Section 1. Purpose

The California Children and Families First Act of 1998 (Division 108 of the Health and Safety Code), which increases the state surtax on cigarettes and other tobacco products and created the California Children & Families First Commission (State Commission), was adopted by the voters in the November 3, 1998 election; and the County of Ventura desires to establish a Children & Families First Commission of Ventura County (County Commission) and take all other actions necessary and useful to attain eligibility to receive funds from the California Children and Families First Trust Fund for the implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development.

Section 2. Establishment and Composition of Commission

There is hereby established a Children & Families First Commission of Ventura County composed of nine members appointed by the Board of Supervisors, for terms as specified in Section 3. The members shall include:

(a) One member of the Board of Supervisors;

(b) Two members recommended by the County Executive Officer. The members recommended by the County Executive Officer shall be selected from among the County Health Officer and persons responsible for management of the following County functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services;

(c) A representative recommended by the Child Care Planning Council;

(d) The remaining five members shall be selected from among members of the Ventura County Children, Family and Community Commission (Community Commission) nominated, one each, by the members of the Board of Supervisors, who are either described in (b) above or are: (1) recipients of project services included in the Plan, (2) educators specializing

in early childhood development, (3) representatives of a local child care resource or referral agency or child care coordinating group, (4) representatives of a local organization for prevention or early intervention for families at risk, (5) representatives of community-based organizations that have the goal of promoting nurturing and early childhood development, (6) representative of local school districts, or (7) representatives of local medical, pediatric, or obstetric associations or societies.

Section 3. Term of Commission Members and Removal

(a) The member of the County Commission appointed pursuant to Section 2(a) shall serve during their incumbency of the office, unless earlier removed, with or without cause, by the Board of Supervisors.

(b) Members of the County Commission appointed pursuant to Section 2(b) shall serve (1) during their incumbency in the office or position designated, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors.

(c) The member of the County commission appointed from the Child Care Planning Council shall serve (1) during his/her incumbency on the Child Care Planning Council, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors.

(d) The members of the County Commission appointed pursuant to Section 2(d) shall serve a term coterminous with that of the member of the Board of Supervisors who nominated said member or until the appointment of a successor, unless earlier removed, with or without cause, by a majority vote of the Board of Supervisors.

(e) Any member may be removed, at any time, with or without cause, by a majority vote of the members of the Board of Supervisors.

Section 4. Governance and Rule Making

The members of the County Commission shall annually elect a chairperson who shall serve for a term of one year. The County Commission shall make such rules and regulations as are necessary to conduct its business.

Section 5. County Commission Subject to Ralph M. Brown Act

The County Commission's meetings are subject to the open meeting laws continued in the Ralph M. Brown Act (Government Code section 54950 et seq.)

Section 6. Compensation of County Commission Members

County Commission members shall not be compensated for their services, except that they shall be reimbursed for reasonable expenses, if any, incurred to attend meetings and discharging other official responsibilities as authorized by the County Commission.

Section 7. Adoption of Strategic Plan

(a) The County Commission shall adopt an adequate and complete County Strategic Plan (the Plan) for the support and improvement of early childhood development within the County and shall submit the Plan to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their comment prior to final adoption.

(b) The County Strategic Plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; a description of the programs, services and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services, and projects will be determined by the County Commission using appropriate reliable indicators. No County Strategic Plan shall be deemed adequate or complete until and unless the Plan describes how programs, services, and projects relating to early childhood development with the County will be integrated into a consumer-oriented and easily accessible system.

(c) At least annually and in conjunction with the preparation, adoption and review of the County Strategic Plan, the County Commission shall prepare and submit to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their comment, a budget for all expenditures of funds.

(d) The County Commission shall, on at least an annual basis, be required to periodically review its County Strategic Plan and to revise the Plan as may be necessary or appropriate. Any proposed revision to the Plan shall be submitted to the Ventura County Children, Family and Community Commission and the Board of Supervisors for their review and comment prior to final adoption.

Section 8. Public Hearings and Submission to State Commission

(a) The County Commission shall conduct at least one public hearing on its proposed County Strategic Plan before the Plan is adopted.

(b) The County Commission shall conduct at least one public hearing on its periodic review of the County Strategic Plan before any revisions to the plan are adopted.

(c) The County Commission shall submit its adopted County Strategic Plan, and any subsequent revisions thereto, to the State Commission.

Section 9. Trust Fund

There is hereby established a Children & Families First Commission of Ventura County Trust Fund to be administered by the Children & Families First Commission of Ventura County.

Section 10. Annual Audit Report

On or before October 15, commencing in the year 2000, the County Commission shall conduct an audit of, and issue a written report on, the implementation and performance of its functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward and achievement of program goals and objectives, and the

measurement of specific outcomes through appropriate reliable indicators. Copies of the audit and report shall be transmitted to the Board of Supervisors and to the State Commission.

Section 11. Definitions

(a) "Act" means the California Children and Families First Act of 1998.

(b) "County Commission" means the Children & Families First Commission of Ventura County.

(c) "State Commission" means the California Children & Families Commission.

(d) "Community Commission" means the Ventura County Children, Family and Community Commission.

(e) "Trust Fund" means the Children & Families First Commission of Ventura County Trust Fund.

(f) "County Strategic Plan" or "Plan" means the Children & Families First Commission of Ventura County's strategic plan.

Section 12. Prior Ordinances Superseded

As of its effective date, this Ordinance shall supersede Ordinance Nos. 4182, 4192, and 4198.

The three year terms established in section 3, subdivisions (b) and (c), of this Ordinance shall begin to run with respect to Commissioners currently serving at the time of adoption of this Ordinance on a prospective basis only, with the terms deemed to commence as of January 1, 2003.

Section 13. Effective Date

This Ordinance shall become effective on the 31st day following final passage and adoption.

PASSED AND ADOPTED this ___ day of _____, 2002, by the following vote:

AYES: Supervisors

_____

_____

NOES: _____

ABSENT:

CHAIR, BOARD OF SUPERVISORS

ATTEST:

Richard D. Dean, County Clerk,
County of Ventura, State of
California, and ex officio Clerk
of the Board of Supervisors thereof.

By

Deputy Clerk

REVISED ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS RELATING TO THE CHILDREN & FAMILIES FIRST COMMISSION OF VENTURA COUNTY

SUMMARY OF CHANGES

Title: Name changed to: *"Children & Families First Commission of Ventura County."*

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(b) *"Two members recommended by the County Executive Officer. The members recommended by the County Executive Officer shall be"...*
Clarifies that members from the County agencies will be recommended by the County Executive Officer.

(c) *"A representative recommended by the Child Care Planning Council;"*
Clarifies that the Child Care Planning Council representative should be recommended by the Council. Eliminates language referring to the Child Care Planning Council as a subdivision of the Community Commission, as they are no longer associated.

(d) *"Ventura County Children, Family and Community Commission (Community Commission)"...*
Identifies Ventura County Children, Family and Community Commission as "Community Commission", as this is the first occurrence.

...who are "*either*" described in (b) above "*or ~~who~~ are*"...
Clean-up language to clarify intent.

Section 3: Term of Commission Members and Removal

(a) *"The member of the County Commission appointed pursuant to Section 2(a) shall serve during their incumbency of the office,"...*
Removes reference to members appointed pursuant to Section 2(b) as these positions will have set terms as described in 3(b) below. The only position who will serve during their incumbency of the office will be the member of the Board of Supervisors.

(b) *"Members of the County Commission appointed pursuant to Section 2(b) shall serve (1) during their incumbency in the office or position designated, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors."*
Establishes three-year terms for members appointed pursuant to Section 2(b).

(c) *"The member of the County Commission appointed from the Child Care Planning Council shall serve (1) during his/her incumbency on the Child Care Planning Council, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors."*
Removes language indicating nomination would be done by the Community Commission, as previously noted in Section 2(c).

Clarifies three-year term for member appointed pursuant to Section 2(c).

Changes language from "at the pleasure of the Board of Supervisors".

(d) Change in numbering as section was added.

(e) Change in numbering as section was added.

Section 9: Trust Fund

Name changed in two occurrences to: *"Children & Families First Commission of Ventura County."*

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(f) Name changed to: *"Children & Families First Commission of Ventura County's."*

Section 12: Prior Ordinances Superseded

New section added, establishing this new ordinance will supersede all prior ordinances. Clarifies when the newly established three year terms will begin.

Amended Bylaws of the Children & Families First Commission of Ventura County

Adopted October 1, 1999
Amended October 2000
Amended October 2002
Amended June 2003

Article I

Authority

The Children & Families First Commission of Ventura County was created by Ventura County Board of Supervisors Ordinance No 4182 pursuant to California Health and Safety Code section 13110 et seq. ("Children and Families First Act of 1998", hereafter "the Act") and currently operates pursuant to the Act and Ventura County Ordinance No. 4270.

Purpose and Mission

The purpose and mission of the Children & Families First Commission of Ventura County is to promote, support, and improve the early development of children from the prenatal stage to five years of age.

Article II

Duties

The duties of the Children & Families First Commission of Ventura County ("Commission") shall include the following:

(1.) Adopt an adequate and complete County Strategic Plan for the support and improvement of early childhood development within the County, consistent with the requirements of the Act and any state regulations or guidelines hereinafter enacted to implement the Act.

(2.) At least annually, carry out a periodic review of the County Strategic Plan and revise the plan as may be necessary or appropriate. The Commission shall conduct at least one public hearing on its periodic review of the plan before any revisions to the plan are adopted.

(3.) Submit its adopted County Strategic Plan, and any subsequent revisions thereto, to the State Children and Families First Commission ("State Commission").

(4.) Prepare and adopt an annual audit and report pursuant to section 130150 of the Health and Safety Code. The commission shall conduct at least one public hearing prior to adopting any annual audit and report.

(5.) Conduct at least one public hearing on each annual report by the State Commission prepared pursuant to subdivision (b) of section 130150 of the Health and Safety Code.

(6.) Establish one or more advisory committees to provide technical and professional expertise and support for any purposes that will be beneficial in accomplishing the purpose of the Act.

(7.) Apply for gifts, grants, donations or contributions of money, property, facilities, or services from any person, corporation, foundation, or other entity, or from the state or any agency or political subdivision thereof, or from the federal government or any agency or instrumentality thereof, in furtherance of a countywide program of early childhood development.

(8.) Enter into such contracts as necessary or appropriate to carry out the provisions and purposes of the Act, or the County's ordinance.

Article III

A. Appointment: The Commission is composed of nine members appointed by the Board of Supervisors for the terms specified below. The members shall include:

(1.) One member of the Board of Supervisors;

(2.) Two members recommended by the County Executive Officer. The members recommended by the County Executive Officer shall be selected from among the County Health Officer and persons responsible for management of the following County functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services;

(3.) A representative recommended by the Child Care Planning Council;

(4.) The remaining five members shall be selected from among members of the Ventura County Children, Family and Community Commission nominated, one each, by the members of the Board of Supervisors, who are either described in (2) above or are: (a) recipients of project services included in the plan; (b) educators specializing in early childhood development; (c) representatives of a local child care resource or referral agency or child care coordinating group; (d) representatives of a local organization for prevention or early intervention for families at risk; (e) representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; (f)

representatives of local school districts; or (g) representatives of local medical, pediatric, or obstetric associations or societies.

B. Term and Removal:

(1.) The member of the Commission appointed pursuant to Section A.(1) shall serve during the incumbency of the office, unless earlier removed, with or without cause, by the Board of Supervisors.

(2.) Members of the Commission appointed pursuant to Section A.(2) shall serve (1) during their incumbency in the office or position designated, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors.

(3.) The Member of the Commission appointed from the Child Care Planning Council shall serve (1) during his/her incumbency on the Child Care Planning Council, or (2) for a term of three years or until the appointment of a successor, whichever of (1) or (2) is less, unless earlier removed, with or without cause, by the Board of Supervisors.

(4.) Members of the Commission appointed pursuant to section A.(4) shall serve a term coterminous with that of the member of the Board of Supervisors who nominated said member or until the appointment of a successor, unless earlier removed, with or without cause, by a majority vote of the Board of Supervisors.

(5.) A Commissioner may resign effective on giving written notice to the Executive Director of the Commission, unless the notice specifies a later date for his/her resignation to become effective. Upon receipt of such notice, the Executive Director shall notify the Chairperson of the Commission and the Clerk of the Board of Supervisors. The Chair of the Commission shall enter the notice in the proceedings of the Commission. The acceptance of a resignation shall not be necessary to make it effective.

(6.) Any vacancy on the Commission shall be filled by the Board of Supervisors.

(7.) Any member may be removed, at any time, with or without cause, by a majority vote of the members of the Board of Supervisors.

(8.) Commissioners must attend the regular meetings of the Commission and of committees to which they are appointed. If the Commissioner is unable to attend a meeting, he/she must notify the Executive Director or the Chairperson of the reason for the absence. Except in the case of an emergency, if a Commissioner fails to attend a meeting without first notifying the Executive Director or Chairperson, the absence will be considered

unexcused. Two unexcused absences during a six-month period shall be grounds for the Board of Supervisors to consider removing the Commissioner.

C. Conflict of Interest: The Commission shall adopt and may amend a Conflict of Interest code for the Commission as required by applicable law.

Article IV

Officers

A. Designation: The officers of the Commission shall be a Chairperson, Vice Chairperson and such officers as the Commission may designate.

B. Election: Officers of the Commission shall be chosen annually by an election to be held in October, unless an earlier election is necessary because of a vacancy, and seated in January of the following year.

C. Term: The term of office for officers of the Commission is one year from the date of election or until removal or resignation.

D. Duties: The Chairperson of the Commission shall preside over all business and meetings of the Commission. In the absence of the Chairperson, the Vice Chairperson shall conduct routine business matters and meetings. In the absence of both the Chairperson and Vice Chairperson, the Chairperson shall designate a member to conduct the business of the Commission.

Article V

Committees

A. Appointment: The Commission may create standing and ad hoc committees. Only Commissioners may chair the committees but all committees must be composed of less than a quorum of voting Commissioners. The Commission Chairperson shall at least annually make Commissioner appointments to all committees. Appointments shall be based as much as possible upon the preferences indicated by each Commissioner. Appointments of non-Commissioner members will be made by the Chair of the Committee, subject to ratification by the Commission.

B. Committee Membership: Generally, Committee membership should be composed of at a minimum 2 Commissioners and 5 community members.

C. Term and Removal:

(1.) Any vacancy on a Committee shall be filled in the same manner as specified for appointments.

(2.) Appointments to all committees and advisory committees for community members will be for a two-year term.

(3.) Any Committee member may be removed, at any time, with or without cause, by a majority vote of the members of the Commission.

(4.) Committee members must attend the regular meetings of the committees to which they are appointed. If the Committee member is unable to attend a meeting, he/she must notify the Executive Director or the Chairperson of the Committee of the reason for the absence. Except in the case of an emergency, if a Committee member fails to attend a meeting without first notifying the Executive Director or the Committee Chairperson, the absence will be considered unexcused. Two unexcused absences during a six-month period shall be grounds for the Commission to consider removing the Committee member.

D. Meetings: Regular meetings of standing committees shall be held at times and places determined by the Commission. Special meetings may be held at any time and place as designated by the Chairperson or the Commission staff. A majority of the appointed members of a committee shall constitute a quorum.

E. Notice and Agenda: All standing committees shall comply with the notice and agenda requirements otherwise applicable to the Commission in these bylaws, except for ad hoc committees composed solely of less than a quorum of the members of the Commission which are not standing subcommittees of the Commission with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the Commission.

F. Minutes: The minutes of each meeting of the committees shall be kept and an accurate record of each action taken by the committee shall be recorded. Upon approval by the committee, the minutes shall be forwarded to the Commissioners and staff.

G. Open and Public: Meetings of the committees will be open and public, consistent with the provisions of the Ralph M. Brown Act.

Article VI

Advisory Groups

A. Purpose: The Commission may establish Advisory Groups and committees of Advisory Groups. The Advisory Group provides review and recommendations on policies and programs considered by the Commission, and to the extent deemed appropriate by the Commission, shall participate in the Commission's consideration of policies and programs prior to their adoption.

B. Composition: Advisory Group categories shall be decided by the Commission.

C. Selection: Members to an Advisory Group shall be appointed by a majority vote of the Commission.

D. Term: Advisory Group members shall serve one (1) year terms, at the pleasure of the Commission and may be reappointed in the same manner as original appointments.

E. Open and Public: Meetings of Advisory Groups will be open and public.

Article VII

Meetings

A. Regular and Special Meetings: The date, time and place of regular meetings shall be established by resolution of the Commission. Special meetings can be held by call of the Chairperson or three (3) members of the Commission.

B. Open and Public:

(1.) All meetings of the Commission shall be open and public, consistent with the provisions of the Ralph M. Brown Act. Anyone shall be permitted to attend meetings of the Commission, except for closed sessions or as otherwise provided by law.

(2.) Any person may request to be heard on an agenda item before it is acted upon.

(3.) Members of the public shall have the right to address the Commission on items of interest which are within the subject matter jurisdiction of the Commission.

(4.) Prior to the public comment, the Chairperson shall announce the total amount of time available for comment, and where appropriate may set limits on the time to be spent on particular issues and on the amount of time available to each speaker.

C. Quorum:

(1.) A majority of the voting members of the commission shall constitute a quorum, and no act of the Commission shall be valid unless a majority of those members constituting a quorum concur therein.

(2.) Final adoption of the County Strategic Plan and the election or removal of officers requires an affirmative vote of an absolute majority of the members of the Commission.

(3). Approval of expenditure recommendations in excess of $50,000 requires an affirmative vote of an absolute majority of the members of the Commission who do not declare a conflict of interest regarding said action.

D. Notice and Agenda:
At least seventy-two (72) hours prior to each regular meeting, notice of and an agenda for the regular meeting shall be mailed to each Commission member, and to each representative of the news media and to each other person who has submitted a written request to the Commission for notification of meetings, and shall be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting, and shall also contain a listing of all written correspondence received by the Commission since preparation of the prior agenda.

E. Conduct of Business:
Items on the agenda will be considered in the order they appear unless the Chairperson, at his/her discretion, announces a change in the order of consideration. Confidential information shall not be subject to disclosure at meetings of the Commission.

F. Resolutions:
All official acts of the Commission shall be taken either by resolution or a motion, duly made, seconded and adopted by vote of the Commissioners.

G. Minutes:
The Executive Director of the Commission shall prepare the minutes of each meeting of the Commission. Tape recordings of all the Commission's regular meetings shall be retained on file for a period of one year.

Article VIII

Execution of Documents

A. Contracts and Instruments:

The Commission may either by motion or by resolution authorize any officer(s), agent(s) or employee(s) to enter into or execute any contract in the name of and on behalf of the Commission. The authority given may be general, where accompanied by appropriate guidelines, or may be confined to specific contracts or instruments. Unless authorized by the Commission, no officer, agent or employee shall have the power or authority to bind the Commission by any contract or to render it liable for any purpose or for any amount.

B. Checks, Drafts, Evidence or Indebtedness:

All checks, drafts or other orders for payment of money on behalf of or payment to the Commission shall be signed or endorsed by such persons as determined by either motion or resolutions of the Commission.

C. Correspondence and/or Communications:

Commission members shall submit, in advance, all correspondence and/or communications on behalf of the Commission and/or its committees to the Commission Chairperson for review and approval.

Article IX

Amendment of Bylaws

These Bylaws may be amended only by action of the Commission at any meeting of the Commission. Notice of such proposed amendment shall be given in the manner prescribed for notices of regular meetings of the Commission.

I, the undersigned, do hereby certify:

That I am the duly elected and acting Chairperson of the Children and Families First Commission of Ventura County, a local public agency of the State of California; and

That the foregoing Amended Bylaws, comprising 8 pages, constitute the Amended Bylaws of the Commission, as duly adopted by the Commission at a regular meeting, duly called and held on the twelfth day of June, 2003, at Camarillo, California.

Dated: 6-12-03 By _____

CHARLES WATSON
CHAIRPERSON OF THE COMMISSION

BOARD MINUTES

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

**SUPERVISORS STEVE BENNETT, LINDA PARKS,
KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN
January 25, 2005 at 8:30 a.m.**

404.2

CONSENT – HARBOR DEPARTMENT – Approval of Changes to the Purpose Statement of the Ventura County Fish and Game Commission By-Laws.

(X) All board members are present except Supervisor John Flynn.

(X) Upon motion of Supervisor Mikels, seconded by Supervisor Parks, and duly carried, the Board hereby approves the staff recommendation as stated in the respective Board letter and revised Attachment for consent item **36.**

(X) Upon request of John F. Johnston, item **38** hereby removed from the consent agenda.

(X) Upon motion of Supervisor Mikels, seconded by Supervisor Parks, and duly carried, the Board hereby approves the staff recommendations as stated in the respective Board letters for consent items **11-35, 37, 39-40**.

By: _____
Deputy Clerk of the Board

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
JOHN F. JOHNSTON, Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board

Item 18
01/25/05

DISTRIBUTION: Originating Agency (2), Auditor, File

County of Ventura
Fish and Game Commission

BY-LAWS

APPROVED AND ADOPTED BY THE VENTURA COUNTY
BOARD OF SUPERVISORS ON AUGUST 19, 1986
AMENDED JANUARY 25, 2005

PURPOSE

The Commission shall advise the Board of Supervisors on matters relating to the County's diverse fish and wildlife, and the habitats upon which they depend. The Commission shall make recommendations to the Board of Supervisors for the disbursement of funds received by the County for violations of the State Fish and Game Code that occur in Ventura County. Such disbursement of funds shall be for the protection, conservation, propagation, and preservation of fish and wildlife in accordance with Fish and Game Code sections 13100, 13101, and 13103.

FUNCTIONS AND DUTIES

This Commission shall devote its time and thought to the best methods for the propagation, conservation, and preservation of fish and game in the State of California and the County of Ventura. The Commission shall keep the Board of Supervisors advised of their conclusions. The Commission shall advise and make recommendations to the Board of Supervisors relative to its purpose and shall:

A. Advise the Board of Supervisors on the current condition of fish and game within Ventura County;

B. Recommend projects for the conservation and propagation of fish and game resources within the County and within the State when considered beneficial to the interest of the people in Ventura County;

C. Advise the Board of Supervisors on the economic impact of hunting and fishing in Ventura County;

D. Communicate and work with individuals, organizations, County, State and Federal agencies to review changes in hunting and fishing regulations;

E. Make recommendations on environmental impact reports that affect fish and game upon direct referral by the Board of Supervisors;

F. Impact and report on all projects financed with Ventura County fish and game revenue;

G. All correspondence and representation of the Commission shall first be approved by the majority vote of the Commissioners present;

H. Furnish the Board of Supervisors adequate notice of all meetings and copies of minutes of all Commission meetings;

I. Review the monthly Controller's Report on fine revenue collected by Ventura County courts for violations of the State Fish and Game Code and disbursement thereof; and

J. Make recommendations to the Board of Supervisors to support or oppose legislation that relates to hunting and fishing and the protection, propagation, and utilization of fish and game.

REPORTS AND BUDGET

This Commission shall submit a written annual report of its activities to the Board of Supervisors by June of each year. A proposed budget will be prepared and submitted for the succeeding year in sequence with County budget procedures.

MEMBERS

The Commission shall consist of five (5) members appointed by the Board of Supervisors. Each Supervisor shall nominate one (1) member who is a registered voter residing in his/her Supervisorial district, or whose principal place of business is in this district. Each member must possess a valid hunting of fishing license at the time of appointment.

OFFICERS

The Commission shall elect, from its membership, a Chair and Vice-Chair to serve for one (1) year. Election will be held in August.

TERM

Each Commissioner shall serve at the pleasure of the Board Member making his appointment. His/her term shall automatically expire upon the expiration of the term of the Supervisor in whose district he/she was appointed to serve.

MEETINGS

The Commission shall meet bi-monthly at the time and place chosen by the members. Special meetings may be called by the Chair, Vice-Chair, or any three (3) members. The Commission shall promulgate and adopt rules for the orderly conduct of the meetings and affairs. All matters before the Commission shall be considered on the basis of a majority vote of three (3) or more Commissioner's present.

COMPENSATION

No compensation shall be paid for serving as a member of this Commission. Members of this Commission may be reimbursed for out-of-pocket expenses incurred on Commission business when approved in advance by the Commission and by the Board of Supervisors in the operational budget or otherwise.

STAFF ASSISTANCE

The Board of Supervisors shall designate Staff which shall consist of an Administrative Secretary and Secretary. It shall be the duties of Staff to perform the following:

A. Keep minutes of all Commission meetings, publish appropriate notices, and conduct correspondence;

B. Supervise the maintenance of Commission documents and records

C. Prepare and present Commission recommendations to the Board of Supervisors; and

D. Supervise the execution of all recommendations by the Commission that have been approved by the Board of Supervisors.

ATTENDANCE

The members of the Advisory Commission shall serve during their term at the pleasure of the Board of Supervisors. Any member may be removed, at any time, by a majority vote of the Board of Supervisors or by the member's failure to meet the regularly scheduled meeting attendance requirements. Any member who has three (3) unexcused absences and/or fails to attend five (5) meetings (excused or unexcused) in a twelve- (12) month period shall be recommended to the Board of Supervisors for removal.

Ventura County
HARBOR COMMISSION
Bylaws

Revised July 22, 1997
Revised March 23, 2004
Revised March 21, 2007

I. NAME

The name of this organization shall be Ventura County Harbor Commission.

II. PURPOSE

The functions and duties of the Commission are to advise the Board of Supervisors on public session matters involving: budgetary issues, development proposals, leases and agreements with concessionaires, planning and development of harbor facilities and recreational activities, and major operational and maintenance issues and policies.

III. MEMBERSHIP

A. Appointing Authority

Commission members shall be appointed by the Board of Supervisors. The Commission is an advisory body only. The Board of Supervisors sets final policy and makes the ultimate decision after receiving recommendations from the Commission.

B. Members

The Commission shall be composed of ten (10) members, two from each Supervisorial District.

IV. OFFICERS

A. Officers

Officers of the Commission shall be a Chair and a Vice Chair.

B. Election

Election of officers shall be held annually at the regular July meeting. A vacancy in office shall be filled by special election.

C. Term

The term of office shall be one year. No member shall be eligible to serve more than two (2) consecutive terms in the same office. For re-election purposes, six (6) months or more shall constitute a full term of office.

V. MEETINGS

A. Regular Meetings

The regular meetings of the Commission shall be held on the third Wednesday of any month when there is business to conduct, a minimum of six meetings a year, unless otherwise ordered by the Commission.

B. Special Meetings

Special meetings may be called by the Chair or by the Harbor Department Director.

C. Quorum

A majority of appointed members shall constitute a quorum, where a majority is defined as one-half the members plus one. Each member should promptly notify the Harbor Department regarding his or her availability for each scheduled meeting to ensure that a quorum is available before that meeting is formally noticed.

D. Brown Act

The Commission is subject to the provisions of the Ralph M. Brown Act (California Government Code § 54950 et seq.). In part, this means that members may only discuss matters properly noticed and placed on the agenda. Members should avoid discussing personal matters not directly relevant to an agendized item. Members should also avoid discussing matters on a meeting's agenda amongst themselves when that meeting is not in session. Any new matter that arises during a meeting and may require Commission action should be noticed and placed on a future agenda. Commission members should not discuss such an item other than as needed to properly schedule the matter for a future meeting.

E. Decorum at Meetings

Members of the Commission should maintain a professional manner and attitude at all times during Commission meetings. Members should address the Chair in order to be recognized. Members shall refrain at all times from private discussions while others are speaking, from discussions of matters not on the meeting's agenda, and from personal attacks directed at staff, other members, or members of the public.

VI. GENERAL PROVISIONS

A. Actions and Statements

No member shall take any actions or make any statements on behalf of the Commission unless specifically authorized by the Commission, as supported by existing policies of the Board of Supervisors. No members (without proper authorization) shall interfere with a lessee's or sub-lessee's operations saying that they are speaking for the Commission.

B. Correspondence

Written communication from the Commission shall only be sent over the signature of the Chair or an appointee, as directed by action of the Commission.

C. Conflict of Interest

A Commissioner having any monetary interest in a matter before the Commission shall disclose that interest and withdraw from deliberation of the matter.

D. Ethical Standards

Each member of the Commission is required to receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years.

Purpose

To establish standards of conduct and to delineate the ethical responsibilities of public service for the guidance of all members.

Ethical Responsibilities

Each member has an obligation to the citizens, to the people's elected representatives, to fellow members, and to the administration, to cooperate in accomplishing the County's goals, to expose corruption wherever discovered, to refrain from disclosing any confidential information, to preserve and safeguard the County's assets, and to uphold these principles, ever conscious that public office is a public trust.

Discrimination

There shall be no discrimination in any Commission activity because of race, color, national origin, religion, sex, age or functional limitation.

Acceptance of Gratuities

No member shall accept any fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of resulting in, the use of public office for private gain; preferential treatment of any person, impeding governmental efficiency or economy; any loss of complete independence or impartiality; the making of a County or Commission decision outside official channels; or any adverse effect on the confidence of the public in the integrity of County government.

VII. PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Commission may adopt.

VIII. AMENDMENTS

A. Notice

These bylaws may be amended at any regular meeting of the Commission by a two-thirds vote of appointed members, provided that the amendment has been submitted in writing at the previous regular meeting.

B. Ratification

Amendments shall be consistent with the Commission's enabling resolution and subject to ratification by the Board of Supervisors.

7c

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN

April 6, 2004 at 8:30 a.m.

404.2

POLICY MATTER – Recommendation of Supervisor Parks to Adopt an Amended Resolution to Better Clarify the Function of the Ventura County Harbor Commission. (Continued from 3/23/04 – Item 49)

(X) All board members are present.

( ) The following persons are heard: _____

( ) The following document(s) are submitted to the Board for consideration:
( ) _____

( ) The Board holds a public hearing.

(X) Upon motion of Supervisor Parks, seconded by Supervisor Mikels, and duly carried, the Board hereby approves the attached staff recommendations; with the following modification: It is the Board's intent to adopt the paragraph "The amendment in no way changes the current procedure regarding the handling of lease and concession-related negotiations or litigation matters, i.e., staff is not, for example, required to take such matters to the Commission prior to seeking closed session guidance from the Board of Supervisors." Further, it is the Board's intention to have the Harbor Commissioners functions similar to the policies of the Airport Commission.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.

( ) Without motion, the Board hereby makes and hears the attached presentation.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Correspondence Agenda as attached.

By: _____
Deputy Clerk of the Board

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
JOHN F. JOHNSTON, Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board

Item # 39
4/6/04

DISTRIBUTION: Originating Agency (2), Auditor, File

MEMBERS OF THE BOARD
STEVE BENNETT
Chair
LINDA PARKS
KATHY I. LONG
JUDY MIKELS
JOHN K. FLYNN

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009
2100 E. THOUSAND OAKS BLVD., STE. C, THOUSAND OAKS, CA 91362 (Location Address)

LINDA PARKS
SUPERVISOR, SECOND DISTRICT
(805) 373-2564
FAX: (805) 373-8396
E-mail: linda.parks@mail.co.ventura.ca.us

March 23, 2004

Board of Supervisors
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009

Subject: **VENTURA COUNTY HARBOR COMMISSION AMENDED ENABLING RESOLUTION TO BETTER CLARIFY THE FUNCTION OF THE HARBOR COMMISSION**

Recommendation:

It is recommended that the Board approve and adopt the attached amended resolution to clarify the functions and duties of the Harbor Commission as set forth in section 6 to include reviewing and advising the Ventura County Board of Supervisors on requests for proposals, recommendations on leases, concession agreements, and development proposals in the Channel Islands Harbor.

Fiscal Impact: None

Discussion:

The attached resolution would implement an amendment to the current Board resolution, adopted by the Board on September 9, 1997, governing the Ventura County Harbor Commission and its functions. In substance, it would clarify the functions and duties of the Harbor Commission to specify the review of development proposals, leases, and agreements with concessionaires.

In the 1997 resolution, the Board assigned three major areas of Harbor Department activity for review and recommendation by the Ventura County Harbor Commission. Section 6 of the 1997 (current) resolution provides:

> "The functions and duties of said commission shall be to advise the Board of Supervisors on budgetary issues, planning and development of Harbor business and recreational activities, and major operational and maintenance issues and policies."

In order to provide the Board of Supervisors with the Harbor Commission's input on major upcoming issues in the Harbor, the following wording (in italics) is recommended to be added to the description in section 6 to more clearly specify the purview of the Harbor Commission:

> "The functions and duties of said Commission shall be to advise the Board of Supervisors on *public session matters involving:* budgetary issues, *development proposals, leases and agreements with concessionaires,* planning and development of harbor business and recreational activities, and major operational and maintenance issues and policies."

The amendment in no way changes the current procedure regarding the handling of lease and concession-related negotiations or litigation matters, i.e., staff is not, for example, required to take such matters to the Commission prior to seeking closed session guidance from the Board of Supervisors.

Other minor changes to reflect that this is an "amended" resolution and to update the reference in section 7 to reflect the title change to "County Executive Office" (section 7) are shown in italics in the attached resolution.

This item has been reviewed by the County Counsel, the County Executive Office, and the Harbor Department. If you have any questions, please contact me at (805) 373-2564.

Linda Parks
Supervisor, District 2

Attachment: "Amended Resolution of the Board of Supervisors County of Ventura Establishing the Ventura County Harbor Commission"

AMENDED RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF VENTURA
ESTABLISHING THE VENTURA COUNTY
HARBOR COMMISSION

WHEREAS, the County of Ventura provides business and recreational facilities in the Channel Islands Harbor; and

WHEREAS, it has been deemed desirable to provide for greater citizen participation in developing the long-range objectives and goals of the County's Harbor activities; and

WHEREAS, Section 31000.1 of the Government Code of the State of California provides that, "The Board of Super visors may appoint commissions or committees of citizens to study problems of general or special interest to the Board and to make reports and recommendations to the Board",

NOW, THEREFORE, BE IT RESOLVED THAT:

1. *The Ventura County Harbor Commission previously established by Board resolution adopted September 9, 1997, shall continue in effect and hereafter be governed by the terms of this amended resolution.*

2. Said Commission shall be composed of ten (10) members, appointed from each Supervisorial District.

3. The Board of Supervisors may remove any member of the Commission from office at any time upon a majority vote of the Board. A Commissioner who has two unexcused absences in a row or four times during a calendar year shall be automatically removed from the Commission, and the Board may appoint a replacement Commissioner. If the Commission so requests, the Board may, at its option, waive this automatic removal provision due to extenuating circumstances.

4. Commission members shall serve terms coinciding with the same terms of the Supervisors who nominate them.

5. Commission members shall serve without compensation except as otherwise provided in Section 31000.1 of the Government Code and as approved by the Board of Supervisors, or as may be provided in Article 43 of the County of Ventura's " Personnel Rules and Regulations".

6. "The functions and duties of said Commission shall be to advise the Board of Supervisors on *public session matters involving:* budgetary issues, *development proposals, leases and agreements with concessionaires,* planning and development of Harbor business and recreational activities, and major operational and maintenance issues and policies."

7. The Commission shall direct all recommendations on State and Federal legislative matters to the *County Executive Office* prior to these matters being taken to the Board of Supervisors.

8. The Commission shall meet regularly, at lease once every other month, at a time and place established by its members. Public notice of all meetings shall be made in accordance with the Government Code, specifically, the " Brown Act". Special meetings may be called according to the guidelines specified in the Commission's Bylaws and applicable laws.

9. The Commission shall adopt bylaws, rules and regulations providing for the election of officers, designation of meeting dates, allocation of duties, and such other rules and regulations as may be necessary for the efficient conduct of business.

10. The officers of the Commission shall consist of Chair and Vice-Chair.

11. The officers of the Commission shall serve for a period of one year, as specified in the Commission Bylaws.

12. The Chair shall preside at all meetings, submit all motions to vote and, in general, do all things ordinarily required of a Commission Chair. In the absence of the Chair, the Vice-Chair shall assume his/her duties.

13. A Recording Secretary for the Commission shall be designated by the Director of the Harbor Department.

APPROVED AND ADOPTED THIS 23rd DAY OF MARCH, 2004.

Chair, Board of Supervisors
County of Ventura

ATTEST:

JOHN F. JOHNSTON, Clerk of the Board
of Supervisors, County of Ventura, California.

By _____
Deputy Clerk

VENTURA COUNTY

HIV/AIDS ADVISORY COMMITTEE

BYLAWS

ARTICLE I

NAME

The name of this Board shall be the HIV/AIDS Advisory Committee, hereafter referred to in these Bylaws as HIV/AAC.

ARTICLE II

MISSION/PURPOSE

The mission of the HIV/AAC is to bring together all segments of the community to advise the Board of Supervisors on the current and future impact of the HIV/AIDS epidemic and to make recommendations to effectively respond to the HIV/AIDS epidemic. The following are major areas to be addressed: policy planning and fiscal impact, legal and ethical issues, legislative advocacy, education and prevention, medical care and supportive services, testing and prevention services, and epidemiology.

ARTICLE III

MEMBERSHIP

A. The HIV/AAC shall consist of approximately twenty (20) voting and non-voting members.

1. The voting membership shall consist of an appointed representative by each member of the Board of Supervisors (5) from his/her district; the Ventura County Health Officer (1); the Administrative Director of Public Health (1); and the Chair of the AIDS Task Force (1).

2. A quorum of at least five (5) voting members. A quorum is required to vote on any action.

3. The non-voting membership shall consist of representatives from County Agencies (e.g., Mental Health, Department of Alcohol and Drug Programs, VCMC, HSA), community based organizations, consumers of services, and concerned citizens.

4. The general meetings of the HIV/AAC are open to the general public. Individuals that are interested in becoming a formal member of the HIV/AAC are required to submit an application to the Membership Committee.

B. A Membership Committee shall be established and will make recommendations to the Voting-Membership in regards to new members.

1. The non-voting membership of the Board should reflect geographical representation and community diversity.

C. Term Limits:

1. The term of each Board appointed representative is two years from the date of appointment.

2. The term of the AIDS Task Force representative is contingent upon his/her term as Chair of the AIDS Task Force.

3. The term of the Health Officer and Director of Public Health is ongoing unless specified otherwise by their appointment authority (Director of the Health Care Agency).

D. Appointed Voting Member of the HIV/AIDS Advisory Committee may serve an unlimited number of terms, but serves at the will of the Supervisor from the district which appointed said Committee member.

E. After three (3) absences at any HIV/AAC meeting during the fiscal year, the Voting Membership will review the reasons for the absences and may recommend that the Chair notify the respective appointing authority.

ARTICLE IV

MEETINGS

A. As a general rule, the regular meetings shall be held monthly and the date, time and location of each meeting shall be announced at the meeting immediately preceding. A regular meeting may, for cause, be changed by the Chairperson. August and December are dark.

B. Special meetings may be called by the Chairperson of the HIV/AAC, with ten (10) days notice to the membership.

C. Any meeting in which at least four voting members (Chair included) are not present, or for which there is no agenda item requiring action, may be canceled by the Chairperson.

ARTICLE V

AGENDA FOR MEETINGS

Section I. Procedures

A. The agenda will be finalized by the Chairperson and the Vice-Chair of the AAC.

B. Any HIV/AAC member wishing to recommend an item for the Agenda shall contact the Chairperson or Secretary at least two weeks prior to the scheduled HIV/AAC meeting.

Section II. Contents and Supporting Documentation

A. The agenda shall give priority to:

1. The roll call and the Chairperson's announcement of the presence or absence of a quorum (five voting members, Chair included).

2. Reading and approval of minutes of the previous HIV/AAC meeting.

3. Reports from HIV/AAC Officers and Committees.

4. Items identified by the Chairperson or by majority vote of members present as most urgently requiring action.

B. The agenda will be distributed, with requisite informational material, to each HIV/AAC member not later than the weekend preceding the meeting at which it is to be discussed.

ARTICLE VI

OFFICERS

Section I. Offices

A. The officers of the HIV/AAC shall consist of the Chairperson and Vice-Chair.

B. The officers shall be elected at the June meeting to serve for a term of one year or until their successors have been duly elected.

Section II. Selection Criteria

A. Nominee must be a Voting-Member and have the necessary time to carry out effectively the responsibilities of the office.

B. Nominee must have the ability to be objective and facilitate and encourage active participation by the members.

Section III. Duties

A. The Chairperson shall:

1. Preside at the meetings of the HIV/AAC.

2. Establish committees and appoint membership on such committees.

3. Establish the agenda for HIV/AAC meetings.

4. Be responsible for seeing that all actions of the HIV/AAC are implemented.

5. Perform other duties ordinarily performed by Chairperson.

B. The Vice-Chair shall:

1. Preside at the meetings of the HIV/AAC in the absence of the Chairperson.

2. Perform other duties ordinarily performed by the Chairperson in his/her absence.

3. The Vice-Chair shall serve until which time a vacancy of the Chair occurs. If the appointment status of the Vice-Chair expires on the AAC, the Vice-Chair may become Chair upon re-appointment to the HIV/AAC by the respective Board of Supervisor.

ARTICLE VII

COMMITTEES

Section I. Membership Committee

A. The Membership Committee shall be comprised of the Chairperson, Public Health Administrative Director, and at least three non-voting members at large selected by the Chairperson. Each member of the Membership Committee shall have one vote.

B. The Membership Committee shall:

1. Review applications and make recommendations to the Voting Members for non-voting membership on the HIV/AAC.

2. Ensure that there is balanced representation on the HIV/AAC and notify the HIV/AAC of any imbalance.

Section II. Other Committees

The Chairperson may, with the agreement of the members concerned, form additional committees as deemed necessary. Each committee shall have representation of at least one voting member.

ARTICLE VIII

AMENDMENTS

These bylaws may be amended at any meeting by two-thirds vote, provided notice of the proposed amendment was given, in advance, with the call for the meeting.

Revision – March 2000

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, DECEMBER 1, 1987, AT 8:30 A.M.

215

ALL MEMBERS PRESENT
EXCEPT SUPERVISOR FLYNN

Upon motion of Supervisor Lacey, seconded by Supervisor Schaefer, and duly carried, the Board hereby approves the following matter:

county of ventura

CHIEF ADMINISTRATIVE OFFICE
Richard Wittenberg
Chief Administrative Officer

Robert C. Hirtensteiner
Assistant Chief Administrative Officer

December 1, 1987

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

COUNTYWIDE AIDS ADVISORY COMMITTEE

Recommendations:

The following actions are recommended for your Board's approval.

1. Appoint those persons listed on the attachment to be members of a countywide AIDS Advisory Committee.

2. Direct the AIDS Advisory Committee, utilizing all sources of information available to it, to:

   a. identify and assess potential AIDS-related fiscal, social, legal, and health care impacts on Ventura County;
   b. identify possible funding sources and approaches to address those impacts;
   c. recommend the most cost effective means of providing AIDS-related services and dealing with AIDS-related problems;
   d. recommend cost minimization and avoidance policies.

Discussion:

On June 23, 1987, upon the recommendation of Supervisor Erickson, your Board directed the Chief Administrative Officer to work with the offices of the Board members on the formation of a countywide AIDS Advisory Committee. The proposed purpose of the committee was to identify, assess, and project potential AIDS-related fiscal, legal, social, and health care impacts on Ventura County, and to make recommendations for policies and programs to address those impacts in the most cost effective ways possible.

On September 22, 1987, your Board approved the solicitation of nominations for committee membership from public and private sector organizations throughout the County involved in AIDS-related matters. Those nominations, including five

nominations from members of your Board, were received in October. At the end of October, a brief summary of each nominee's background was provided to all members of your Board, for review and consideration.

The committee, meeting monthly or as needed, should be able to produce a report presenting its initial findings and recommendations to your Board by the end of April, 1988.

It is suggested that Supervisor Erickson act as temporary chairperson of the committee until a permanent chairperson can be selected at the committee's organizational meeting during December. Staff support and coordination of the committee's activities is available from existing staff in Public Health.

It is anticipated that the committee will utilize a wide range of information sources, including federal, state, and local government agencies and commissions, and community organizations.

The committee should also seek input relative to AIDS-related services, problems, and projected costs from County management staff whose departments or agencies are, or will potentially be, affected by AIDS-related issues. These departments or agencies would likely include Public Health, Drug Abuse, Alcohol Abuse, Medical Examiner, Mental Health, the Health Care Agency Administrative Support Section-Fiscal Division, Ventura County Medical Center, Public Social Services Agency, District Attorney, Sheriff, Corrections Services Agency, Fire, Personnel, General Services Agency-Risk Management, County Counsel, Public Administrator, and perhaps others.

The Chief Administrative Office will encourage all departments or agencies from which information is requested, to cooperate fully with the AIDS Advisory Committee.

If you have any questions or require additional information, please contact me at extension 2681 or Larry Morris at extension 2690.

Richard Wittenberg

RICHARD WITTENBERG
Chief Administrative Officer

ps

Attachment

brd121/lm/s

COPIES TO:

CAO
HCA
VCMC
Pub.Health
Men.Health
Files (2)
Item 11
12/1/87 fw

ATTACHMENT

NOMINEES FOR COUNTYWIDE AIDS ADVISORY COMMITTEE

NAME	NOMINATED BY:
Monty W. Clark	Hospital Council of Southern California
Jackson Wheeler	Tri-County AIDS Project/Task Force
Irv August	American Red Cross, Ventura County Chapter
Joanne Danforth, RN, PHN	California Association for Health Services at Home
Stephen Wilson, M.D.	Ventura County Mental Health
Larry Dodds, M.D.	Ventura County Public Health
Samuel Edwards, M.D.	Ventura County Medical Center
David A. Breslin	Supervisor Lacey
Christopher Dye	Supervisor Lacey
Pamela W. Ford	Supervisor Erickson
Charles Brohammer	Supervisor Flynn
Tom Pina	Supervisor Flynn

NOTE: Supervisor Erickson has also agreed to serve on the committee, at least initially.

Staff Support: Linda Underwood, Public Health Nurse III, Public Health

12301.**3**. (a) Each county shall appoint an in-home supportive services advisory committee that shall be comprised of not more than 11 individuals. No less than 50 percent of the membership of the advisory committee shall be individuals who are current or past users of personal assistance services paid for through public or private funds or as recipients of services under this article.

(1) (A) In counties with fewer than 500 recipients of services provided pursuant to this article or Section 14132.95, at least one member of the advisory committee shall be a current or former provider of in-home supportive services.

(B) In counties with 500 or more recipients of services provided pursuant to this article or Section 14132.95, at least two members of the advisory committee shall be a current or former provider of in-home supportive services.

(2) Individuals who represent organizations that advocate for people with disabilities or seniors may be appointed to committees under this section.

(**3**) Individuals from community-based organizations that advocate on behalf of home care employees may be appointed to committees under this section.

(4) A county board of supervisors shall not appoint more than one county employee as a member of the advisory committee, but may designate any county employee to provide ongoing advice and support to the advisory committee.

(b) Prior to the appointment of members to a committee required by subdivision (a), the county board of supervisors shall solicit recommendations for qualified members through a fair and open process that includes the provision of reasonable written notice to, and reasonable response time by, members of the general public and interested persons and organizations.

(c) The advisory committee shall submit recommendations to the county board of supervisors on the preferred mode or modes of service to be utilized in the county for in-home supportive services.

(d) Any county that has established a governing body, as provided in subdivision (b) of Section **12301**.6, prior to July 1, 2000, shall not be required to comply with the composition requirements of subdivision (a) and shall be deemed to be in compliance with this section.

12301.4. (a) Each advisory committee established pursuant to

Section **12301.3** or **12301**.6 shall provide ongoing advice and recommendations regarding in-home supportive services to the county board of supervisors, any administrative body in the county that is related to the delivery and administration of in-home supportive services, and the governing body and administrative agency of the public authority, nonprofit consortium, contractor, and public employees.

(b) Each county shall be eligible to receive state reimbursements of administrative costs for only one advisory committee and shall comply with the requirements of subdivision (e) of Section 12302.25.

12301.5. The department may secure to the extent feasible such in-home supportive and other health services for persons eligible under this article to which they are entitled under the Medi-Cal Act (Chapter 7 (commencing with Section 14000) of this part).

12301.6. (a) Notwithstanding Sections 12302 and 12302.1, a county board of supervisors may, at its option, elect to do either of the following:

(1) Contract with a nonprofit consortium to provide for the delivery of in-home supportive services.

(2) Establish, by ordinance, a public authority to provide for the delivery of in-home supportive services.

(b) (1) To the extent that a county elects to establish a public authority pursuant to paragraph (2) of subdivision (a), the enabling ordinance shall specify the membership of the governing body of the public authority, the qualifications for individual members, the manner of appointment, selection, or removal of members, how long they shall serve, and other matters as the board of supervisors deems necessary for the operation of the public authority.

(2) A public authority established pursuant to paragraph (2) of subdivision (a) shall be both of the following:

(A) An entity separate from the county, and shall be required to file the statement required by Section 53051 of the Government Code.

(B) A corporate public body, exercising public and essential governmental functions and that has all powers necessary or

convenient to carry out the delivery of in-home supportive services, including the power to contract for services pursuant to Sections 12302 and 12302.1 and that makes or provides for direct payment to a provider chosen by the recipient for the purchase of services pursuant to Sections 12302 and 12302.2. Employees of the public authority shall not be employees of the county for any purpose.

(**3**) (A) As an alternative, the enabling ordinance may designate the board of supervisors as the governing body of the public authority.

(B) Any enabling ordinance that designates the board of supervisors as the governing body of the public authority shall also specify that no fewer than 50 percent of the membership of the advisory committee shall be individuals who are current or past users of personal assistance services paid for through public or private funds or recipients of services under this article.

(C) If the enabling ordinance designates the board of supervisors as the governing body of the public authority, it shall also require the appointment of an advisory committee of not more than 11 individuals who shall be designated in accordance with subparagraph (B).

(D) Prior to making designations of committee members pursuant to subparagraph (C), or governing body members in accordance with paragraph (4), the board of supervisors shall solicit recommendations of qualified members of either the governing body of the public authority or of any advisory committee through a fair and open process that includes the provision of reasonable, written notice to, and a reasonable response time by, members of the general public and interested persons and organizations.

(4) If the enabling ordinance does not designate the board of supervisors as the governing body of the public authority, the enabling ordinance shall require the membership of the governing body to meet the requirements of subparagraph (B) of paragraph (**3**).

(c) (1) Any public authority created pursuant to this section shall be deemed to be the employer of in-home supportive services personnel referred to recipients under paragraph (**3**) of subdivision (e) within the meaning of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code. Recipients shall retain the right to hire, fire, and supervise the work of any in-home supportive services personnel providing services to them.

(2) (A) Any nonprofit consortium contracting with a county pursuant to this section shall be deemed to be the employer of in-home supportive services personnel referred to recipients pursuant to paragraph (**3**) of subdivision (e) for the purposes of collective

bargaining over wages, hours, and other terms and conditions of employment.

(B) Recipients shall retain the right to hire, fire, and supervise the work of any in-home supportive services personnel providing services for them.

(d) A public authority established pursuant to this section or a nonprofit consortium contracting with a county pursuant to this section, when providing for the delivery of services under this article by contract in accordance with Sections 12302 and 12302.1 or by direct payment to a provider chosen by a recipient in accordance with Sections 12302 and 12302.2, shall comply with and be subject to, all statutory and regulatory provisions applicable to the respective delivery mode.

(e) Any nonprofit consortium contracting with a county pursuant to this section or any public authority established pursuant to this section shall provide for all of the following functions under this article, but shall not be limited to those functions:

(1) The provision of assistance to recipients in finding in-home supportive services personnel through the establishment of a registry.

(2) Investigation of the qualifications and background of potential personnel.

(**3**) Establishment of a referral system under which in-home supportive services personnel shall be referred to recipients.

(4) Providing for training for providers and recipients.

(5) Performing any other functions related to the delivery of in-home supportive services.

(6) Ensuring that the requirements of the personal care option pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code are met.

(f) (1) Any nonprofit consortium contracting with a county pursuant to this section or any public authority created pursuant to this section shall be deemed not to be the employer of in-home supportive services personnel referred to recipients under this section for purposes of liability due to the negligence or intentional torts of the in-home supportive services personnel.

(2) In no case shall a nonprofit consortium contracting with a county pursuant to this section or any public authority created pursuant to this section be held liable for action or omission of any in-home supportive services personnel whom the nonprofit consortium or public authority did not list on its registry or otherwise refer to a recipient.

(**3**) Counties and the state shall be immune from any liability

resulting from their implementation of this section in the administration of the In-Home Supportive Services Program. Any obligation of the public authority or consortium pursuant to this section, whether statutory, contractual, or otherwise, shall be the obligation solely of the public authority or nonprofit consortium, and shall not be the obligation of the county or state.

(g) Any nonprofit consortium contracting with a county pursuant to this section shall ensure that it has a governing body that complies with the requirements of subparagraph (B) of paragraph (**3**) of subdivision (b) or an advisory committee that complies with subparagraphs (B) and (C) of paragraph (**3**) of subdivision (b).

(h) Recipients of services under this section may elect to receive services from in-home supportive services personnel who are not referred to them by the public authority or nonprofit consortium. Those personnel shall be referred to the public authority or nonprofit consortium for the purposes of wages, benefits, and other terms and conditions of employment.

(i) (1) Nothing in this section shall be construed to affect the state's responsibility with respect to the state payroll system, unemployment insurance, or workers' compensation and other provisions of Section 12302.2 for providers of in-home supportive services.

(2) The Controller shall make any deductions from the wages of in-home supportive services personnel, who are employees of a public authority pursuant to paragraph (1) of subdivision (c), that are agreed to by that public authority in collective bargaining with the designated representative of the in-home supportive services personnel pursuant to Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code and transfer the deducted funds as directed in that agreement.

(**3**) Any county that elects to provide in-home supportive services pursuant to this section shall be responsible for any increased costs to the in-home supportive services case management, information, and payrolling system attributable to that election. The department shall collaborate with any county that elects to provide in-home supportive services pursuant to this section prior to implementing the amount of financial obligation for which the county shall be responsible.

(j) To the extent permitted by federal law, personal care option funds, obtained pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code, along with matching funds using the state and county sharing ratio established in subdivision (c) of Section 12306, or any other funds that are obtained pursuant to Subchapter 19 (commencing with Section 1396) of

Chapter 7 of Title 42 of the United States Code, may be used to establish and operate an entity authorized by this section.

(k) Notwithstanding any other provision of law, the county, in exercising its option to establish a public authority, shall not be subject to competitive bidding requirements. However, contracts entered into by either the county, a public authority, or a nonprofit consortium pursuant to this section shall be subject to competitive bidding as otherwise required by law.

(l) (1) The department may adopt regulations implementing this section as emergency regulations in accordance with Chapter **3**.5 (commencing with Section 11340) of Part 1 of Division **3** of Title 2 of the Government Code. For the purposes of the Administrative Procedure Act, the adoption of the regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding Chapter **3**.5 (commencing with Section 11340) of Part 1 of Division **3** of Title 2 of the Government Code, these emergency regulations shall not be subject to the review and approval of the Office of Administrative Law.

(2) Notwithstanding subdivision (h) of Section 11364.1 and Section 11349.6 of the Government Code, the department shall transmit these regulations directly to the Secretary of State for filing. The regulations shall become effective immediately upon filing by the Secretary of State.

(**3**) Except as otherwise provided for by Section 10554, the Office of Administrative Law shall provide for the printing and publication of these regulations in the California Code of Regulations. Emergency regulations adopted pursuant to this subdivision shall remain in effect for no more than 180 days.

(m) (1) In the event that a county elects to form a nonprofit consortium or public authority pursuant to subdivision (a) before the State Department of Health Services has obtained all necessary federal approvals pursuant to paragraph (**3**) of subdivision (j) of Section 14132.95, all of the following shall apply:

(A) Subdivision (c) shall apply only to those matters that do not require federal approval.

(B) The second sentence of subdivision (g) shall not be operative.

(C) The nonprofit consortium or public authority shall not provide services other than those specified in paragraphs (1), (2), (**3**), (4), and (5) of subdivision (d).

(2) Paragraph (1) shall become inoperative when the State Department of Health Services has obtained all necessary federal

approvals pursuant to paragraph (**3**) of subdivision (j) of Section 14132.95.

(n) (1) One year after the effective date of the first approval by the department granted to the first public authority, the Bureau of State Audits shall commission a study to review the performance of that public authority.

(2) The study shall be submitted to the Legislature and the Governor not later than two years after the effective date of the approval specified in subdivision (a). The study shall give special attention to the health and welfare of the recipients under the public authority, including the degree to which all required services have been delivered, out-of-home placement rates, prompt response to recipient complaints, and any other issue the director deems relevant.

(**3**) The report shall make recommendations to the Legislature and the Governor for any changes to this section that will further ensure the well-being of recipients and the most efficient delivery of required services.

(o) Commencing July 1, 1997, the department shall provide annual reports to the appropriate fiscal and policy committees of the Legislature on the efficacy of the implementation of this section, and shall include an assessment of the quality of care provided pursuant to this section.



Ordinance Number

4272

Date Adopted

7/23/2002

Subject

VENTURA COUNTY ORDINANCE ESTABLISHING THE VENTURA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND REPEALING ORDINANCE NUMBER 4234

Comments

ORDINANCE NO. 4272

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS ESTABLISHING THE VENTURA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND REPEALING ORDINANCE NO. 4234

The Board of Supervisors of the County of Ventura ordains as follows:

THE VENTURA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

Sections:

Section 1: GENERAL PROVISIONS
Section 2: DEFINITIONS
Section 3: CREATION OF THE PUBLIC AUTHORITY
Section 4: POWERS OF THE PUBLIC AUTHORITY
Section 5: DUTIES AND RESPONSIBILITIES OF THE PUBLIC AUTHORITY
Section 6: MEMBERSHIP AND DUTIES OF THE PUBLIC AUTHORITY ADVISORY COMMITTEE
Section 7: CONTRACT WITH COUNTY
Section 8: PUBLIC AUTHORITY STAFF
Section 9: LIABILITY OF THE PUBLIC AUTHORITY
Section 10: IMMUNITY OF COUNTY
Section 11: RECIPIENT SELECTION OF PROVIDERS
Section 12: STATE RESPONSIBILITIES
Section 13: LABOR RELATIONS
Section 14: FISCAL PROVISIONS
Section 15: RECORD KEEPING
Section 16: PUBLIC AUTHORITY SUBJECT TO BROWN ACT
Section 17: SEVERABILITY
Section 18: TERMINATION
Section 19: EFFECTIVE DATE

Section 1: GENERAL PROVISIONS

Sec. 1.1 - TITLE - This Ordinance shall be known as the Ventura County In-Home Supportive Services Public Authority Ordinance.

Sec. 1.2 - FINDINGS AND PURPOSE - As required by Welfare and Institutions Code sections 12301.6 and 12302.25, the Board of Supervisors of Ventura County has determined that the establishment of a public authority whose powers are derived from and consistent with the

provisions of Welfare and Institutions Code section 12301.6 is necessary for the public health and welfare.

Section 2: DEFINITIONS

For purposes of this Ordinance, unless otherwise apparent from the context, the following definitions apply:

Sec. 2.1 - "Advisory Committee" means the Ventura County IHSS Public Authority Advisory Committee, as set forth in Section 6;

Sec. 2.2 - "Board of Supervisors" means the Board of Supervisors of the County of Ventura;

Sec. 2.3 - "CDSS" means the California Department of Social Services;

Sec. 2.4 - "County" means the County of Ventura;

Sec. 2.5 - "Directors" means the members of the Governing Body of the Public Authority;

Sec. 2.6 - "Governing Body" means the Ventura County Board of Supervisors;

Sec. 2.7 - "HSA" means the Ventura County Human Services Agency;

Sec. 2.8 - "IHSS" means In-Home Supportive Services as described in Welfare and Institutions Code sections 12300 et seq.;

Sec. 2.9 - "IHSS Program" means the Ventura County In-Home Supportive Services Program administered by HSA;

Sec. 2.10 - "Labor Relations Resolution" means the Public Authority Employer-Employee Labor Relations Resolution as set forth in section 13 of this Ordinance;

Sec. 2.11 - "Ordinance" means this Ventura County IHSS Public Authority Ordinance;

Sec. 2.12 - "Provider" means a person who provides authorized IHSS;

Sec. 2.13 - "Public Authority" means the Ventura County IHSS Public Authority;

Sec. 2.14 - "Recipient" means a person eligible for and authorized to receive IHSS; and

Sec. 2.15 - "Registry" means the list and system developed and maintained by the Public Authority to provide Recipients with the names of available Providers.

Sec. 2.16 - "State" means State of California.

Section 3: CREATION OF THE PUBLIC AUTHORITY

Sec. 3.1 - PUBLIC AUTHORITY CREATED - The Board of Supervisors hereby establishes a Public Authority whose powers and authority are derived from and are consistent with the provisions of Welfare and Institutions Code sections 12300 et seq. The Public Authority shall be known as the Ventura County IHSS Public Authority and shall be referred to in this Ordinance as the "Public Authority."

Sec. 3.2 - GOVERNING BODY - The Governing Body of the Public Authority shall be the Board of Supervisors.

Sec. 3.3 - SEPARATE ENTITY - The Public Authority shall be a public entity separate from the County and shall file the statements required by Government Code section 53051. Employees of the Public Authority shall not be employees of the County for any purpose.

Sec. 3.4 - EMPLOYER OF RECORD FOR PROVIDERS - The Public Authority shall be deemed to be the employer of Providers within the meaning of Chapter 10 (commencing with section 3500) of Division 4 of Title 1 of the Government Code, commonly known as the Meyers-Milias-Brown Act and within the meaning of Welfare and Institutions Code section 12301.6, subdivision (c). Nothing in this Ordinance shall be construed to limit or interfere with the rights of IHSS Recipients to hire, fire and supervise the work of any Provider providing services to them.

Section 4: POWERS OF THE PUBLIC AUTHORITY

Sec. 4.1 - GENERAL - The Public Authority shall be a corporate public body, exercising public and essential governmental functions with all powers necessary to carry out the duties conferred upon it by Welfare and Institutions Code sections 12300 et seq. and this Ordinance.

Sec. 4.2 - CONTRACTING POWERS - The Public Authority shall have the power to contract for services pursuant to Welfare and Institutions Code sections 12302 and 12302.1 and any other provision of law, including this Ordinance, subject to any limitations set forth in this Ordinance. Any contract entered into by the Public Authority is its sole responsibility and is not, and does not create, any obligation of the County.

Sec. 4.3 - CONTRACTING WITH THE COUNTY AND OTHERS FOR SERVICES - In order to carry out its functions, the Public Authority may enter into contracts with the County and other organizations or entities as necessary. Such contracts may include, but are not limited to, contracts for the provision of banking, auditor, accounting, payroll, counsel, administrative and other services necessary for the operation of the Public Authority. The Public Authority may also contract for the services of planners, financial consultants, and other experts and persons as it deems necessary within its budgetary means. Funds to pay for contract services are subject to the budget appropriations processes of the Public Authority and the County and must be approved by the Governing Body.

Sec. 4.4 - ADDITIONAL POWERS - The Public Authority shall have the power to do any of the following:

Sec. 4.4.1 - To sue and be sued in its own name;

Sec. 4.4.2 - To incur debts, liabilities or obligations subject to any limitations imposed by law or set forth herein;

Sec. 4.4.3 - To apply for, accept and receive private, State, federal or local licenses, permits, grants, loans or other aid from any agency of the United States of America or of the State of California, or private party necessary for the Public Authority's full exercise of its powers and performance of its duties;

Sec. 4.4.4 - To make such rules and regulations as are necessary to conduct its business, including establishing bylaws; and

Sec. 4.4.5 - To perform all legally authorized acts necessary and proper to carry out fully the purpose of this Ordinance and Welfare and Institutions Code sections 12300 et seq.

Section 5: DUTIES AND RESPONSIBILITIES OF THE PUBLIC AUTHORITY

Sec. 5.1 - DUTIES OF PUBLIC AUTHORITY - In addition to the other duties and responsibilities imposed in this Ordinance and under the law, the duties and responsibilities of the Public Authority shall be to implement the goals and objectives of Welfare and Institutions Code section 12301.6 in accordance with CDSS guidance. Such duties include, but are not limited to:

Sec. 5.1.1 - Establishing a Registry of Providers;

Sec. 5.1.2 - Establishing a referral system under which Providers shall be referred to Recipients;

Sec. 5.1.3 - Investigating the qualifications and background of potential Providers provided through the Registry;

Sec. 5.1.4 - Providing for training of Providers and Recipients pursuant to CDSS guidance, as funding is available from sources other than the County or as funding is authorized by the County;

Sec. 5.1.5 - Performing any other functions related to the delivery of IHSS, except as provided in subsection 5.2;

Sec. 5.1.6 - Assuring that the requirements of the personal care option pursuant to subchapter 19 (commencing with section 1396) of Chapter 7 or Title 42 of the United States Code are met; and

Sec. 5.1.7 - Exercising all powers, duties and functions as are prescribed by statute, regulation and order of CDSS, and ordinance of the Board of Supervisors and Public Authority.

Sec. 5.2 - DUTIES THAT REMAIN WITH COUNTY - The following duties remain the sole obligation of the County and the Public Authority shall not be responsible for, or authorized to perform, these duties:

Sec. 5.2.1 - Authorizing services for IHSS Recipients;

Sec. 5.2.2 - Determining Recipients' need for IHSS, the level and quality of services required, and/or the eligibility of individuals to be served;

Sec. 5.2.3 - Conducting the initial or subsequent assessment of need for services; and

Sec. 5.2.4 - Terminating Recipients' participation in the IHSS program.

Section 6: MEMBERSHIP AND DUTIES OF THE PUBLIC AUTHORITY ADVISORY COMMITTEE

Sec. 6.1 - BACKGROUND AND PURPOSE - Pursuant to Welfare and Institutions Code section 12301.3, the Board of Supervisors adopted Ordinance No. 4234 which established the Ventura County IHSS Advisory Committee for the purpose of advising the Board of Supervisors regarding options and actions necessary to establish an employer of record for IHSS. Pursuant to Welfare and Institutions Code section 12301.6, subdivision (b)(3), an Advisory Committee must continue for the purpose of advising the Public Authority. The Advisory Committee shall be subject to the terms of this section.

Sec. 6.2 - REPEAL OF ORDINANCE NO. 4234 - Ventura County Ordinance No. 4234 is hereby repealed.

Sec. 6.3 - ESTABLISHMENT AND COMPOSITION OF THE ADVISORY COMMITTEE

Sec. 6.3.1 - Initial Advisory Committee - The Advisory Committee existing as of the Effective Date of this Ordinance shall serve as the initial Advisory Committee to the Public Authority. The members shall complete their current terms and shall fulfill the roles and responsibilities required by Welfare and Institutions Code section 12301.6 and this Ordinance. All new appointments shall be made pursuant to this section.

Sec. 6.3.2 - Membership - The Governing Body shall appoint the members of the Advisory Committee, excluding the Director of HSA or his/her designee, who shall be an ex officio member. The Governing Body shall solicit qualifications of persons interested in serving as members of the Advisory Committee through a fair and open process that includes the provision of reasonable written notice to, and a reasonable response time by, members of the general public and interested persons or organizations. Applications for applying for consideration for appointment shall be provided by HSA. The Advisory Committee shall be comprised of not more than eleven (11) voting members, who shall be appointed as follows:

(a) Not less than 50 percent of the members shall be selected from among consumers or former consumers of in-home personal assistance services paid for through public or private funds, including the IHSS program;

(b) The Director of the Human Services Agency, or his/her designee, shall be a voting member of the Committee;

(c) The County Executive Officer shall nominate one voting member; and

(d) One member shall be selected from among Providers or former Providers of care under the IHSS Program.

If there are remaining unfilled seats for voting members of the Committee, they shall be drawn from community organizations as follows:

(e) A representative from an advocacy group that represents the interests of disabled individuals; and/or

(f) A representative of an advocacy group that represents the interests of senior citizens.

The Director of HSA shall also designate a County employee to provide ongoing advice and support to the Advisory Committee.

Sec. 6.4 - TERM OF ADVISORY MEMBERS AND REMOVAL

Sec. 6.4.1 - Term - New members shall be appointed for a term of two years or until the appointment of a successor, unless removed earlier as set forth in subsection 6.4.2.

Sec. 6.4.2 - Removal - Any member may be removed, at any time, with or without cause, by a majority vote of the members of the Governing Body.

Sec. 6.4.3 - Re-appointment - Any member may be re-appointed by the Governing Body to serve one additional term.

Sec. 6.5 - DUTIES - Pursuant to Welfare and Institutions Code sections 12301.3, 12301.4 and 12302.25, the Advisory Committee shall submit recommendations to the Governing Body on changes in the preferred mode of service to be utilized in the County for IHSS, as requested by the Governing Body. It shall also provide ongoing advice and recommendations regarding IHSS to the Governing Body and to any administrative body in the County that provides for the delivery and administration of IHSS. The Advisory Committee shall meet no less often than quarterly. The Advisory Committee shall also adopt bylaws, which shall only be effective after approved and adopted by the Governing Body.

Sec. 6.6 - CHAIRPERSON - Members of the Advisory Committee shall annually elect a chairperson who shall serve for a term of one year.

Sec. 6.7 - ANNUAL REPORT TO THE GOVERNING BODY - The Advisory Committee shall submit a report annually to the Governing Body, the scope of which will be agreed upon by the Committee, and which will reference its proceedings in the past year including investigations, response to items submitted by the public, and any other information deemed necessary for disclosure. Additionally, the Advisory Committee may bring matters to the Governing Body as necessary throughout the year.

Sec. 6.8 - ADVISORY COMMITTEE SUBJECT TO THE RALPH M. BROWN ACT - The Advisory Committee's meetings are subject to the open meeting laws contained in the Ralph M. Brown Act (Gov. Code section 54950 et seq.).

Sec. 6.9 - COMPENSATION OF ADVISORY COMMITTEE MEMBERS - Advisory Committee members shall not be compensated for their services, except that they shall be reimbursed for reasonable expenses, if any, incurred to attend meetings and discharge official responsibilities as authorized by the Governing Body. Reimbursement of reasonable expenses, if any, shall be limited to allowable costs for this purpose as defined by the CDSS and in accordance with County policy and procedures for such reimbursement, which are hereby adopted to apply to the Public Authority.

Sec. 6.10 - ADVISORY COMMITTEE FUNDS - Funds to support the Advisory Committee are subject to receipt of an annual allocation provided by the CDSS. To the extent such funds are made available, they shall be limited to the amount allocated annually, and shall be administered by HSA.

Section 7: CONTRACT WITH COUNTY

To promote administrative efficiencies and to avoid unintended duplication of resources prior to initiating delivery of IHSS through the Public Authority, the County and the Public Authority shall enter into an agreement specifying the purposes, scope and nature of each party's duties and responsibilities, including provisions that further compliance with all County, State and federal laws and regulatory provisions applicable to the delivery of IHSS.

Section 8: PUBLIC AUTHORITY STAFF

The Public Authority shall contract with the County for the provision of an Executive Director. The Executive Director shall serve at the pleasure of the Governing Body and shall be classified as an "at will" employee without civil service protection. The Executive Director shall administer and operate the Public Authority in accordance with policy direction of the Governing Body or its designee. The Governing Body hereby delegates to the HSA Director the authority to select the Executive Director and provide general supervision and policy direction to that individual. The Executive Director shall contract with the County for the provision of subordinate staff necessary for the administration and operation of the Public Authority, within the parameters set forth by the Governing Body or its designee. This section does not apply to Providers.

Section 9: LIABILITY OF THE PUBLIC AUTHORITY

Sec. 9.1 - PUBLIC AUTHORITY SOLELY LIABLE - Any obligation or legal liability of the Public Authority, whether statutory, contractual or otherwise, shall be the obligation or liability solely of the Public Authority and shall not be the obligation or liability of the County.

Sec. 9.2 - NOTICE OF COUNTY'S NON-LIABILITY - All contracts, leases, or other agreements of any nature, including collective bargaining agreements, between the Public Authority and any party, except those with the County, shall contain the following statement:

> "The Ventura County IHSS Public Authority is an independent legal entity, separate and apart from the County of Ventura. The Public Authority has no power to bind the County to any contractual or legal obligations. Nor may the obligees of the Public Authority seek recourse against the County of Ventura for any financial or legal obligation of the Public Authority."

The provisions of this section and this statement shall apply even if this statement is not included in a contract, lease or agreement of the Public Authority.

Sec. 9.3 - PROVIDER LIABILITY - The Public Authority shall not be deemed to be the employer of Providers for purposes of liability due to the negligence or intentional torts of Providers.

Sec. 9.4 - INSURANCE - The Public Authority shall maintain all insurance coverage necessary in an amount to be determined to be adequate by the Governing Body. The policy shall name the County as an additional insured.

Sec. 9.5 - INDEMNIFICATION OF COUNTY - The Public Authority shall indemnify, defend and hold harmless the County, its elected and appointed officers, employees and agents, from and against any and all liability, including defense costs and legal fees, and claims for damages of any nature whatsoever, including but not limited to personal injury or property damages, arising from or connected with any act or omission of any officer or employee of the Public Authority.

Sec. 9.6 - INDEMNIFICATION OF PUBLIC AUTHORITY BY THIRD PARTIES - The Public Authority shall require all third parties with whom it contracts, other than the County, to indemnify, defend and hold harmless the Public Authority, to provide the Public Authority with written acknowledgment of such indemnification and to maintain adequate levels of insurance, as determined by the Governing Body or its designee, naming the Public Authority as an additional insured.

Section 10: IMMUNITY OF COUNTY

The County shall be immune from any liability resulting from its implementation of this Ordinance and/or the administration of the IHSS program pursuant to Welfare and Institutions Code sections 12301.6 et seq.

Section 11: RECIPIENT SELECTION OF PROVIDERS

Recipients may select Providers who are not on the Registry. Those Providers shall nevertheless be referred to the Public Authority for the purposes of wages, benefits, and other terms and conditions of employment.

Section 12: STATE RESPONSIBILITIES

The creation and operation of the Public Authority shall not be construed to alter, require the alteration of, or interfere with the State's payroll system and other provisions of Welfare and Institutions Code section 12302.2 for Providers of IHSS, or to affect the State's responsibilities with respect to unemployment insurance, or workers' compensation for Providers.

Section 13: LABOR RELATIONS

Sec. 13.1 - LABOR RELATIONS RULES - The Public Authority or its designee shall adopt rules and regulations for administration of employer-employee relations for Providers through the adoption of an Employer-Employee Labor Relations Resolution, which shall include the following and shall apply to any labor relations agreement:

Sec. 13.1.1 - Certified Labor Organization - Only those certified labor organization(s) authorized in the Labor Relations Resolution shall be entitled to negotiate with the Public Authority on matters within the scope of representation and regarding such other rights as may be granted to the recognized organization(s) pursuant to sections 3500 through 3511 of the Government Code.

Sec. 13.1.2 - Required Showing of Interest - A labor organization which seeks to become a certified labor organization shall establish proof to the Public Authority's approval that at least thirty percent (30%) of the Providers desire the petitioning labor organization to be their sole representative. Such showing shall be a sufficient showing of interest for any labor organization to initiate an election to certify an exclusive representative for collective bargaining purposes.

Sec. 13.1.3 - No Strike Clause - Due to the special and critical health-care services provided through the IHSS Program, the Board of Supervisors finds that any interruption of such services would pose an imminent threat to the health and safety of Recipients and to the community. In order to minimize the likelihood of such interruption and thereby protect the health and safety of Recipients a non-strike clause shall be included in any and all collective bargaining agreements with Providers and any organization that seeks to represent or represents the Providers of IHSS to Recipients. The Public Authority shall take all legal action necessary to bar any strike or other concerted interruption of services to Recipients.

Sec. 13.1.4 - Other - The Labor Relations Resolution and any agreement with a certified labor organization may contain any other provisions that the Governing Body or its designee deems necessary.

Sec. 13.2 - DESIGNEE - The County Executive Officer or designee is authorized to act as manager of labor relations for the Public Authority.

Section 14: FISCAL PROVISIONS

Sec. 14.1 - MAXIMUM APPROPRIATIONS - The establishment and operation of the Public Authority or application of Government Code sections 3500 et seq., shall not result in payments from the County's general fund beyond the County's annual appropriation for the Public Authority, if any, contained in the County's final budget for any fiscal year, which shall be an absolute limit on County costs for that fiscal year.

The Board of Supervisors recognizes that the funding of IHSS is the product of a complex relationship of federal, State and County financing and that the ability of the Public Authority to operate, and to negotiate the wages and benefits of the Providers, is dependent upon the availability of adequate funding from all sources. Payment for all services provided pursuant to this Ordinance is contingent upon the appropriation of County, State and federal funds for the purpose of providing IHSS. Nothing in this section is intended to require the County to appropriate any funds for the operation of the Public Authority or for the payment of wages or benefits to Providers.

Sec. 14.2 - BUDGET - The Public Authority shall adopt its budget under the same laws, rules and policies that control the County budget process. The Public Authority will be maintained as a separate budget entity. The budget will be submitted through HSA.

The total of all operational costs, wages, and benefits proposed or established by the Public Authority shall be consistent with the provisions of the County budget, as amended from time to time. The Public Authority is not authorized to establish a payment rate, including costs of wages, benefits and operations until the County determines and approves that the funds necessary for the payment rate are available.

Sec. 14.3 - COOPERATION WITH COUNTY - The Public Authority shall timely provide to the County its expenditure and revenue information so that the County may report the expenditures to the CDSS in order to receive reimbursement for the State and federal shares of Public Authority costs.

The Public Authority shall assist the County in developing and submitting the information and documentation necessary to obtain approval from the CDSS and the State Department of Health Services for the Public Authority's reimbursement rate and any rate adjustment.

Sec. 14.4 - NO EFFECT ON RECIPIENT SERVICES - In implementing and administering this Ordinance, the Public Authority shall not reduce the hours of service for any Recipient below the amount determined to be necessary under the uniform assessment guidelines established by the CDSS. The IHSS

Program shall not be reduced in order to under fund the Public Authority or any wage or benefit increase to Providers.

Section 15: RECORD KEEPING

Sec. 15.1 - RECORDS RETENTION POLICY - The Public Authority shall develop a records retention policy consistent with County, State, and federal laws and policies. The Public Authority shall make any of the retained records available to all authorized County, State and federal representatives.

Sec. 15.2 - CONFIDENTIALITY - The Public Authority must operate under applicable State and federal laws and regulations concerning the confidentiality of HSA records. These regulations, including but not limited to Welfare and Institutions Code section 10850, 45 CFR Section 205.50, subdivision (a), and the Health Insurance Portability and Accounting Act of 1996, were created to protect applicants and Recipients of public social services against identification, exploitation or embarrassment that could result from release of information identifying them as Recipients of IHSS. These regulations bind public and private agencies with which the County contracts to perform any part of the IHSS program and shall also bind the Public Authority.

Section 16: PUBLIC AUTHORITY SUBJECT TO BROWN ACT

The Public Authority's meetings shall be subject to the open meeting laws contained in the Ralph M. Brown Act (Government Code section 54950 et seq., and any amendments thereto).

Section 17: SEVERABILITY

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 declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 18: TERMINATION

By repeal of this Ordinance, the Board of Supervisors may abolish the Public Authority.

Section 19: EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days after its adoption. Within fifteen (15) days after the date of adoption of this Ordinance, a

summary shall be published once with the name of those members voting for and against the same in a newspaper of general circulation published in the County of Ventura.

PASSED AND ADOPTED this 23rd day of July, 2002, by the following vote:

AYES: Supervisors Bennett, Schillo, Long, Nikels & Flynn

NOES: None

ABSENT: None

John K. Flynn
CHAIR, BOARD OF SUPERVISORS

ATTEST: JOHN F. JOHNSTON,
Clerk of the Board of Supervisors
County of Ventura, State of California.

By Laura Plascencia
Deputy Clerk of the Board

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SUMMARY OF ORDINANCE NO. 4272 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ESTABLISHING THE VENTURA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND REPEALING ORDINANCE NO. 4234

The following is a summary of the ordinance adopted by the Ventura County Board of Supervisors on July 23, 2002. The purpose of the ordinance is to establish a public authority to serve as the employer of record for in-home support services workers pursuant to the provisions of Welfare and Institutions Code section 12301.6 et seq.

Section 1: GENERAL PROVISIONS - The Ordinance shall be known as the Ventura County In-Home Supportive Services Public Authority Ordinance. It establishes a public authority whose powers are derived from and consistent with the provisions of Welfare and Institutions Code section 12301.6.

Section 2: DEFINITIONS - Among other definitions, "CDSS" means the California Department of Social Services; "Directors" means the members of the Governing Body of the Public Authority; "Governing Body" means the Ventura County Board of Supervisors; "HSA" means the Ventura County Human Services Agency; "IHSS" means In-Home Supportive Services as described in Welfare and Institutions Code section 12300 et seq.; "IHSS Program" means the Ventura County In-Home Supportive Services Program administered by HSA; "Provider" means a person who provides authorized IHSS; "Public Authority" means the Ventura County IHSS Public Authority; "Recipient" means a person eligible for and authorized to receive IHSS; and "Registry" means the list and system developed and maintained by the Public Authority to provide Recipients with the names of available Providers.

Section 3: CREATION OF THE PUBLIC AUTHORITY - A Public Authority is established whose powers and authority are derived from and are consistent with the provisions of Welfare and Institutions Code section 12300 et seq. The Public Authority shall be known as the Ventura County IHSS Public Authority. The Governing Body of the Public Authority shall be the Board of Supervisors.

The Public Authority shall be a public entity separate from the County. Employees of the Public Authority shall not be employees of the County. The Public Authority shall be deemed to be the employer of Providers, but nothing in the Ordinance shall be construed to limit or interfere with the rights of IHSS Recipients to hire, fire and supervise the work of any Provider providing services to them.

Section 4: POWERS OF THE PUBLIC AUTHORITY - The Public Authority shall be a corporate public body, exercising public and essential governmental functions. It shall have the power to contract for services, and any contract it enters into is its sole

responsibility and is not, and does not, create any obligation of the County. Funds to pay for contract services are subject to the budget appropriations processes of the Public Authority and the County and must be approved by the Governing Body.

The Public Authority shall have the power to sue and be sued in its own name; to incur debts, liabilities or obligations subject to any limitations imposed by law; to apply for, accept and receive private, State, federal or local licenses, permits, grants, loans or other aid; to make such rules and regulations necessary to conduct its business, including bylaws; and to perform all legally authorized acts necessary and proper to carry out fully the purpose of this Ordinance and Welfare and Institutions Code section 12300 et seq.

Section 5: DUTIES AND RESPONSIBILITIES OF THE PUBLIC AUTHORITY - The duties and responsibilities of the Public Authority shall be to implement the goals and objectives of Welfare and Institutions Code section 12301.6 in accordance with CDSS guidance. They include: establishing a Registry of Providers; establishing a referral system under which Providers shall be referred to Recipients; investigating the qualifications and background of potential Providers; providing for training of Providers and Recipients, as limited; performing any other functions related to the delivery of IHSS, except as limited; assuring the requirements of the personal care option are met; and exercising all powers, duties and functions as are otherwise prescribed.

The following duties remain the sole obligation of the County, not the Public Authority: authorizing services for IHSS Recipients; determining Recipients' need for IHSS, the level and quality of services required, and/or the eligibility of individuals to be served; conducting the initial or subsequent assessment of need for services; and terminating Recipients' participation in the IHSS program.

Section 6: MEMBERSHIP AND DUTIES OF THE PUBLIC AUTHORITY ADVISORY COMMITTEE - The Board of Supervisors previously adopted Ordinance No. 4234 which established the Ventura County IHSS Advisory Committee for the purpose of advising regarding options and actions necessary to establish an employer of record for IHSS. An Advisory Committee must continue for the purpose of advising the Public Authority.

Ventura County Ordinance No. 4234 is hereby repealed. The Advisory Committee existing as of the Effective Date of this Ordinance shall serve as the initial Advisory Committee to the Public Authority. The members shall complete their current terms and shall fulfill the roles and responsibilities required by Welfare and Institutions Code section 12301.6 and this Ordinance.

The Governing Body shall appoint the members of the Advisory Committee, excluding the Director of HSA or his/her designee, who shall be an ex officio member. The Advisory Committee shall be comprised of not more than eleven (11) voting members, who shall be appointed as follows: (a) Not less than 50 percent of the members shall

be selected from among consumers or former consumers of in-home personal assistance services paid for through public or private funds, including the IHSS program; (b) the Director of the Human Services Agency, or his/her designee, shall be a voting member of the Committee; (c) the County Executive Officer shall nominate one voting member; and (d) one member shall be selected from among Providers or former Providers of care under the IHSS Program.

If there are remaining unfilled seats, they shall be drawn from community organizations as follows: (e) a representative from an advocacy group that represents the interests of disabled individuals; and/or (f) a representative of an advocacy group that represents the interests of senior citizens.

Members, except the ex officio member, may serve a maximum of two terms. New members shall be appointed for a term of two years. Any member may be removed, at any time, with or without cause, by a majority vote of the members of the Governing Body. The elected chairperson shall serve for a term of one year.

The Advisory Committee shall have the following duties: it shall submit recommendations to the Governing Body on changes in the preferred mode of service to be utilized in the County for IHSS. It shall also provide ongoing advice and recommendations regarding IHSS. It shall meet no less often than quarterly.

The Advisory Committee shall submit a report annually to the Governing Body. Its meetings are subject to the open meeting laws contained in the Ralph M. Brown Act. Advisory Committee members shall not be compensated for their services, but shall be reimbursed for reasonable expenses as authorized by the Governing Body. Funds to support the Advisory Committee are subject to receipt of an annual allocation provided by the CDSS. To the extent such funds are made available, they shall be limited to the amount allocated annually, and shall be administered by HSA.

Section 7: CONTRACT WITH COUNTY - The County and the Public Authority shall enter into an agreement specifying the purposes, scope and nature of each party's duties and responsibilities.

Section 8: PUBLIC AUTHORITY STAFF - The Public Authority shall contract with the County for the provision of an Executive Director who shall serve at the pleasure of the Governing Body and shall administer and operate the Public Authority in accordance with policy direction of the Governing Body. The Governing Body delegates to the HSA Director the authority to select the Executive Director and provide general supervision and policy direction to that individual. The Executive Director shall contract with the County for the provision of subordinate staff necessary for the administration and operation of the Public Authority.

Section 9: LIABILITY OF THE PUBLIC AUTHORITY - Any obligation or legal liability of the Public Authority shall be the obligation or liability solely of the Public Authority and shall not be the obligation or liability of the County.

The Public Authority shall not be deemed to be the employer of Providers for purposes of liability due to the negligence or intentional torts of Providers. The Public Authority shall maintain all insurance coverage necessary.

The Public Authority shall indemnify the County. The Public Authority shall require all third parties with whom it contracts, other than the County, to indemnify it.

Section 10: IMMUNITY OF COUNTY - The County shall be immune from any liability resulting from its implementation of this Ordinance and/or the administration of the IHSS program pursuant to Welfare and Institutions Code section 12301.6 et seq.

Section 11: RECIPIENT SELECTION OF PROVIDERS - Recipients may select Providers who are not on the Registry. Those Providers shall nevertheless be referred to the Public Authority for the purposes of wages, benefits, and other terms and conditions of employment.

Section 12: STATE RESPONSIBILITIES - The creation and operation of the Public Authority shall not alter the State's payroll system and other provisions of Welfare and Institutions Code section 12302.2 for Providers of IHSS, or affect the State's responsibilities with respect to unemployment insurance, or workers' compensation for Providers.

Section 13: LABOR RELATIONS - The Public Authority or its designee shall adopt rules and regulations for administration of employer-employee relations for Providers through the adoption of an Employer-Employee Labor Relations Resolution, which shall include: only certified labor organization(s) authorized in the Labor Relations Resolution shall be entitled to negotiate with the Public Authority; a labor organization which seeks to become a certified labor organization shall establish proof to the Public Authority's approval that at least thirty percent (30%) of the Providers desire the petitioning labor organization to be their sole representative; any interruption of Provider services would pose an imminent threat to the health and safety of Recipients and to the community, and to minimize the likelihood of such interruption and protect the health and safety of Recipients a non-strike clause shall be included in any and all collective bargaining agreements with Providers and any organization that seeks to represent or represents the Providers. The Public Authority shall take all legal action necessary to bar any strike or other concerted interruption of services to Recipients.

The County Executive Officer or designee is authorized to act as manager of labor relations for the Public Authority.

Section 14: FISCAL PROVISIONS - The establishment and operation of the Public Authority or application of Government Code section 3500 et seq. shall not result in payments from the County's general fund beyond the County's annual appropriation for the Public Authority. Payment for all services provided pursuant to this Ordinance is contingent upon the appropriation of County, State and federal funds for the purpose of providing IHSS. Nothing in this section is intended to require the County to appropriate any funds for the operation of the Public Authority or for the payment of wages or benefits to Providers.

The Public Authority shall adopt its budget under the same laws, rules and policies that control the County budget process. The Public Authority will be maintained as a separate budget entity. The budget will be submitted through HSA. The total of all operational costs, wages, and benefits proposed or established by the Public Authority shall be consistent with the provisions of the County budget.

The Public Authority shall assist the County in developing and submitting the information and documentation necessary to obtain approval from the CDSS and the State Department of Health Services for the Public Authority's reimbursement rate and any rate adjustment.

The Public Authority shall not reduce the hours of service for any Recipient below the amount determined to be necessary under the uniform assessment guidelines established by the CDSS.

Section 15: RECORD KEEPING - The Public Authority shall develop a records retention policy and shall make any of the retained records available to all authorized County, State and federal representatives. The Public Authority must operate under applicable State and federal laws and regulations concerning the confidentiality of HSA records.

Section 16: PUBLIC AUTHORITY SUBJECT TO BROWN ACT - The Public Authority's meetings shall be subject to the Ralph M. Brown Act.

Section 17: SEVERABILITY - If any section, subsection, sentence, clause or phrase of this Ordinance is held to be unconstitutional that decision shall not affect the validity of the remaining portion of this Ordinance.

Section 18: TERMINATION - The Board of Supervisors may abolish the Public Authority.

Section 19: EFFECTIVE DATE - This Ordinance shall take effect thirty (30) days after its adoption.

The Ordinance was adopted by the following vote:

AYES: Supervisors Bennett, Schilb, Long, Nikels & Flynn

NOES: None

ABSENT: None

July 23, 2003

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ORDINANCE No. 42,5

ORDINANCE BY THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA TO AMEND ORDINANCE NO. 4272 TO DECREASE THE PERCENTAGE REQUIRED BY THE VENTURA COUNTY IHSS PUBLIC AUTHORITY TO RECOGNIZE A LABOR ORGANIZATION

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1: Section 13.1.2 is hereby amended to read as follows:

"Sec. 13.1.2 - Required Showing of Interest - A labor organization which seeks to become a certified labor organization shall establish proof to the Public Authority's approval that at least twenty percent (20%) of the Providers desire the petitioning labor organization to be their sole representative. Such showing shall be a sufficient showing of interest for any labor organization to initiate an election to certify an exclusive representative for collective bargaining purposes."

Section 2: **EFFECTIVE DATE**

This Ordinance shall take effect and be in full force thirty (30) days after its adoption.

PASSED AND ADOPTED this 5th day of November, 2002, by the following vote:

AYES: Supervisors Bennett, Schultz, Long, Mikels and Flynn

NOES: None

ABSENT: None

John K. Flynn
CHAIR, BOARD OF SUPERVISORS

ATTEST: JOHN F. JOHNSTON,
Clerk of the Board of Supervisors
County of Ventura, State of California.

By Paula A. Racencio
Deputy Clerk of the Board

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BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

November 5, 2002 at 9:00 a.m.

ORD 4275/ORD 4272/233

ORDINANCE AMENDING ORDINANCE 4272

An Ordinance by the Board of Supervisors of the County of Ventura to Amend Ordinance No. 4272 to Decrease the Percentage Required by the Ventura county IHSS Public Authority to Recognize a Labor Organization is presented to the Board at this time, and upon motion of Supervisors Mikels, seconded by Supervisor Schillo, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4275.

Board members vote as follows:

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4275.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ventura County Reporter (VCCR), a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

HSA (2)
AUDITOR
FILES (3)
ITEM 18
11/5/02
KP

Certificate of Publication

Ad No(s): 462730

In Matter of Publication of:

Summary of Ordinance

State of California)
((§
County of Ventura)

I, **Sharon K. Palmer,** hereby certify that the **Ventura County Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

July 18, 2002

I, certify under penalty of perjury, that the foregoing is true and correct.

Dated this **18th** day of **July 2002**, in San Buenaventura, California.

(Signature)
skp

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BOARD OF SUPERVISORS

02-002

GF Ideal Recvd 7/22/02 ICP ORD 4272

SUMMARY OF ORDINANCE INTRODUCED BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ESTABLISHING THE VENTURA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND REPEALING ORDINANCE NO 4231

The following is a summary of the ordinance before the Ventura County Board of Supervisors on July 16, 2002. The purpose of the ordinance is to establish a public authority to serve as the employer of record for in-home support services workers pursuant to the provisions of Welfare and Institutions Code section 12301.6 et.seq.

Section 1: GENERAL PROVISIONS - The Ordinance shall be known as the Ventura County In-home Supportive Services Public Authority Ordinance. It establishes a public authority whose powers are derived from and consistent with the provisions of Welfare and Institutions Code section 12301.6

Section 2: DEFINITIONS - Among other definitions, "CDSS" means the California Department of Social Services; "Directors" means the members of the Governing Body of the Public Authority; "Governing Body" means the Ventura County Board of Supervisors; "HSA" means the Ventura County Human Services Agency; "IHSS" means In-Home Supportive Services as described in Welfare and Institutions Code section 12300 et.seq.; "IHSS Program" means the Ventura County In-Home Supportive Services Program administered by HSA; "Provider" means a person who provides authorized IHSS; "Public Authority" means the Ventura County IHPSS Public Authority; "Recipient" means a person eligible for and authorized to receive IHSS; and "Registry" means the list and system developed and maintained by the Public Authority to provide Recipients with the names of available Providers.

Section 3: CREATION OF THE PUBLIC AUTHORITY - A Public Authority is established whose powers and authority are derived from and are consistent with the provisions of Welfare and Institutions Code section 12300 et.seq. The Public Authority shall be known as the Ventura County IHSS Public Authority. The Governing Body of the Public Authority shall be the Board of Supervisors.

The Public Authority shall be a public entity separate from the County. Employees of the Public Authority shall not be employees of the County. The Public Authority shall be deemed to be the employer of Providers, but nothing in the Ordinance shall be construed to limit or interfere with the rights of IHSS Recipients to hire, fire and supervise the work of any Provider providing services to them.

Section 4: POWERS OF THE PUBLIC AUTHORITY - The Public Authority shall be a corporate public body, exercising public and essential governmental functions. It shall have the power to contract for services, and any contract it enters into is its sole responsibility and is not, and does not, create any obligation of the County. Funds to pay for contract services are subject to the budget appropriates processes of the Public Authority and the County and must be approved by the Governing Body.

The Public Authority shall have the power to sue and be used in its own name; to incur debts, liabilities or obligations subject to any limitations imposed by law; to apply for, accept and receive private, State, federal or local licenses, permits, grants, loans or other aid; to make such rules and regulations necessary to conduct its business, including bylaws; and to perform all legally authorized acts necessary and proper to carry out fully the purpose of this Ordinance and Welfare and Institutions Code section 12300 et.seq.

Section 5: DUTIES AND RESPONSIBILITIES OF THE PUBLIC AUTHORITY - The duties and responsibilities of the Public Authority shall be to implement the goals and objectives of Welfare and Institutions Code section 12301.6 in accordance with CDSS guidance. They include: establishing a Registry of Providers; establishing a referral system under which Providers shall be referred to Recipients; investigating the qualifications and background of potential Providers; providing for training of Providers and Recipients, as limited; performing any other functions related to the delivery of IHSS, except as limited; assuring the requirements of the personal care option are met; and exercising all powers, duties and functions as are otherwise prescribed.

The following duties remain the sole obligation of the County, not the Public Authority; authorizing services for IHSS Recipients; determining Recipients' need for IHSS, the level and quality services required, and/or the eligibility or individuals to be served; conducting the initial or subsequent assessment of need for services; and terminating Recipients' participation in the IHSS program.

Section 6: MEMBERSHIP AND DUTIES OF THE PUBLIC AUTHORITY ADVISORY COMMITTEE - The Board of Supervisors previously adopted Ordinance No.4234 which established the Ventura County IHSS Advisory Committee for the purpose of advising regarding options and actions necessary to establish an employer or record for IHSS. An Advisory Committee must continue for the purpose of advising the Public Authority.

Ventura County Ordinance No.4234 is hereby repealed. The Advisory Committee existing as of the Effective Date of this Ordinance shall serve as the initial Advisory Committee to the Public Authority. The members shall complete their current terms and shall fulfill the roles and responsibilities required by Welfare and Institutions Code section 12301.6 and this Ordinance.

The Governing Body shall appoint the members of the Advisory Committee, excluding the Director of HSA or his/her designee, who shall be an ex officio member. The Advisory Committee shall be comprised of not more than eleven (11) voting members, who shall be appointed as follows: (a) Not less than 50 percent of the members shall be selected from among consumers or former consumers of in-home personal assistance services paid for through public or private funds, including the IHSS program; (b) the Director of the Human Services Agency, or his/her designee, shall be a voting member of the Committee; (c) the County Executive Officer shall nominate one voting member; and (d) one member shall be selected from among Providers or former Providers of care under the IHSS Program.

If there are remaining unfilled seats, they shall be drawn from community organizations as follows: (e) a representative from an advocacy group that represents the interests of disabled individuals; and/or (f) a representative of an advocacy group that represents the interests of senior citizens.

Members, except the ex officio member, may serve a maximum of two terms. New members shall be appointed for a term of two years. Any member may be removed, at any time, with or without cause, by a majority vote of the members of the Governing Body. The elected chairperson shall serve for a term of one year.

The Advisory Committee shall have the following duties; it shall submit recommendations to the Governing Body on changes in the preferred mode of service to be utilized in the County for IHSS. It shall also provide ongoing advice and recommendations regarding IHSS. It shall meet no less often than quarterly.

The Advisory Committee shall submit a report annually to the Governing

sory Com
the CDSS

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

July 23, 2002 at 9:00 a.m.

ORD NO. 4272/233/208.103

VENTURA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

An Ordinance of the Ventura County Board of Supervisors Establishing the Ventura County In-Home Supportive Services Public Authority and Repealing Ordinance No. 4234 is presented to the Board at this time, and upon motion of Supervisor Schillo, seconded by Supervisor Mikels, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4272.

Board members vote as follows:

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4272.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ventura County Reporter (VCR) a newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

Human Services Agency
Human Resources Agency
Auditor
File (2)
7/23/02
Item 33
KP

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, FRANK SCHILLO, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN

October 22, 2002 at 8:30 a.m.

233/ORD 4272/ORD #

HUMAN SERVICES AGENCY - Adoption of an Amendment to Ordinance 4272 to Decrease the Percentage Required by the Ventura County In-Home Supportive Services Public Authority to Recognize a Labor Organization.
READ ORDINANCE IN TITLE ONLY; CONTINUE FINAL ADOPTION TO NOVEMBER 5, 2002 AT 9:00 A.M.

(X) All board members are present.

(X) All board members are present except Bruce Stenslie.

( ) The following person(s) are heard: _____.

( ) The following document(s) are submitted to the Board for consideration:
( ) _____ statement card(s); ( ) _____

( ) The Board holds a public hearing.

(X) Upon motion of Supervisor Bennett, seconded by Supervisor Long, and duly carried, the Board hereby approves the attached staff recommendations; Reads Ordinance in Title Only and Continues Final Adoption to November 5, 2002 at 9:00 a.m..

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.

( ) Without motion, the Board hereby makes the attached presentation.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: _____
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument Is a true and correct copy of the document which is on file in this office.
JOHN F. JOHNSTON
Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board

Item #24
10/22/02

DISTRIBUTION: Originating Agency, Auditor, File

county of ventura

HUMAN SERVICES AGENCY
Barbara Fitzgerald, Agency Director

Bruce Stenslie, Director
Administrative Services Dept
652-7521

Teresa Elenes, Director
Adult Services Department
652-7654

Barry Zimmerman, Director
Business & Employment Services Dept
652-7525

Ted Myers, Director
Children & Family Services Dept
652-7838

Kathi Strahl, Director
Transitional Assistance Dept
652-7662

October 22, 2002

Board of Supervisors
County of Ventura
800 South Victoria
Ventura, California 93009

SUBJECT: **ADOPTION OF AN AMENDMENT TO ORDINANCE 4272 TO DECREASE THE PERCENTAGE REQUIRED BY THE VENTURA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY TO RECOGNIZE A LABOR ORGANIZATION**

RECOMMENDATIONS:

It is recommended that your Board:

1. Introduce and read in title only the attached amendment to Ordinance 4272 to decrease the percentage required by Ventura County In-Home Supportive Services Public Authority to recognize a labor organization from 30 percent to 20 percent and waive further reading.

2. Set November 5, 2002 as the second hearing date for final adoption.

FISCAL/MANDATES IMPACT: There is no fiscal impact associated with amending the ordinance.

DISCUSSION:

Last week, during discussion of a resolution entitled, "The Ventura County In-Home Supportive Services Public Authority Employer-Employee Relations Rules and Regulations," presented on the Public Authority agenda (item 24), questions were raised pertaining to the Recognition Procedures which must be followed for a labor association/union/organization to be acknowledged by the Public Authority for the purposes of collective bargaining. Consistent with the requirements of Ordinance 4272 which established the Public Authority, the resolution required a labor association/union/organization petitioning to be recognized present proof that at least 30 percent of employees within the proposed unit support the organization's petition.

Questions were raised whether this 30 percent requirement was an unreasonably high requirement and whether 20 percent was a more appropriate threshold.

The threshold was initially established at 30 percent because such a threshold is recognized throughout the labor relations industry as a reasonable standard. For example, a 30 percent threshold is used in the Meyers-Milias-Brown Act, the County of Ventura Personnel Rules and Regulations, the National Labor Relations Act and the Federal Civil Service. However, given the geographical dispersion of the independent providers who may seek to organize, we believe it is appropriate to reduce the threshold to 20 percent.

Of the 19 other counties who have established their Public Authority Employer-Employee Relations Rules and Regulations, 7 established the threshold at 30 percent, 5 used 20 percent, 5 used 15 percent and 2 used 10 percent.

Reducing the threshold to 20 percent requires an amendment to Ordinance 4272. The following procedures are required to amend Ordinance 4272:

1. October 22: Attached to this Board letter is an amendment to Ordinance 4272 to decrease the percentage required by the Ventura County IHSS Public Authority to recognize a labor organization from 30 percent to 20 percent (first reading).

2. November 5: The amendment to Ordinance 4272 could be adopted (second reading).

3. December 5: The adopted amendment to Ordinance 4272 would go into effect, lowering the required proof of support to 20 percent.

This letter has been reviewed by the County Executive Office/Program and Budget Division, County Executive Office/Human Resources Division, the Auditor-Controller's Office and County Counsel. If you have any questions, please contact me at 652-7602 or Bruce Stenslie, Director of HSA Administration at 652-7621.

Respectfully submitted,

BARBARA FITZGERALD
Director

Attachment

G:\Board letters\IHSS Public Authority Ordinance Amendment 10 02.doc

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, FRANK SCHILLO, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN
July 23, 2002 at 9:00 a.m.

233/208.103/ORD4272

SECOND HEARING: **Ordinance Presented to the Board on July 16, 2002 For Final Adoption This Date:**

An Ordinance of the Ventura County Board of Supervisors Establishing the Ventura County In-Home Supportive Services Public Authority and Repealing Ordinance No. 4234. (Heard 7/16/02, Item 29)

(X) All board members are present.

( ) The following person(s) are heard: _____.

( ) The following document(s) are submitted to the Board for consideration:
( ) _____ statement card(s); ( ) _____

(X) The Board holds a public hearing.

(X) Upon motion of Supervisor Schillo, seconded by Supervisor Mikels, and duly carried, the Board hereby approves the attached staff recommendations 1 through 5; Adopted Ordinance No. 4272; .

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.

( ) Without motion, the Board hereby hears the attached presentation.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: _____
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument Is a true and correct copy of the document which is on file in this office.
JOHN F. JOHNSTON
Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board

Item #33
07/23/02

DISTRIBUTION: Originating Agency, Auditor, File

county of ventura

HUMAN SERVICES AGENCY
Barbara Fitzgerald, Agency Director

Bruce Stenslie, Director
Administrative Services Dept
652-7521

Teresa Elenes, Director
Adult Services Department
652-7654

Barry Zimmerman, Director
Business & Employment Services Dept
652-7525

Ted Myers, Director
Children & Family Services Dept
652-7838

Kathi Strahl, Director
Transitional Assistance Dept
652-7662

July 16, 2002

Board of Supervisors
County of Ventura
800 South Victoria
Ventura, California 93009

SUBJECT: APPROVAL OF AN ORDINANCE ESTABLISHING THE VENTURA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

RECOMMENDATIONS:

It is recommended that your Board:

1. Introduce and read in title only the attached ordinance to establish the Ventura County In-Home Supportive Services Public Authority and waive further reading.

2. Set July 23, 2002 as the second hearing date for final adoption.

3. Authorize the County Executive Office to establish the following position allocations within the Human Services Agency (Budget Unit 5390) effective July 21, 2002.

Class Code	Classification Title	FTE	Range	Annual Salary
01561	Human Services Manager	1	$2,201.53 - $2,959.42	$57,239 - $76,944
00031	Administrative Assistant II	1	$1,296.07 - $1,817.59	$33,697 - $47,257
01158	Community Serv Wkr III	3	$10.43275 - $14.56163	$21,700 - $30,288

4. Authorize the Human Services Agency to serve as the interim staff of the Public Authority while recruitment of the Public Authority positions is conducted.

5. Authorize the Auditor-Controller to process the accounting transactions necessary to transfer appropriations for FY 2002-03 in order to move funds from the 2000 object level to the 1000 object level to pay for the positions requested in recommendation number 3 as follows:

HSA Direct Aid – IHSS/Public Authority Budget Unit 5390

Decrease – Services and Supplies	$147,600
Increase – Salaries and Benefits	$147,600

FISCAL/MANDATES IMPACT:

Mandatory:	Yes
Authority:	Welfare & Institutions Code Section 12302.25
Source of Funding:	State, Federal, County (Realignment Funds)
Impact on Other Departments:	May impact departments such as Auditor-Controller's Office and Human Resources in providing contract services to the Public Authority

CURRENT FY 2002-03 Budget Projection for 5360 HSA Direct Aid				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated (Savings/Deficit)
Appropriations	60,126,507	60,126,507	60,126,507	
Revenue	55,470,581	55,470,581	55,470,581	
Net Cost	4,655,926	4,655,926	4,655,926	

The recommended actions taken today have no immediate fiscal impact. The FY 2002-03 Adopted Budget includes appropriations for approximately one half year of administrative costs. There could be additional costs if wages are increased above the budgeted levels. Additional details of the potential impact are included in the Discussion section of this Board letter.

Summary of Revenue and Total Costs:

	FY 2002-03	FY 2003-04
Revenue:		
Direct	$112,049	$178,500
TOTAL REVENUE	**$112,049**	**$178,500**
Costs:		
Direct	$147,600	$235,177
Indirect Costs	Minimal	Minimal
TOTAL COSTS	**$147,600**	**$235,177**
Net County Cost	**$35,551**	**$56,677**

The figures included in the table above reflect only the costs associated with the positions requested in recommendation three of this letter. The net County costs shown for FY 2002-03 are included in the approved FY 2002-03 budget and do not represent new net County costs. Full program cost projections will be included in the budgetary process for FY 2003-04.

DISCUSSION:

On April 2, 2002, your Board approved, in concept, the establishment of a Public Authority to meet the employer of record requirements of Assembly Bill 1682 for

individual providers of In-Home Supportive Services (IHSS). In addition, your Board also approved the establishment of a County Interagency Implementation Team for the employer of record and requested that the Human Services Agency (HSA) identify areas where the implementation timeline could be accelerated, if possible.

The previously approved plan projected the formal establishment of the public authority via ordinance later this calendar year. However, the Implementation Team has determined that an earlier adoption of the proposed ordinance will permit some implementation activities to run concurrently with additional planning activities, resulting in an operational public authority sooner than expected.

Through your Board's previous direction, HSA and the Implementation Team recognize there are two primary issues pressing for an earlier implementation than previously planned. The first addresses the question of when we can begin, budget allowing, to pay the IHSS individual providers a higher wage and secure for them some benefits. The second relates to how soon can we establish a registry to facilitate the training, recruitment and referral of providers and better assure quality service provision to IHSS consumers.

The currently approved timeline (May 2001) has been to establish the public authority no later than January 1, 2003. With the current pace of implementation, we are planning that the newly negotiated wage paid to IHSS individual providers may be in place on January 1, 2003. This distinction is critical, in that any wage above the current maximum allowed rate of $7.11 per hour (maximum, that is, relative to State cost sharing) requires the following: 1) that the Public Authority be established with the authority to negotiate; 2) that the Public Authority negotiate through a collective bargaining process the new wage and benefits package, and 3) then have that wage and benefit package approved by the State.

With respect to the issue of wage increases, the financial impact on the County is a serious concern. As your Board is aware, the increased county share of cost for FY 2002-03 of implementing the Public Authority is anticipated to be $289,814, which is for a six-month time period. While the approved budget for FY 2002-03 commits an increased share of the Social Services Realignment Trust to HSA Direct Aid Units including IHSS, the budget also assumes growth this year in the Trust, which may or may not be realized given the state of the economy.

Please note further that our projected county share of cost is approximately $1.4 million, as our current budget assumes that a wage of $8.00 per hour, plus a $.60 value in benefits, kicks in only for a six month period for FY 2002-03. Any earlier implementation or increase in wage drives up the net county cost, as the funding from the Realignment Trust is not projected to contain sufficient funds to cover additional costs.

With today's recommended action to formally establish the Public Authority, the County moves closer to implementing a structure which will permit State and federal financial participation in an enhanced wage and benefit package for individual providers of In-

Home Supportive Services. At the same time, the County Interagency Implementation Team will continue to resolve the details of the working relationship between the Public Authority and the County. Some of issues to be worked through relate to:

- Public Authority Organization Structure (addressing the working relationships and coordination between the Public Authority and County departments, including HSA, Human Resources, County Counsel, Risk Management and Auditor-Controller)
- Public Authority Administrative Structure, including staffing requirements, job descriptions, office space, and equipment
- Policies and Procedures for Public Authority functions/activities such as registry, training and oversight, including performance indicators for Public Authority activities
- Budget Development and Fiscal Management Structure
- Development of an Agreement between the County and the Public Authority

1. Public Authority Organization Structure

While AB1682 outlines certain responsibilities of the Employer of Record, HSA retains numerous IHSS program responsibilities, relative, for example, to client eligibility and budget management. Sorting out the separate and shared responsibilities between County departments and the Public Authority is essential prior to full implementation. The implementation team is working on other critical questions such as how the Public Authority should contract with County Human Resources and County Counsel for performing its collective bargaining responsibilities.

2. Public Authority Administrative Structure

The implementation team has identified staff classifications and specifications for Public Authority staff positions including an Executive Director (Human Services Manager), an Administrative Assistant and three Community Service Workers to perform registry support. By establishing these positions now, as requested in recommendation three, recruitment and selection of the Executive Director position may be completed no later than September, concurrent with the establishment of the Public Authority. Recruitment of the other positions will take place after the Public Authority is operational. In addition, the team is reviewing Public Authority professional service needs, including accounting, payroll and benefits management, legal, risk management and labor relations. The staffing and professional services will be provided by County agencies under contract with the Public Authority.

3. Policies and Procedures for Public Authority Functions/Establishment of a Registry

The Public Authority's responsibilities include establishing a registry and referral service to assist IHSS consumers to find providers, doing background investigations on providers listed on the registry, making training available to providers, and entering into collective bargaining with recognized organizations representing individual providers.

The team is working on preliminary policies and procedures to guide the performance of each of these responsibilities, recognizing that it is not feasible to wait for the Public Authority staff to be fully in place. At the same time, we have come to recognize that the functions of the registry require the Public Authority to be up and fully operational. We have identified, for example, there are no means to claim costs for the operation of a registry prior to implementation and there are uncertain or no protections from the increased liabilities that may be incurred by the County for taking on this responsibility.

4. Public Authority Budget Development and Fiscal Structure

The team has considered several models for how to handle payments to the Public Authority staff (see item 2 above), as well as the question of how to establish the appropriate accounting structure and related financial reporting. The legislation provides only minimal guidance on the subject.

5. Development of Agreement Between County and Public Authority

The work of the Interagency Implementation Team in addressing the multitude of issues described in this letter will culminate in the development of an agreement for your Board's consideration to formalize the contractual working arrangements of the County and the Public Authority.

With anticipated final adoption of the proposed Public Authority ordinance on July 23, the ordinance will go into effect 30 days thereafter. Accordingly, it is expected that your Board's first meeting acting as the Public Authority's Governing Board will be convened in mid-September with several items of business including, for example, the proposed service contract with the County and the employee/employer relations resolution referenced in the ordinance.

This letter has been reviewed by the County Executive Office/Program and Budget Division, County Executive Office/Human Resources Division, the Auditor-Controller's Office and County Counsel. If you have any questions, please contact me at 652-7602 or Bruce Stenslie, Director of HSA Administration at 652-7621.

Respectfully submitted,

BARBARA FITZGERALD
Director

Attachment

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
374	JUL. 25 10:16	8056587803	0° 02' 22"	007	OK	N ECM

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: July 25, 2002

TO: VENTURA COUNTY REPORTER
Attn: Sarah
FAX. #: 658-7803

NO. PAGES FOLLOWING (Including this Page): 7

FROM: Roberta Rodriguez
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI # 02-005

Please publish the attached: **ORDINANCE NO. 4272 - An Ordinance Establishing the Ventura County In-Home Supportive Services Public Authority and Repealing Ordinance No. 4234**

One (1) time in the issues of **THURSDAY, AUGUST 1, 2002,** setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety. Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
373	JUL. 25 10:09	8056587803	0° 01' 24"	004	OK	N ECM

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
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Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
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JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: **July 25, 2002**

TO: **VENTURA COUNTY REPORTER**
Attn: Sarah
FAX. #: **658-7803**

NO. PAGES FOLLOWING (Including this Page): 7

FROM: **Roberta Rodriguez**
PHONE #. **654-2251**

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JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

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Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.vcr

County of Ventura
In-Home Supportive Services Advisory Committee

DEFINITIONS

The following definitions are for terms used in these Bylaws.

(a) IHSS means In-Home Supportive Services as described in Welfare and Institutions Code sections 12300 et seq.

(b) "Independent provider" means the state-sanctioned provider mode whereby the IHSS consumer selects, hires, schedules, trains and supervises a home care provider of his or her own choosing.

(c) "Provider" means a person who provides in-home supportive services to a recipient using the independent provider mode.

(d) "Homemaker" means a person who provides in-home supportive services to a recipient using the contract mode.

(e) "Recipient" means a person eligible for and authorized to receive in-home supportive services under Welfare and Institutions Code sections 12300 et seq.

(f) "County" means the County of Ventura.

(g) "Committee" means the Ventura County IHSS Advisory Committee.

(h) "Public Authority" means the Ventura County IHSS Public Authority.

(i) "Governing Body" means the Board of Supervisors of Ventura County acting as the governing body of the IHSS Public Authority.

(j) "Registry" means the system developed and maintained to provide IHSS recipients with names of available providers according to their stated preferences.

BYLAWS

Pursuant to Welfare and Institutions Code section 12301.6, the Board of Supervisors of Ventura County established a Public authority to provide for the delivery of in-home supportive services; and designated itself as the governing body of the public authority. In order to facilitate the enactment and continuance of this statute and Ventura County ordinance 4272, which created the public authority, the governing body formally established an In-Home Supportive Services (IHSS) Advisory Committee for seniors and persons with disabilities, hereinafter referred to as the "Advisory Committee". This document is the bylaws of the Ventura County IHSS Advisory Committee.

Section I-Powers and Duties:

1.1 **Legal Authority:** The Ventura County IHSS Advisory Committee was originally established by the Ventura County Board of Supervisors by Ordinance No. 4234, in accordance with the requirement of Welfare and Institutions Code section 12301.6 (b), (c), (d). The initial purpose of the committee was to investigate various modes for delivery of IHSS services and to make recommendations to the Board of Supervisors about which mode of services to adopt in Ventura County.

1.1.1 Acting on the Advisory Committee's recommendation, the Board of Supervisors established the Ventura County In-Home Supportive Services Public Authority with Ordinance No. 4272 on July 16, 2002. The IHSS Advisory Committee was created in Section II of the ordinance. Ventura County Ordinance No. 4234 was superceded and repealed by Ordinance No. 4272.

1.2 **Powers.** Derived from the governing body, as defined in Ventura County's enabling ordinance. The Advisory Committee serves as and satisfies the requirements of the advisory committee as defined by State statute and County ordinance.

1.2.1 Pursuant to Welfare and Institutions Code sections 12301.3, 12301.4 and 12302.25, the IHSS Advisory committee shall submit recommendations on the preferred mode of service to be utilized in the County for IHSS, as requested by the Human Services Agency, the Ventura County IHSS Public Authority or the Board of Supervisors. It shall also provide ongoing advice and recommendations regarding IHSS to the Board of Supervisors, and to any administrative body in the County that provides for the delivery and administration of IHSS, and to the governing body of the Public Authority.

1.2.2 The Advisory Committee shall study, review, evaluate and make recommendations to the Public Authority governing body and the Public Authority Executive Director relative to any and all matters affecting persons receiving In-Home Supportive Services in the county.

1.2.3 The Advisory committee shall have primary responsibility for accepting IHSS consumer input regarding policy development and funding decisions for the IHSS program on an ongoing basis. It shall serve as a liaison and between the IHSS Public Authority and consumers of in-home care, relative to any and all matters affecting the In-Home Supportive Service program as a whole.

1.3 **Duties.** In its capacity as primary advocates for the general interests of consumers of IHSS, the Advisory Committee shall examine and analyze available data on the IHSS program, and make recommendations to program staff and the governing body of the Public Authority for the improvement of the In-Home Supportive Services program.

1.3.1 The Advisory Committee shall be responsible for calling and presiding over public hearings as considered necessary to receive information and opinion from consumers, stakeholder organizations, and members of the general public regarding the IHSS program.

1.3.2 At least once per calendar year, the Advisory Committee shall submit a report in writing to the governing body of the Public Authority summarizing testimony, findings and the results of any investigations the Advisory Committee conducted during the previous year.

1.3.3 The Advisory Committee shall appoint one of its members to participate in the initial screening process for applicants for the position of Executive Director of the Public Authority whenever it becomes vacant.

Section II-Membership

2.1 **Terms**. The existing IHSS Advisory Committee shall serve as the initial advisory committee to the Public Authority, and shall fulfill the roles and responsibilities required by Welfare and Institutions Code section 12301.6. The IHSS Advisory Committee members appointed under the above resolution shall complete their current terms pursuant to this Section.

2.1.1 At the end of the initial members terms, the Board of Supervisors shall appoint a new committee whose members are appointed for one, two, or three years (length of term to be decided by lot).

2.1.2 Subsequent appointees shall serve for terms of three years beginning from the date of their appointment.

2.3 **Vacant Seats**. When an Advisory Board member leaves office before the completion of his or her appointed term, as defined in the bylaws of the Advisory Committee, the Board of Supervisors shall appoint a replacement from a list provided by the Advisory Committee.

2.4 **Removal Of Members**. The Advisory Committee, by an affirmative vote of two-thirds (2/3) of its members in office, excluding the vote of the member in question, may recommend to the Board of Supervisors replacement of an Advisory Committee member if he or she: has failed to attend meetings on a reasonable and regular basis, as defined in section 2.5; or has otherwise been neglectful of duties; or is convicted of a crime involving moral turpitude. Any Advisory Committee member is subject to removal at any time by a two-third (2/3) vote of the Board of Supervisors.

2.5 **Attendance Requirement**. Any Committee member who is absent without good cause for three successive regular meetings will have his/her seat automatically vacated. The Chair shall report this vacancy to the Board of Supervisors, the Clerk of the Board, and to the member vacating his/her seat.

2.5.1 Good cause for an excused absence requires that the member notify the Chair in advance that he or she will be unable to attend.

2.6 **Membership Classifications.** All new appointments shall be made pursuant to this Section. The Ventura County IHSS Advisory Committee shall be made up of not

6 RECIPIENTS

more than eleven (11) voting members of which no less that fifty percent (50%) shall be current or past users of personal assistance services paid for through public or private funds, including the IHSS program.

EXEC DIR 2.6.1 The Director of the Human Services Agency, or his or her designee, shall be a non-voting member of the Advisory Committee.

2 PROVIDERS 2.6.2 At least two of the members of the Advisory Committee shall be current or former providers of in-home supportive services.

CBO 2.6.3 One member of the Advisory Committee shall be drawn from a community-based organization that represents the interests of people with disabilities or seniors.

CEO 2.6.4 One member of the Advisory Committee shall be appointed by the Executive Officer of the County of Ventura.

2.7 **Non-Voting Members**. Non-voting members shall consist of the following:

EXEC DIR • The director of the Human Services Agency, or his or her designee;

SEIU • A representative from the collective bargaining organization that represents providers of IHSS in Ventura County.

2.8 The Ventura County Board of Supervisors shall appoint all future members of the Advisory Committee, excluding the Director of the Human Services Agency or his or her designee.

2.9 Not more than one county employee shall be appointed as a member of the Advisory committee, but any County employee may be designated to provide ongoing advice and support to the Advisory Committee.

2.10 The Director of the Human Services Agency shall designate at least one County employee to provide ongoing advice and support to the IHSS Advisory Committee.

2.11 **Recruitment of New Members.** Prior to the appointment of members of the Advisory committee, the governing body or their designee, shall instruct County staff to solicit recommendations for qualified members through a fair and open process that includes the provision of reasonable written notice to, and reasonable response time by, members of the general public and interested persons and organizations.

2.12 The Advisory Committee or its sub-committees or designees shall review applications for appointment to vacant seats on the committee and shall identify a list of nominees, which shall be presented to the Board of Supervisors for appointment.

2.13 Applicants shall be reviewed for eligibility to serve on the Advisory Committee per section 2.3 above and ranked based on general knowledge of the IHSS program, and on past public service experience.

Section III-Officers

3.1 The elected officers of the Advisory Committee shall be a Chair, a Vice-Chair and additional officers as designated in the bylaws of the Advisory Committee as amended from time to time. The chair shall appoint a Secretary.

3.1.1 The duties of the Chair are to preside over meetings, approve agendas, represent the Advisory Committee at public functions and provide testimony before the governing body of the Public Authority.
3.1.2 The Vice-Chair shall assume these same duties in the absence of the Chair.
3.1.3 The Secretary shall be responsible for reviewing the minutes of each meeting for accuracy and completeness before they are submitted to the Advisory Committee for approval.

3.2 **Election of Officers.** The Advisory Committee shall elect officers from among its members, each of whom shall have the authority to perform duties consistent with the Statute and Ordinance as set forth in its bylaws or as determined by the governing body from time to time. Officers shall be elected for terms of one year, and may be immediately reelected to a second one-year term. Elections shall be held at the first meeting after January 1 of each year.

3.3 **Removal of Officers.** Any officer may be removed without cause, at any Advisory Committee meeting at which a valid quorum is established, by the vote of a majority of all Advisory Committee members' present, action upon a properly noticed motion. An officer shall immediately cease to be an officer as he or she ceases to be a member of the Advisory Committee.

Section IV—Sub-Committees

4.1 **Standing Sub-Committee.** Sub-Committees may be appointed by the Chair upon approval of a majority of Advisory Committee members. The Chair, with a majority approval, may dissolve any sub-committee when its function is no longer needed.

4.1.1 The Chair shall report the name, purpose, and membership of each standing sub-committee established to assist the Advisory committee for longer than six (6) months as provided in Ventura County Code.
4.1.2 The Chair may appoint as hoc sub-committees, as needed.

4.2 **Notice and Agenda Requirements.** All sub-committees shall comply with the notice and agenda requirements otherwise applicable to the Advisory Committee in these bylaws, except for sub-committees which are not standing sub-committees and are composed solely of less than a quorum of the membership of the Advisory Committee. Sub-Committees with either a continuing subject jurisdiction or a meeting schedule fixed by resolution or other formal action of the Advisory Committee are standing sub-

committees and are not exempted from the notice and agenda requirements of these bylaws.

Section V—Conduct of Meetings

5.1 **Location and Frequency of Meetings.** Regular meetings of the IHSS Advisory Committee shall be held on the fourth Wednesday of each month at the Ventura County Government Center, Hall of Justice Cafeteria, Pacific Conference Room, or at such other times and locations as the Advisory Committee shall designate and give proper public notice. Meetings shall be called to order at 2:00 PM and shall end at 4:00 PM.

5.1.1 There will be no regular meeting in the months of December and July, although special meetings or hearings may be called and held at any time with proper public notice.

5.1.2 Once public notice of a meeting has been made, the meeting shall not be continued or adjourned; except if all members are absent, there is less than a quorum, or other unforeseen eventuality would prevent the Advisory committee from conducting business.

5.1.3 When a meeting is adjourned as provided in this section, the secretary may declare the meeting adjourned to a stated time and place and disseminate written notice of the adjournment and the new date, place and time in the usual manner. A copy of the order if adjournment shall be conspicuously posted within 24-hours on or near the door of the place where the meeting was to be held. If the notice does not state the hour and place of the next meeting, it shall be held at the time and place specified for regular meetings in these bylaws.

5.2 **Agendas.** The following items shall be mailed to each Advisory Committee member at least one week prior to each meeting:

1. An agenda for the meeting;
2. Any written material to be discussed at the meeting;
3. Minutes of the last meeting.

5.2.1 At least one week prior to each meeting, an agenda for the regular meeting shall also be mailed to each representative of the news media and to each other person who has submitted a written request to the Advisory Committee for notification of regular meetings. The agenda shall be posted at least seventy-two hours prior to the regular meeting at a location that is freely accessible to the public. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

5.2.2 No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of the Committee may briefly respond to statements made or questions posed by persons exercising their public testimony rights. Committee members may also ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter.

5.2.3 Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda upon determination by two-thirds of the membership of the Committee that there is a need to take immediate action, and that the need for action became known after the agenda was posted. If less than two-thirds of the members are present, the Committee may take immediate action by unanimous vote of those present.

5.2.4 Committee members who wish to place items on the agenda shall give those items to the Chair of the Committee at least ten days in advance of the meeting.

5.3 **Special Meetings.** Special meetings may be called by a majority vote of the Committee during any regular or special meeting or by determination by the Chair that a special meeting is necessary.

5.3.1 At least twenty-four (24) hours prior to each special meeting, an agenda for the special meeting shall be mailed to each Committee member and to each representative or the news media and to each other person who has submitted a written request to the Committee for notification of meetings. A copy of the agenda shall be posted at least twenty-four (24) hours prior to the special meeting at a location that is freely accessible to members of the public. No business other than that listed on the agenda shall be considered at a special meeting.

5.4 **Non-Discrimination/Accessibility.** No meeting of this Committee shall be held in any facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sexual preference, age or veteran status. No meeting of this Committee shall be held in a place that restricts access for the handicapped.

5.5 **Public Participation.** Public participation in Committee meetings shall be allowed as follows:

5.5.1 An opportunity for members of the public to directly address the Committee on any item on the agenda of interest to the public shall be provided before, during or after the Committee's consideration of the item.

5.5.2 The Chair of the Committee may establish reasonable limits on the amount of time allotted to each speaker on a particular item. The Committee may establish reasonable limits on the total amount of time allotted for public testimony on a particular item, or the total amount of time allotted for community oral communications.

5.5.3 Persons who wish to address the Committee must fill out speakers' request cards and give them to the secretary of the Committee to be recognized by the Chair. Speakers must give their full names, including spelling, as requested by the secretary and their town or area of residence.

5.6 **Right to Attend.** A person shall not be required to register his/her name or fulfill any other obligation as a condition of attendance at any meeting of this Committee or its Sub-

Committees, but may volunteer such information for inclusion in the Committee's minutes.

5.7 **Order of Meeting.** The order of meetings will be conducted in accordance with Robert's Rules of Order Revised, unless otherwise specified by the authorizing or bylaws of the Committee.

5.8 **Quorum.** A quorum shall exist when a majority of Committee members who are eligible to vote are present at a meeting. Non-voting members (such as the Director of the Human Services Agency, or his or her designee) shall not be considered in establishing a quorum. However, voting members who abstain from a particular vote shall be considered when establishing a quorum.

5.9 **Voting.** All official acts of the Committee shall require the affirmative vote of a majority of the members present and voting at a meeting with a quorum present. Absent members may not vote, whether by proxy, teleconference, or written ballot, consistent with the requirements of the Brown Act.

5.10 **Conflict of Interest.** A Committee member shall abstain from voting where a conflict of interest exists as defined in the Ventura County Code. No Committee member shall participate in discussion or resolution of any matter in which he or she has a personal financial interest as defined by applicable law. For such purposes, an individual's status as a recipient of IHSS services on the same basis as other members of the public shall not be considered a personal financial interest.

5.11 **Minutes**. The Secretary, or his or her designee, shall prepare the minutes of each meeting of the Committee. The minutes shall be an accurate summary of the consideration of each item on the agenda and an accurate record of each action taken. At a subsequent meeting, the Secretary shall submit the minutes for approval by a majority vote of the members in attendance at the meeting covered by the minutes. Once approved, the Secretary shall sign the minutes and keep them with the proceedings of the Committee.

5.11.1 All documents and records of the Committee that are not exempt from disclosure by law shall be public records under the California Public Records Act (California Government Code Section 6250 et seq.).

5.11.2 The members of the Committee shall respect the confidentiality rights of IHSS consumers and independent providers. The Committee shall institute procedures to guarantee that no information regarding an individually identifiable consumer shall be released by the Committee as a whole or by Committee members.

Section VI—Fiscal Provisions

6.1 The budget of the Committee is controlled by the Human Services Agency and all costs of operation, reimbursement of expenses, costs of advertising, publications, public

hearings or other costs consistent with the mission of the Committee shall be paid with prior approval by the Human Services Agency.

6.2 Members of the Committee shall not incur expenses on behalf of, or in the name of, the Committee or its members without prior approval from the Director of the Human Services Agency or his or her designee.

6.3 Committee members shall be reimbursed for costs related to participation in Committee meetings, hearings and other business functions. Members attending regularly scheduled meetings of the Committee shall be entitled to a customary per diem allowance for each meeting. Costs associated with Committee duties other than regular meetings shall be reimbursed for out-of-pocket cost based on documentation submitted to HSA.

CALIFORNIA CODES
WELFARE AND **INSTITUTIONS CODE**
SECTION **749**.2-**749**.27

749.2. This article shall be known and may be cited as the Juvenile Crime Enforcement and Accountability Challenge Grant Program.

749.21. The Juvenile Crime Enforcement and Accountability Challenge Grant Program shall be administered by the Board of Corrections for the purpose of reducing juvenile crime and delinquency. This program shall award grants on a competitive basis following request-for-proposal evaluation standards and guidelines developed by the Board of Corrections, as authorized by this article, to counties that (a) develop and implement a comprehensive, multiagency local action plan that provides for a continuum of responses to juvenile crime and delinquency, including collaborative ways to address local problems of juvenile crime; and (b) demonstrate a collaborative and integrated approach for implementing a system of swift, certain, graduated responses, and appropriate sanctions for at-risk youth and juvenile offenders.

749.22. To be eligible for this grant, each county shall be required to establish a multiagency juvenile justice coordinating council that shall develop and implement a continuum of county-based responses to juvenile crime. The coordinating councils shall, at a minimum, include the chief probation officer, as chair, and one representative each from the district attorney's office, the public defender's office, the sheriff's department, the board of supervisors, the department of social services, the department of mental health, a community-based drug and alcohol program, a city police department, the county office of education or a school district, and an at-large community representative. In order to carry out its duties pursuant to this section, a coordinating council shall also include representatives from nonprofit community-based organizations providing services to minors. The board of supervisors

shall be informed of community-based organizations participating on a coordinating council. The coordinating councils shall develop a comprehensive, multiagency plan that identifies the resources and strategies for providing an effective continuum of responses for the prevention, intervention, supervision, treatment, and incarceration of male and female juvenile offenders, including strategies to develop and implement locally based or regionally based out-of-home placement options for youths who are persons described in Section 602. Counties may utilize community punishment plans developed pursuant to grants awarded from funds included in the 1995 Budget Act to the extent the plans address juvenile crime and the juvenile justice system or local action plans previously developed for this program. The plan shall include, but not be limited to, the following components:

(a) An assessment of existing law enforcement, probation, education, mental health, health, social services, drug and alcohol and youth services resources which specifically target at-risk juveniles, juvenile offenders, and their families.

(b) An identification and prioritization of the neighborhoods, schools, and other areas in the community that face a significant public safety risk from juvenile crime, such as gang activity, daylight burglary, late-night robbery, vandalism, truancy, controlled substance sales, firearm-related violence, and juvenile alcohol use within the council's jurisdiction.

(c) A local action plan (LAP) for improving and marshaling the resources set forth in subdivision (a) to reduce the incidence of juvenile crime and delinquency in the areas targeted pursuant to subdivision (b) and the greater community. The councils shall prepare their plans to maximize the provision of collaborative and integrated services of all the resources set forth in subdivision (a), and shall provide specified strategies for all elements of response, including prevention, intervention, suppression, and incapacitation, to provide a continuum for addressing the identified male and female juvenile crime problem, and strategies to develop and implement locally based or regionally based out-of-home placement options for youths who are persons described in Section 602.

(d) Develop information and intelligence-sharing systems to ensure that county actions are fully coordinated, and to provide data for measuring the success of the grantee in achieving its goals. The plan shall develop goals related to the outcome measures that shall be used to determine the effectiveness of the program.

(e) Identify outcome measures which shall include, but not be limited to, the following:

(1) The rate of juvenile arrests.
(2) The rate of successful completion of probation.
(3) The rate of successful completion of restitution and court-ordered community service responsibilities.

749.23. The Board of Corrections shall award grants that provide funding for three years. Funding shall be used to supplement, rather than supplant, existing programs and grants may be awarded to any county including those counties currently receiving funds pursuant to this article. Grant funds shall be used for programs that are identified in the local action plan as part of a continuum of responses to reduce juvenile crime and delinquency. No grant shall be awarded unless the applicant makes available resources in an amount equal to at least 25 percent of the amount of the grant. Resources may include in-kind contributions from participating agencies. In awarding grants, priority shall be given to those proposals which include additional funding that exceeds 25 percent of the amount of the grant. In awarding grants, priority shall also be given to programs in counties where the population exceeds 500,000 and the rate of violent crime exceeds the state average.

749.24. The Board of Corrections shall establish minimum standards, funding schedules, and procedures for awarding grants, which shall take into consideration, but not be limited to, all of the following:

(a) Size of the eligible high-risk youth population.
(b) Demonstrated ability to administer the program.
(c) Demonstrated ability to provide and develop a continuum of responses to juvenile crime and delinquency that includes prevention, intervention, diversion, suppression, and incapacitation.
(d) Demonstrated ability to implement a plan that provides a collaborative and integrated approach to juvenile crime and delinquency.
(e) Demonstrated history of maximizing federal, state, local, and private funding sources.
(f) Demonstrated efforts to implement a multicounty juvenile justice program.
(g) Likelihood that the program will continue to operate after state grant funding ends.

749.25. The Board of Corrections may award up to a total of two million dollars ($2,000,000) statewide, in individual grants not exceeding one hundred and fifty thousand dollars ($150,000), on a competitive basis to counties to assist in establishing a multiagency coordinating group or developing a local action plan.

749.26. The Board of Corrections shall create an evaluation design for the Juvenile Crime Enforcement and Accountability Challenge Grant Program that will assess the effectiveness of the program. For grants awarded before July 1, 1998, the board shall develop an interim report to be submitted to the Legislature on or before March 1, 1999, and a final analysis of the grant program in a report to be submitted to the Legislature on or before March 1, 2001. For grants awarded after July 1, 1998, the board shall develop an interim report to be submitted to the Legislature on or before March 1, 2001, and a final analysis of the grant program in a report to be submitted to the Legislature on or before March 1, 2003.

749.27. Funding for the Juvenile Crime Enforcement and Accountability Challenge Grant Program for grant awards made before July 1, 1998, shall be provided from the amount appropriated in Item 5430-101-0001 of the Budget Act of 1996. Up to 5 percent of the amount appropriated in Item 5430-101-0001 of the Budget Act of 1996 shall be transferred upon the approval of the Director of Finance, to Item 5430-001-0001 for expenditure as necessary for the board to administer this program, including technical assistance to counties and the development of an evaluation component.

BOARD MINUTES

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS SUSAN K. LACEY, FRANK SCHILLO,
KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN
December 19, 2000 at 8:30 a.m.

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~~233~~

CONSENT – PROBATION AGENCY – Review of Schiff-Cardenas Crime Prevention Act of 2000 (AB 1913), Welfare and Institutions code Section 749.2 and Approval of the Appointment of a Juvenile Justice Coordinating Council.

(X) All board members are present.

( ) Speaker/Statement card(s) on Consent Item(s) _____ were submitted.

(X) Upon motion of Supervisor Lacey, seconded by Supervisor Mikels, and duly carried, the Board hereby approves the staff recommendations as stated in the respective Board letters for consent items numbers 9 through 32; and 34 and 35.

(X) Upon motion of Supervisor Lacey, seconded by Supervisor Mikels, and duly carried, the Board hereby approves the staff recommendations as stated in the respective Board letters for consent item **33 with the following modification: With a corrected Board Letter, Page One, Salary Range for Management Assistant I per attached.**

By: _____
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument
Is a true and correct copy of the document
Which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio
Clerk of the Board of Supervisors, County of
Ventura, State of California. Dated: _____

By: _____
Deputy County Clerk

Item #28
12/19/00

DISTRIBUTION: Originating Agency(2), Auditor, File

Ventura County Probation Agency

Calvin C. Remington
Director/Chief Probation Officer

December 19, 2000

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: **SCHIFF-CARDENAS CRIME PREVENTION ACT OF 2000 (AB 1913), WELFARE AND INSTITUTIONS CODE SECTION 749.2 – APPOINTMENT OF A JUVENILE JUSTICE COORDINATING COUNCIL**

Recommendation:

It is recommended that your Board:

1. Review the provisions of the Schiff-Cardenas Crime Prevention Act of 2000 (AB 1913), Welfare and Institutions Code Section 749.2, as discussed herein; and

2. Appoint a Juvenile Justice Coordinating Council, as set forth in Attachment A, and as required in Welfare and Institutions Code Section 749.22.

Fiscal Impact:

The Schiff-Cardenas Crime Prevention Act, Welfare and Institutions Code (WIC) Section 749.2, provides for equal amounts of expenditures and revenue spanning two fiscal years in the amount of $2,672,098.

Mandatory:	Yes, in order to receive funding under Section 749.2 WIC
Source of Funding:	Supplemental Law Enforcement Services Fund (SLESF)
Funding Match Required:	No
Impact on Other Departments:	No

Discussion:

On September 7, 2000, the Governor signed into law the Schiff-Cardenas Crime Prevention Act of 2000, Section 749.2 WIC. This Act allocates 50% of the Supplemental Law Enforcement Services Fund (SLESF) to counties on a per capita basis to implement a comprehensive, multi-agency juvenile justice plan (CMJJP) with specified components and objectives. It requires that each county's plan be developed by a local juvenile justice coordinating council and approved by the county Board of Supervisors and the state Board of Corrections (BOC). For FY 2000-01, the legislature has appropriated a total of $243,350,000 statewide, with Ventura County's share estimated to be $2,672,098. The law specifically requires that the funds not be used to supplant any existing programs or projects. Funds may be utilized in support of approved programs as soon as the county's CMJJP is approved by the BOC. BOC approval of the CMJJP must occur prior to May 1, 2001. Funds may be rolled forward into FY 2001-02, and must be expended by June 30, 2002; any unexpended funds remaining after June 30, 2002, must be refunded to the State.

Juvenile Justice Coordinating Council:

As required by Section 749.2 WIC, the county's CMJJP must be developed by a local juvenile justice coordinating council consisting of membership as specified in Welfare and Institutions Code Section 749.22.

Pursuant to Section 749.22 WIC, membership of the coordinating council "shall, at a minimum, include the chief probation officer, as chair, and one representative each from the district attorney's office, the public defender's office, the sheriff's department, the board of supervisors, the department of social services, the department of mental health, a community-based drug and alcohol program, a city police department, the county office of education or a school district, an at-large community representative...(and) representatives from non-profit community-based organizations providing services to minors."

Currently, the county has two councils whose memberships include many of those specified under Section 749.22 WIC: the Multi-Agency Juvenile Justice Coordinating Council (MAJJCC) and the Inter-Agency Juvenile Justice Coordinating Council (IAJJC). In order to avoid a duplication of efforts and membership, it is recommended that the two groups be consolidated into a single unit, the Juvenile Justice Coordinating Council (JJCC). Attached is a list of those recommended to be appointed to the JJCC. Public sector representatives will serve for the duration of their specified positions; private

sector representatives are recommended to be appointed for a term not to exceed two years.

CMJJP Requirements:

Section 749.2 WIC has specific requirements for the content of the county's CMJJP. The plan must include an assessment of existing services, an identification and prioritization of geographic areas facing significant public safety risk from juvenile crime, and a local strategy that provides a continuum of responses to juvenile crime. Programs developed as a result of the assessment must be based on approaches previously proven effective in reducing delinquency and addressing juvenile crime, and must have specific goals and measurable outcomes.

Ventura County is in the unique position of having recently developed a similar assessment of juvenile services and needs during the Juvenile Justice Complex Construction Grant application processes in 1998. Noted consultant Suzie Cohen prepared our 1998 Local Action Plan for the construction grant application, and has been retained to work with the JJCC to update the plan for Section 749.2 WIC funding. Ms Cohen will also coordinate the development of the CMJJP program strategies. Finalization of the CMJJP by the JJCC is anticipated in January 2001.

Once the CMJJP is developed by the JJCC, I will return to your Board seeking approval of the CMJJP and its conceptual expenditure plan. Upon BOC approval of the CMJJP, anticipated in late February or early March 2001, I will again return to your Board for approval of appropriations with which to implement the plan.

Section 749.2 WIC provides an excellent opportunity for us to make a significant impact in reducing this county's rate of juvenile crime and delinquency. Because of past efforts made at identifying needs and service gaps, we are in an excellent position to quickly identify and implement appropriate programs and capture the full amount of funding available.

This letter has been reviewed by the Chief Administrative Office, the Auditor-Controller, and County Counsel. If you have any questions, please call me at 654-2100 or Chief Deputy Terry Warnock at 654-2111.

Sincerely,

Calvin C. Remington by Karen J. Staples

CALVIN C. REMINGTON
Director/Chief Probation Officer

CCR:JS:nmw
/BOS2

Attachment

COUNTY OF VENTURA
JUVENILE JUSTICE COORDINATING COUNCIL

THE HONORABLE BRIAN BACK, Co-Chair
Judge, Superior Court

MICHAEL D. BRADBURY
District Attorney

BOB BROOKS
Sheriff

KENNETH I. CLAYMAN
Public Defender

BARBARA J. FITZGERALD
Director, Human Services Agency

DR. DAVID GUDEMAN
Director, Behavioral Health Department

BETTY ALVAREZ HAM
City Impact

HARRY HUFFORD
Chief Administrative Officer

LINDA LIVINGSTON
Coalition to End Domestic and Sexual Violence

CALVIN C. REMINGTON, Co-Chair
Director/Chief Probation Officer
Probation Agency

THE HONORABLE KATHY LONG
Board of Supervisors

ART LOPEZ
Chief, Oxnard Police Department

PAUL LORENZ
Public Health Services

THE HONORABLE JUDY MIKELS
Board of Supervisors

CARY QUASHEN
ACTION

DARYL REYNOLDS
Juvenile Justice/Delinquency Prevention Commission Representative
Citizen Representative

CHARLES W. WEIS, Ph.D.
Superintendent of Schools

CALIFORNIA CODES
WELFARE AND **INSTITUTIONS CODE**
SECTION 5600-5623.5

5600. (a) This part shall be known and may be cited as the Bronzan-McCorquodale Act. This part is intended to organize and finance community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. It is furthermore intended to better utilize existing resources at both the state and local levels in order to improve the effectiveness of necessary mental health services; to integrate state-operated and community mental health programs into a unified mental health system; to ensure that all mental health professions be appropriately represented and utilized in the mental health programs; to provide a means for participation by local governments in the determination of the need for and the allocation of mental health resources under the jurisdiction of the state; and to provide a means of allocating mental health funds deposited in the Local Revenue Fund equitably among counties according to community needs.

(b) With the exception of those referring to Short-Doyle Medi-Cal services, any other provisions of law referring to the Short-Doyle Act shall be construed as referring to the Bronzan-McCorquodale Act.

5600.1. The mission of California's mental health system shall be to enable persons experiencing severe and disabling mental illnesses and children with serious emotional disturbances to access services and programs that assist them, in a manner tailored to each individual, to better control their illness, to achieve their personal goals, and to develop skills and supports leading to their living the most constructive and satisfying lives possible in the least restrictive available settings.

5600.2. To the extent resources are available, public mental health

services in this state should be provided to priority target populations in systems of care that are client-centered, culturally competent, and fully accountable, and which include the following factors:

(a) Client-Centered Approach. All services and programs designed for persons with mental disabilities should be client centered, in recognition of varying individual goals, diverse needs, concerns, strengths, motivations, and disabilities. Persons with mental disabilities:

(1) Retain all the rights, privileges, opportunities, and responsibilities of other citizens unless specifically limited by federal or state law or regulations.

(2) Are the central and deciding figure, except where specifically limited by law, in all planning for treatment and rehabilitation based on their individual needs. Planning should also include family members and friends as a source of information and support.

(3) Shall be viewed as total persons and members of families and communities. Mental health services should assist clients in returning to the most constructive and satisfying lifestyles of their own definition and choice.

(4) Should receive treatment and rehabilitation in the most appropriate and least restrictive environment, preferably in their own communities.

(5) Should have an identifiable person or team responsible for their support and treatment.

(6) Shall have available a mental health advocate to ensure their rights as mental health consumers pursuant to Section 5521.

(b) Priority Target Populations. Persons with serious mental illnesses have severe, disabling conditions that require treatment, giving them a high priority for receiving available services.

(c) Systems of Care. The mental health system should develop coordinated, integrated, and effective services organized in systems of care to meet the unique needs of children and youth with serious emotional disturbances, and adults, older adults, and special populations with serious mental illnesses. These systems of care should operate in conjunction with an interagency network of other services necessary for individual clients.

(d) Outreach. Mental health services should be accessible to all consumers on a 24-hour basis in times of crisis. Assertive outreach should make mental health services available to homeless and hard-to-reach individuals with mental disabilities.

(e) Multiple Disabilities. Mental health services should address the special needs of children and youth, adults, and older adults

with dual and multiple disabilities.

(f) Quality of Service. Qualified individuals trained in the client-centered approach should provide effective services based on measurable outcomes and deliver those services in environments conducive to clients' well-being.

(g) Cultural Competence. All services and programs at all levels should have the capacity to provide services sensitive to the target populations' cultural diversity. Systems of care should:

(1) Acknowledge and incorporate the importance of culture, the assessment of cross-cultural relations, vigilance towards dynamics resulting from cultural differences, the expansion of cultural knowledge, and the adaptation of services to meet culturally unique needs.

(2) Recognize that culture implies an integrated pattern of human behavior, including language, thoughts, beliefs, communications, actions, customs, values, and other **institutions** of racial, ethnic, religious, or social groups.

(3) Promote congruent behaviors, attitudes, and policies enabling the system, agencies, and mental health professionals to function effectively in cross-cultural **institutions** and communities.

(h) Community Support. Systems of care should incorporate the concept of community support for individuals with mental disabilities and reduce the need for more intensive treatment services through measurable client outcomes.

(i) Self-Help. The mental health system should promote the development and use of self-help groups by individuals with serious mental illnesses so that these groups will be available in all areas of the state.

(j) Outcome Measures. State and local mental health systems of care should be developed based on client-centered goals and evaluated by measurable client outcomes.

(k) Administration. Both state and local departments of mental health should manage programs in an efficient, timely, and cost-effective manner.

(l) Research. The mental health system should encourage basic research into the nature and causes of mental illnesses and cooperate with research centers in efforts leading to improved treatment methods, service delivery, and quality of life for mental health clients.

(m) Education on Mental Illness. Consumer and family advocates for mental health should be encouraged and assisted in informing the public about the nature of mental illness from their viewpoint and about the needs of consumers and families. Mental health

professional organizations should be encouraged to disseminate the most recent research findings in the treatment and prevention of mental illness.

5600.3. To the extent resources are available, the primary goal of the use of funds deposited in the mental health account of the local health and welfare trust fund should be to serve the target populations identified in the following categories, which shall not be construed as establishing an order of priority:

(a) (1) Seriously emotionally disturbed children or adolescents.

(2) For the purposes of this part, "seriously emotionally disturbed children or adolescents" means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

(A) As a result of the mental disorder, the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

(i) The child is at risk of removal from home or has already been removed from the home.

(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government **Code**.

(b) (1) Adults and older adults who have a serious mental disorder.

(2) For the purposes of this part, "serious mental disorder" means a mental disorder which is severe in degree and persistent in duration, which may cause behavioral functioning which interferes substantially with the primary activities of daily living, and which may result in an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period of time. Serious

mental disorders include, but are not limited to, schizophrenia, as well as major affective disorders or other severely disabling mental disorders. This section shall not be construed to exclude persons with a serious mental disorder and a diagnosis of substance abuse, developmental disability, or other physical or mental disorder.

(3) Members of this target population shall meet all of the following criteria:

(A) The person has a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a substance use disorder or developmental disorder or acquired traumatic brain injury pursuant to subdivision (a) of Section 4354 unless that person also has a serious mental disorder as defined in paragraph (2).

(B) (i) As a result of the mental disorder, the person has substantial functional impairments or symptoms, or a psychiatric history demonstrating that without treatment there is an imminent risk of decompensation to having substantial impairments or symptoms.

(ii) For the purposes of this part, "functional impairment" means being substantially impaired as the result of a mental disorder in independent living, social relationships, vocational skills, or physical condition.

(C) As a result of a mental functional impairment and circumstances, the person is likely to become so disabled as to require public assistance, services, or entitlements.

(4) For the purpose of organizing outreach and treatment options, to the extent resources are available, this target population includes, but is not limited to, persons who are any of the following:

(A) Homeless persons who are mentally ill.

(B) Persons evaluated by appropriately licensed persons as requiring care in acute treatment facilities including state hospitals, acute inpatient facilities, institutes for mental disease, and crisis residential programs.

(C) Persons arrested or convicted of crimes.

(D) Persons who require acute treatment as a result of a first episode of mental illness with psychotic features.

(5) California veterans in need of mental health services and who meet the existing eligibility requirements of this section, shall be provided services to the extent resources are available. Veterans who may be eligible for mental health services through the United States Department of Veterans Affairs should be advised of these services by the county.

(A) No eligible veteran shall be denied county mental health services based solely on his or her status as a veteran.

(B) Counties shall refer a veteran to the county veterans service officer, if any, to determine the veteran's eligibility for, and the availability of, mental health services provided by the United States Department of Veterans Affairs or other federal health care provider.

(C) Counties should consider contracting with community-based veterans' services agencies, where possible, to provide high-quality, veteran specific mental health services.

(c) Adults or older adults who require or are at risk of requiring acute psychiatric inpatient care, residential treatment, or outpatient crisis intervention because of a mental disorder with symptoms of psychosis, suicidality, or violence.

(d) Persons who need brief treatment as a result of a natural disaster or severe local emergency.

5600.35. (a) Services should be encouraged in every geographic area to the extent resources are available for clients in the target population categories described in Section 5600.3.

(b) Services to the target populations should be planned and delivered so as to ensure statewide access by members of the target populations, including all ethnic groups in the state.

5600.4. Community mental health services should be organized to provide an array of treatment options in the following areas, to the extent resources are available:

(a) Precrisis and Crisis Services. Immediate response to individuals in precrisis and crisis and to members of the individual's support system, on a 24-hour, seven-day-a-week basis. Crisis services may be provided offsite through mobile services. The focus of precrisis services is to offer ideas and strategies to improve the person's situation, and help access what is needed to avoid crisis. The focus of crisis services is stabilization and crisis resolution, assessment of precipitating and attending factors, and recommendations for meeting identified needs.

(b) Comprehensive Evaluation and Assessment. Includes, but is not limited to, evaluation and assessment of physical and mental health, income support, housing, vocational training and employment, and

social support services needs. Evaluation and assessment may be provided offsite through mobile services.

(c) Individual Service Plan. Identification of the short- and long-term service needs of the individual, advocating for, and coordinating the provision of these services. The development of the plan should include the participation of the client, family members, friends, and providers of services to the client, as appropriate.

(d) Medication Education and Management. Includes, but is not limited to, evaluation of the need for administration of, and education about, the risks and benefits associated with medication. Clients should be provided this information prior to the administration of medications pursuant to state law. To the extent practicable, families and caregivers should also be informed about medications.

(e) Case Management. Client-specific services that assist clients in gaining access to needed medical, social, educational, and other services. Case management may be provided offsite through mobile services.

(f) Twenty-four Hour Treatment Services. Treatment provided in any of the following: an acute psychiatric hospital, an acute psychiatric unit of a general hospital, a psychiatric health facility, an institute for mental disease, a community treatment facility, or community residential treatment programs, including crisis, transitional and long-term programs.

(g) Rehabilitation and Support Services. Treatment and rehabilitation services designed to stabilize symptoms, and to develop, improve, and maintain the skills and supports necessary to live in the community. These services may be provided through various modes of services, including, but not limited to, individual and group counseling, day treatment programs, collateral contacts with friends and family, and peer counseling programs. These services may be provided offsite through mobile services.

(h) Vocational Rehabilitation. Services which provide a range of vocational services to assist individuals to prepare for, obtain, and maintain employment.

(i) Residential Services. Room and board and 24-hour care and supervision.

(j) Services for Homeless Persons. Services designed to assist mentally ill persons who are homeless, or at risk of being homeless, to secure housing and financial resources.

(k) Group Services. Services to two or more clients at the same time.

5600.5. The minimum array of services for children and youth meeting the target population criteria established in subdivision (a) of Section 5600.3 should include the following modes of service in every geographical area, to the extent resources are available:

(a) Precrisis and crisis services.
(b) Assessment.
(c) Medication education and management.
(d) Case management.
(e) Twenty-four-hour treatment services.
(f) Rehabilitation and support services designed to alleviate symptoms and foster development of age appropriate cognitive, emotional, and behavioral skills necessary for maturation.

5600.6. The minimum array of services for adults meeting the target population criteria established in subdivision (b) of Section 5600.3 should include the following modes of service in every geographical area, to the extent resources are available:

(a) Precrisis and crisis services.
(b) Assessment.
(c) Medication education and management.
(d) Case management.
(e) Twenty-four-hour treatment services.
(f) Rehabilitation and support services.
(g) Vocational services.
(h) Residential services.

5600.7. The minimum array of services for older adults meeting the target population criteria established in subdivision (b) of Section 5600.3 should include the following modes of service in every geographical area, to the extent resources are available:

(a) Precrisis and crisis services, including mobile services.
(b) Assessment, including mobile services.
(c) Medication education and management.
(d) Case management, including mobile services.
(e) Twenty-four-hour treatment services.
(f) Residential services.
(g) Rehabilitation and support services, including mobile

services.

5600.8. (a) The department may allocate the funds appropriated in Schedule (2) of Item 4440-101-0001 of the annual Budget Act, to county mental health programs that meet programmatic goals and model adult system of care programs to the satisfaction of the department. The department shall audit and monitor the use of these funds to ensure they are used solely in support of Adult System of Care programming. If county programs receiving adult system of care funding do not comply with program and audit requirements determined by the department, funding shall be redistributed to other counties to implement, expand, or model adult systems of care.

(b) The department may allocate the funds appropriated in Schedule (3) of Item 4440-101-0001 of the annual Budget Act, to county mental health programs for Children's System of Care programming. These funds shall be utilized by counties only in support of a mental health system serving seriously emotionally disturbed children, in accordance with the principles and program requirements associated with the system of care model, as set forth in Part 4 (commencing with Section 5850). The department shall audit and monitor the use of these funds to ensure they are used solely in support of the Children's System of Care program. If county programs receiving children's system of care funding do not comply with program and audit requirements determined by the department, funds shall be redistributed to other counties to implement, expand, or model children's system of care programming.

5600.9. (a) Services to the target populations described in Section 5600.3 should be planned and delivered to the extent practicable so that persons in all ethnic groups are served with programs that meet their cultural needs.

(b) Services in rural areas should be developed in flexible ways, and may be designed to meet the needs of the indigent and uninsured who are in need of public mental health services because other private services are not available.

(c) To the extent permitted by law, counties should maximize all available funds for the provision of services to the target populations. Counties are expressly encouraged to develop interagency programs and to blend services and funds for individuals with multiple problems, such as those with mental illness and

substance abuse, and children, who are served by multiple agencies. State departments are directed to assist counties in the development of mechanisms to blend funds and to seek any necessary waivers which may be appropriate.

5601. As used in this part:

(a) "Governing body" means the county board of supervisors or boards of supervisors in the case of counties acting jointly; and in the case of a city, the city council or city councils acting jointly.

(b) "Conference" means the California Conference of Local Mental Health Directors as established under Section 5757.

(c) Unless the context requires otherwise, "to the extent resources are available" means to the extent that funds deposited in the mental health account of the local health and welfare fund are available to an entity qualified to use those funds.

(d) "Part 1" refers to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000)).

(e) "Director of Mental Health" or "director" means the Director of the State Department of Mental Health.

(f) "Institution" includes a general acute care hospital, a state hospital, a psychiatric hospital, a psychiatric health facility, a skilled nursing facility, including an institution for mental disease as described in Chapter 1 (commencing with Section 5900) of Part 5, an intermediate care facility, a community care facility or other residential treatment facility, or a juvenile or criminal justice institution.

(g) "Mental health service" means any service directed toward early intervention in, or alleviation or prevention of, mental disorder, including, but not limited to, diagnosis, evaluation, treatment, personal care, day care, respite care, special living arrangements, community skill training, sheltered employment, socialization, case management, transportation, information, referral, consultation, and community services.

5602. The board of supervisors of every county, or the boards of supervisors of counties acting under the joint powers provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government **Code** shall establish a community mental health service to cover the entire area of the county or counties.

Services of the State Department of Mental Health shall be provided to the county, or counties acting jointly, or, if both parties agree, the state facilities may, in whole or in part, be leased, rented or sold to the county or counties for county operation, subject to terms and conditions approved by the Director of General Services.

5604. (a) (1) Each community mental health service shall have a mental health board consisting of 10 to 15 members, depending on the preference of the county, appointed by the governing body, except that boards in counties with a population of less than 80,000 may have a minimum of five members. One member of the board shall be a member of the local governing body. Any county with more than five supervisors shall have at least the same number of members as the size of its board of supervisors. Nothing in this section shall be construed to limit the ability of the governing body to increase the number of members above 15. Local mental health boards may recommend appointees to the county supervisors. Counties are encouraged to appoint individuals who have experience and knowledge of the mental health system. The board membership should reflect the ethnic diversity of the client population in the county.

(2) Fifty percent of the board membership shall be consumers or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received mental health services. At least 20 percent of the total membership shall be consumers, and at least 20 percent shall be families of consumers.

(3) (A) In counties under 80,000 population, at least one member shall be a consumer, and at least one member shall be a parent, spouse, sibling, or adult child of a consumer, who is receiving, or has received, mental health services.

(B) Notwithstanding subparagraph (A), a board in a county with a population under 80,000 that elects to have the board exceed the five-member minimum permitted under paragraph (1) shall be required to comply with paragraph (2).

(b) The term of each member of the board shall be for three years. The governing body shall equitably stagger the appointments so that approximately one-third of the appointments expire in each year.

(c) If two or more local agencies jointly establish a community mental health service under Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government **Code**, the mental health board for the community mental health service shall consist of an additional two members for each additional agency, one

of whom shall be a consumer or a parent, spouse, sibling, or adult child of a consumer who has received mental health services.

(d) No member of the board or his or her spouse shall be a full-time or part-time county employee of a county mental health service, an employee of the State Department of Mental Health, or an employee of, or a paid member of the governing body of, a mental health contract agency.

(e) Members of the board shall abstain from voting on any issue in which the member has a financial interest as defined in Section 87103 of the Government **Code**.

(f) If it is not possible to secure membership as specified from among persons who reside in the county, the governing body may substitute representatives of the public interest in mental health who are not full-time or part-time employees of the county mental health service, the State Department of Mental Health, or on the staff of, or a paid member of the governing body of, a mental health contract agency.

(g) The mental health board may be established as an advisory board or a commission, depending on the preference of the county.

5604.1. Local mental health advisory boards shall be subject to the provisions of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government **Code**, relating to meetings of local agencies.

5604.2. (a) The local mental health board shall do all of the following:

(1) Review and evaluate the community's mental health needs, services, facilities, and special problems.

(2) Review any county agreements entered into pursuant to Section 5650.

(3) Advise the governing body and the local mental health director as to any aspect of the local mental health program.

(4) Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.

(5) Submit an annual report to the governing body on the needs and performance of the county's mental health system.

(6) Review and make recommendations on applicants for the appointment of a local director of mental health services. The board

shall be included in the selection process prior to the vote of the governing body.

(7) Review and comment on the county's performance outcome data and communicate its findings to the California Mental Health Planning Council.

(8) Nothing in this part shall be construed to limit the ability of the governing body to transfer additional duties or authority to a mental health board.

(b) It is the intent of the Legislature that, as part of its duties pursuant to subdivision (a), the board shall assess the impact of the realignment of services from the state to the county, on services delivered to clients and on the local community.

5604.3. The board of supervisors may pay from any available funds the actual and necessary expenses of the members of the mental health board of a community mental health service incurred incident to the performance of their official duties and functions. The expenses may include travel, lodging, child care, and meals for the members of an advisory board while on official business as approved by the director of the local mental health program.

5604.5. The local mental health board shall develop bylaws to be approved by the governing body which shall:

(a) Establish the specific number of members on the mental health board, consistent with subdivision (a) of Section **5604**.

(b) Ensure that the composition of the mental health board represents the demographics of the county as a whole, to the extent feasible.

(c) Establish that a quorum be one person more than one-half of the appointed members.

(d) Establish that the chairperson of the mental health board be in consultation with the local mental health director.

(e) Establish that there may be an executive committee of the mental health board.

5607. The local mental health services shall be administered by a local director of mental health services to be appointed by the

governing body. He shall meet such standards of training and experience as the State Department of Mental Health, by regulation, shall require. Applicants for such positions need not be residents of the city, county, or state, and may be employed on a full or part-time basis. If a county is unable to secure the services of a person who meets the standards of the State Department of Mental Health, the county may select an alternate administrator subject to the approval of the Director of Mental Health.

5608. The local director of mental health services shall have the following powers and duties:

(a) Serve as chief executive officer of the community mental health service responsible to the governing body through administrative channels designated by the governing body.

(b) Exercise general supervision over mental health services provided under this part.

(c) Recommend to the governing body, after consultation with the advisory board, the provision of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable in accomplishing the purposes of this division.

(d) Submit an annual report to the governing body reporting all activities of the program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year.

(e) Carry on studies appropriate for the discharge of his or her duties, including the control and prevention of mental disorders.

(f) Possess authority to enter into negotiations for contracts or agreements for the purpose of providing mental health services in the county.

5610. (a) Each county mental health system shall comply with reporting requirements developed by the State Department of Mental Health which shall be uniform and simplified. The department shall review existing data requirements to eliminate unnecessary requirements and consolidate requirements which are necessary. These requirements shall provide comparability between counties in reports.

(b) The department shall develop, in consultation with the Performance Outcome Committee pursuant to Section 5611, and with the Health and Welfare Agency, uniform definitions and formats for a statewide, nonduplicative client-based information system that includes all information necessary to meet federal mental health grant requirements and state and federal medicaid reporting requirements, as well as any other state requirements established by law. The data system, including performance outcome measures reported pursuant to Section 5613, shall be developed by July 1, 1992.

(c) Unless determined necessary by the department to comply with federal law and regulations, the data system developed pursuant to subdivision (b) shall not be more costly than that in place during the 1990-91 fiscal year.

(d) (1) The department shall develop unique client identifiers that permit development of client-specific cost and outcome measures and related research and analysis.

(2) The department's collection and use of client information, and the development and use of client identifiers, shall be consistent with clients' constitutional and statutory rights to privacy and confidentiality.

(3) Data reported to the department may include name and other personal identifiers. That information is confidential and subject to Section 5328 and any other state and federal laws regarding confidential client information.

(4) Personal client identifiers reported to the department shall be protected to ensure confidentiality during transmission and storage through encryption and other appropriate means.

(5) Information reported to the department may be shared with local public mental health agencies submitting records for the same person and that information is subject to Section 5328.

(e) All client information reported to the department pursuant to Chapter 2 (commencing with Section 4030) of Part 1 of Division 4 and Sections 5328 to 5780, inclusive, and any other state and federal laws regarding reporting requirements, consistent with Section 5328, shall not be used for purposes other than those purposes expressly stated in the reporting requirements referred to in this subdivision.

(f) The department may adopt emergency regulations to implement this section in accordance with the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government **Code**. The adoption of emergency regulations to implement this section that are filed with the Office

of Administrative Law within one year of the date on which the act that added this subdivision took effect shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare and shall remain in effect for no more than 180 days.

5611. (a) The Director of Mental Health shall establish a Performance Outcome Committee, to be comprised of representatives from the PL 99-660 Planning Council and the California Conference of Local Mental Health Directors. Any costs associated with the performance of the duties of the committee shall be absorbed within the resources of the participants.

(b) Major mental health professional organizations representing licensed clinicians may participate as members of the committee at their own expense.

(c) The committee may seek private funding for costs associated with the performance of its duties.

5612. (a) (1) The Performance Outcome Committee shall develop measures of performance for evaluating client outcomes and cost effectiveness of mental health services provided pursuant to this division. The reporting of performance measures shall utilize the data collected by the State Department of Mental Health in the client-specific, uniform, simplified, and consolidated data system. The performance measures shall take into account resources available overall, resource imbalance between counties, other services available in the community, and county experience in developing data and evaluative information.

(2) During the 1992-93 fiscal year, the committee shall include measures of performance for evaluating client outcomes and cost-effectiveness of mental health services provided by state hospitals.

(b) The committee should consider outcome measures in the following areas:

(1) Numbers of persons in identified target populations served.

(2) Estimated number of persons in identified target populations in need of services.

(3) Treatment plans development for members of the target population served.

(4) Treatment plan goals met.

(5) Stabilization of living arrangements.
(6) Reduction of law enforcement involvement and jail bookings.
(7) Increase in employment or education activities.
(8) Percentage of resources used to serve children and older adults.
(9) Number of patients' rights advocates and their duties.
(10) Quality assurance activities for services, including peer review and medication management.
(11) Identification of special projects, incentives, and prevention programs.
(c) Areas identified for consideration by the committee are for guidance only.

5613. (a) Counties shall annually report data on performance measures established pursuant to Section 5612 to the local mental health advisory board and to the Director of Mental Health.
(b) The Director of Mental Health shall annually make available to the Legislature, no later than March 15, data on county performance.

5614. (a) The department, in consultation with the Compliance Advisory Committee that shall have representatives from relevant stakeholders, including, but not limited to, local mental health departments, local mental health boards and commissions, private and community-based providers, consumers and family members of consumers, and advocates, shall establish a protocol for ensuring that local mental health departments meet statutory and regulatory requirements for the provision of publicly funded community mental health services provided under this part.
(b) The protocol shall include a procedure for review and assurance of compliance for all of the following elements, and any other elements required in law or regulation:
(1) Financial maintenance of effort requirements provided for under Section 17608.05.
(2) Each local mental health board has approved procedures that ensure citizen and professional involvement in the local mental health planning process.
(3) Children's services are funded pursuant to the requirements of Sections 5704.5 and 5704.6.
(4) The local mental health department complies with reporting

requirements developed by the department.

(5) To the extent resources are available, the local mental health department maintains the program principles and the array of treatment options required under Sections 5600.2 to 5600.9, inclusive.

(6) The local mental health department meets the reporting required by the performance outcome systems for adults and children.

(c) The protocol developed pursuant to subdivision (a) shall focus on law and regulations and shall include, but not be limited to, the items specified in subdivision (b). The protocol shall include data collection procedures so that state review and reporting may occur. The protocol shall also include a procedure for the provision of technical assistance, and formal decision rules and procedures for enforcement consequences when the requirements of law and regulations are not met. These standards and decision rules shall be established through the consensual stakeholder process established by the department.

5614.5. (a) The department, in consultation with the Quality Improvement Committee which shall include representatives of the California Mental Health Planning Council, local mental health departments, consumers and families of consumers, and other stakeholders, shall establish and measure indicators of access and quality to provide the information needed to continuously improve the care provided in California's public mental health system.

(b) The department in consultation with the Quality Improvement Committee shall include specific indicators in all of the following areas:

(1) Structure.

(2) Process, including access to care, appropriateness of care, and the cost effectiveness of care.

(3) Outcomes.

(c) Protocols for both compliance with law and regulations and for quality indicators shall include standards and formal decision rules for establishing when technical assistance, and enforcement in the case of compliance, will occur. These standards and decision rules shall be established through the consensual stakeholder process established by the department.

(d) The department shall report to the legislative budget committees on the status of the efforts in Section 5614 and this

section by March 1, 2001. The report shall include presentation of the protocols and indicators developed pursuant to this section or barriers encountered in their development.

5615. If they so elect, cities that were operating independent public mental health programs on January 1, 1990, shall continue to receive direct payments.

5616. Nothing in this part shall prevent any city or combination of cities from owning, financing, and operating a mental health program.

5618. Mental health plans shall be responsible for providing information to potential clients, family members, and caregivers regarding specialty Medi-Cal mental health services offered by the mental health plans upon request of the individual. This information shall be written in a manner that is easy to understand and is descriptive of the complete services offered.

5622. (a) A licensed inpatient mental health facility, as described in subdivision (c) of Section 1262 of the Health and Safety **Code**, operated by a county or pursuant to a county contract, shall, prior to the discharge of any patient who was placed in the facility, prepare a written aftercare plan. The aftercare plan, to the extent known, shall specify the following:

(1) The nature of the illness and followup required.

(2) Medications, including side effects and dosage schedules. If the patient was given an informed consent form with his or her medications, the form shall satisfy the requirement for information on side effects of the medications.

(3) Expected course of recovery.

(4) Recommendations regarding treatment that are relevant to the patient's care.

(5) Referrals to providers of medical and mental health services.

(6) Other relevant information.

(b) Any person undergoing treatment at a facility under the

Lanterman-Petris-Short Act or a county Bronzan-McCorquodale facility and the person's conservator, guardian, or other legally authorized representative shall be given a written aftercare plan prior to being discharged from the facility. The person shall be advised by facility personnel that he or she may designate another person to receive a copy of the aftercare plan.

(c) A copy of the aftercare plan shall be given to any person designated under subdivision (b). A patient who is released from any local treatment facility described in subdivision (c) of Section 1262 of the Health and Safety **Code** on a voluntary basis may refuse any or all services under the written aftercare plan.

5623.5. Commencing October 1, 1991, and to the extent resources are available, no county shall deny any person receiving services administered by the county mental health program access to any medication which has been prescribed by the treating physician and approved by the federal Food and Drug Administration and the Medi-Cal program for use in the treatment of psychiatric illness.

VENTURA COUNTY MENTAL HEALTH BOARD

BYLAWS

ARTICLE I

NAME

The name of this Board shall be the Ventura County Mental Health Board ("MHB").

ARTICLE II

PURPOSE AND AUTHORITY

The MHB exists under the authority of the California Legislature by its enactment of Section 5604 of the Welfare and Institutions Code as amended by SB43 (McCorquodale, Chapter 564 of 1993). The purpose of the MHB is provided in Section 5604.2 which includes, but is not limited to, the following:

A. Review and evaluate the community's mental health needs, services, facilities, and special problems.

B. Review any County agreements entered into pursuant to Section 5650.

C. Advise the Board of Supervisors and the local mental health director as to any aspect of the local mental health program.

D. Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.

E. Submit an annual report to the Board of Supervisors on the needs and performance of the County Mental Health system that includes an assessment of the impact of the realignment of services from the State to the County on services delivered to clients and on the local community.

F. Review and make recommendations to the appointing authority on applicants for the appointment of County Mental Health Director. The Board shall be included in the selection process prior to the vote of the governing body

G. Review and comment on the County's performance outcome data and communicate its findings to the California Mental Health Planning Council

ARTICLE III

MEMBERSHIP

A. The MHB shall consist of 22 members. The Board of Supervisors shall appoint 20 members; the Chair of the Board of Supervisors shall appoint one member; and the MHB Executive Committee shall appoint one member. The Board of Supervisors shall appoint 20 members in the following manner: there will be four appointees from each of the five Supervisorial Districts. Each Supervisor shall be entitled to nominate candidates for four of the 20 positions. A Supervisor from one District may recommend an applicant from another District. The Chair of the Board of Supervisors shall appoint one member from the Board of Supervisors. The MHB Executive Committee shall appoint five consumers who shall share one membership position of the MHB as described further below. This membership position shall be known as the Consumer-At-Large position.

The MHB may recommend nominees to the Board of Supervisors for consideration of appointment. The appointment of individuals who have experience and knowledge of the Mental Health System is encouraged. If a consumer feels that he or she is capable of serving as a member of the MHB, the consumer may apply to be appointed by the Board directly to any vacancy on the MHB without being first appointed as one of the five consumers who shares the Consumer-At-Large position.

B. The MHB's membership should reflect as closely as feasible the ethnic diversity of the client population. (For example, a third of the clients in the County are ethnic minorities; therefore ideally, seven of the members of the MHB should be ethnic minorities.)

C. Fifty percent of the MHB (eleven members) shall be consumers, or parents, spouses, siblings, or adult children of consumers, who are receiving or who have received mental health services. At least 20 percent (five members) of the MHB shall be consumers and at least 20 percent (five members) shall be members of families of consumers.

D. The Consumer-at-Large position will have five appointees, with only one appointee serving in the position and voting at each MHB meeting. These five appointees will meet prior to the MHB meetings to discuss the agenda of the MHB meeting; to decide which appointee will serve in the Consumer-at-Large position for the meeting; and to determine the manner in which the Consumer-at-Large will vote at the meeting on the agenda issues. The manner in which the Consumer-at-Large should vote on other issues that arise in the meeting, which were not discussed by the appointees, will be decided among the appointees at the MHB meeting as the issues arise. A consumer member of the Mental Health Board will serve as a resource and mentor to this pool of consumers.

E. Selection and Terms of MHB Members:

1. Appointments and Terms: In order to stagger the appointments so that approximately one-third of the appointments expire in each year, as required by Welfare & Institutions Code section 5604, subdivision (b), the terms of the first twenty-one appointments or re-appointments made after October 1, 2003, will be as follows: the terms for the first seven appointments or re-appointments will expire January 1, 2005; the terms for the next seven appointments or re-appointments will expire January 1, 2006; and the terms for the final seven appointments will expire January 1, 2007. Thereafter, the term of each member shall be three years, calculated from January 1 of the year of the member's appointment or re-appointment. For example, if a member was appointed on February 1, 2007, the expiration of the member's term would be three years from January 1, 2007 and would, therefore, expire on January 1, 2010.

2. Expiring Terms and Re-Appointments: Upon the expiration or termination of a member's term, the MHB may recommend to the Board of Supervisors appointees from the pool of available applicants for a new three-year term to fill the vacancy. As always, the County Supervisor, who represents the terminating member's District or who recommended the terminating member if the member was not from the Supervisor's district, has the right to recommend to the Board of Supervisors a new MHB member to fill the vacancy. The Board of Supervisors may reappoint a member who wishes to serve another term.

3. Partial Terms: If a member leaves the MHB prior to completing his or her full term, then any new member appointed in the departed member's place will serve the remainder of the departed member's term.

4. Record of Membership: The MHB secretary will maintain a record of MHB membership, including each member's appointment date and term expiration date. The MHB secretary will work with the Clerk of the Board of Supervisors to ensure that their respective MHB membership records match.

F. No member of the MHB or his or her spouse shall be a full-time or part-time County employee of a County mental health service, an employee of the State Department of Mental Health, or an employee of, or paid member of, the governing body of a mental health contract agency.

G. If it is not possible to secure membership as specified from among persons residing in the County, the Board of Supervisors may substitute representatives of the public interests who are not full-time or part-time employees of Ventura County Mental Health, State Department of Mental Health, or on the staff of, or a paid member of, the governing body of a mental health contract agency.

H. The composition of the MHB shall represent the demographics of the County as a whole to the extent feasible.

I. After three (3) absences of any MHB member during a fiscal year, the Executive Committee will review the reasons for the absences and may notify the Board of Supervisors of the absences, if it deems this action appropriate. Three or more absences from the regular meetings may be cause for the MHB to recommend to the Board of Supervisors the removal of that MHB member.

J. Members of the MHB shall abstain from voting on any issues in which they have a direct or indirect financial interest as defined in Section 87103 of the Government Code.

K. Members of the MHB may be asked or appointed to participate on a subcommittee, task force, or a special project as a part of their responsibilities.

ARTICLE IV

MEETINGS

A. The Brown Act: All meetings of the MHB shall be subject to the provisions of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code relating to meetings of local agencies.

B. Regular Meetings: The regular meetings shall be held monthly and the date, time, and location of each meeting shall be announced at the immediately preceding meeting. A regular meeting may, for cause, be rescheduled by the Chairperson with a 72-hour advance notice.

C. Special Meetings: Special meetings may be called, consistent with the Brown Act, by the Chairperson or by a quorum of the MHB. Notice of such special meeting shall conform to Government Code Section 54956.

D. Cancellation: Any meeting, which at least a quorum cannot attend, or for which there is no agenda item requiring MHB action, may be cancelled by the Chairperson with a 72-hour advance notice.

E. Quorum: A quorum shall be defined as one person more than half of the appointed members. The definition of appointed members excludes all vacant positions. A quorum shall be required for any MHB action.

ARTICLE V

AGENDA FOR BOARD MEETINGS

A. Procedures:

1. The agendas for Board meetings shall be established by the Chairperson.

2. The agenda will be finalized at the MHB Executive Committee meeting preceding the full MHB meeting. The agenda shall be posted in a manner consistent with Government Code Section 54954.2.

3. Any MHB member wishing to recommend an item for the MHB agenda shall contact the MHB Chairperson, MHB Vice-Chairpersons, or MHB Secretary, at or prior to, the Executive Committee Meeting.

4. If the Executive Committee does not meet in a particular month, MHB members wishing to recommend an agenda item for the MHB meeting shall contact the Chairperson, Vice-Chairpersons, or Secretary at least ten (10) working days prior to the MHB meeting.

B. Contents and Supporting Documentation:

1. The agendas for Board meetings shall be established by the Chairperson.

    a. The roll call and the Chairperson's announcement of the presence or absence of a quorum;

    b. Reports from MHB Officers and MHB Committees;

    c. Approval of minutes of the previous MHB meeting; and

    d. Items identified by the Chairperson or by majority vote of members as most urgently requiring action.

C. The agenda for regular meetings shall be distributed, with requisite informational material, to each MHB member not later than 72 hours preceding the meeting at which the agenda is to be discussed. The agenda shall be posted in the main lobby of the Behavioral Health Department at 300 Hillmont Avenue, Ventura.

D. MHB members wishing to propose motions are encouraged to present the draft motions to the MHB Officers at least ten (10) working days in advance of the MHB meeting so that the motions can be sent to MHB members, along with the call of the meeting, for review.

ARTICLE VI

OFFICERS

A. Offices:

1. The officers of the MHB shall be a Chairperson, a 1st Vice-Chairperson, 2nd Vice-Chairperson, and a Secretary.

2. The officers shall be elected at the June meeting to serve for a term of one year or until their successors have been duly elected.

3. No individual shall serve more than two consecutive years in any of the officer positions.

B. Qualifications of Officers:

1. Must have been a member of MHB for at least one year, or if a member for less than year, must be elected by a two-thirds vote of the MHB;

2. Must have a broad knowledge of the Mental Health System and/or possess good leadership qualities; and

3. Must be able to devote at least 3 to 5 hours per week to the MHB.

C. Election:

1. During the April meeting, the Chairperson shall appoint, and the MHB shall confirm, a Nominating Committee of not less than three (3) members.

2. The Nominating Committee shall place in nomination the candidates selected. Further nominations from the floor during the May meeting may be accepted.

3. During the June meeting, the election shall be conducted in accordance with the Brown Act.

4. The Officers elected at the June meeting will take their respective offices on July 1st.

5. Notwithstanding the normal election process detailed in paragraphs C.1. through C.4. above, when circumstances warrant it, an election may be held at any time during the year. Circumstances which would warrant a special election include, but are not limited to: one or more of the officers wishings to resign as an officer; or one or more of the officers' MHB membership being terminated.

D. Duties:

1. The Chairperson shall:

    a. Preside at meetings of the MHB;

    b. Establish committees and appoint membership on such committees, with the MHB ratifying committee members;

    c. Preside over the Executive Committee;

    d. Establish the agenda for MHB executive and general meetings;

    e. Be responsible for seeing that all actions of the MHB are implemented;

    f. Maintain consultation with the local mental health director;

    g. As authorized by a majority vote of the MHB, represent the MHB and present MHB recommendations at Board of Supervisors meetings; and

    h. Perform other duties ordinarily performed by a Chairperson.

2. The Vice-Chairpersons shall:

    a. Exercise all the responsibilities of the Chairperson in the absence of the Chairperson; and

    b. In agreement with the Chairperson, meet all responsibilities mutually agreed upon.

3. The Secretary shall:

    a. Perform the usual duties pertaining to secretaries;

    b. Cause to be kept a full and true record of all meetings of the MHB and its committees and of such special meetings as may be requested;

    c. Cause to be issued notices of regular and special meetings of the MHB;

    d. Maintain a record of attendance of MHB members and promptly report to the Board of Supervisors any MHB member whose position has been vacated; and

e. Call the meeting to order in the absence of the Chairperson, 1st Vice-Chairperson, and 2nd Vice-Chairperson. (A Chairperson Pro Tem will then be immediately elected and serve for the duration of the meeting).

4. The Chairperson Pro Tem shall (in the absence of the Chairperson, 1st Vice-Chairperson, and 2nd Vice-Chairperson):

   a. Preside at the meeting of the MHB and perform other duties ordinarily performed by the Chairperson.

   b. Establish committees and appoint membership on such committees, with the MHB ratifying committee members;

ARTICLE VII

COMMITTEES

A. Executive Committee:

1. The Executive Committee shall be comprised of the Chairperson, 1st and 2nd Vice-Chairpersons, the Secretary, and one member of the MHB designated as a member-at-large and selected by the Chairperson on a rotating basis. Each member is entitled to one vote:

2. The Executive Committee shall:

   a. Carry out any responsibilities delegated to it by the MHB; and

   b. Act in emergencies in any way it deems necessary when there is not time for the entire MHB to act. Any such action taken will be consistent with the Brown Act.

   c. Appoint five consumers who shall share the position of Consumer-At-Large, as provided in Article III of these Bylaws.

   d. Comply with the requirements of the Brown Act.

B. Nominating Committee:

1. The Chairperson shall appoint and the MHB shall confirm Nominating Committee of not less than three (3) members.

2. The Nominating Committee shall select a slate of officers for the coming year, secure the verbal consent of those selected, present the slate of officers, and conduct the elections.

3. The Nominating Committee shall comply with the requirements of the Brown Act.

C. Other Committees:

1. Unless the MHB chooses to elect committees or individual members to carry out specifically defined responsibilities, the Chairperson may, with the agreement of the members concerned, allocate these to committees or individual members.

ARTICLE VIII

PARLIAMENTARY AUTHORITY

Except when State law or regulations, County Ordinances, County Counsel rulings or these Bylaws apply, procedures of the MHB shall be governed by the current edition of Robert's Rules of Order.

ARTICLE IX

AMENDMENTS

Any proposed amendment to these Bylaws must be approved at any meeting by a two-thirds vote of the membership existing at the time, provided notice of the proposed amendment was given, in advance, with the call for the meeting. After the proposed amendment is approved by the membership, it must then be approved and executed by the Board of Supervisors, the proposed amendment will then be effective and these Bylaws shall be deemed to be so amended.

Approved by the Ventura County Board of Supervisors on 5/23/ 2006.

Linda Parks
Board of Supervisors, Chair

HCA Ventura County Health Care Agency

MICHAEL POWERS
Health Care Agency Director
Ventura County Medical Center Administrator

Karen Davis, MBA
HCA Deputy Director
HCA/VCMC Chief Financial Officer/Fiscal Services

Linda Henderson
Public Health Director

Paul E. Lorenz
HCA Deputy Director
VCMC Ambulatory Care Administrator

Ronald L. O'Halloran, MD
Medical Examiner/Coroner

Linda Shulman, MFT
Behavioral Health Director

Kirk E. Watson
HCA Deputy Director
VCMC Hospital Administrator
VCMC Compliance Officer

May 23, 2006

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: APPROVE MENTAL HEALTH BOARD REVISED BYLAWS. "Copy of Bylaws attached."

RECOMMENDATION:

Approve and authorize the Chair of the Board to sign the revised Mental Health Board Bylaws (copy attached) to add one new Consumer-At-Large appointment, and to incorporate minor editing, points of clarification, and format modifications.

FISCAL/MANDATES IMPACT: None

DISCUSSION:

The Ventura County Mental Health Board (MHB) has requested that the Behavioral Health Department (BHD) present to your Board, for approval, revised Bylaws to increase the MHB membership from 21 to 22 members. As your Board is aware, the Mental Health Board's membership is required to consist of 50% consumers and family members. In the past, recruiting and successfully retaining consumers on this Board has been challenging. During the past year, the Board has addressed this concern with various consumers in an effort to identify the reasons for the difficulty. These consumers indicated that there is too much information to absorb, and that the time commitment required by the Board can be overwhelming. However, they also added that they were confident that they could still provide valuable input on many of the agenda items addressed by the MHB with more flexibility and support. Therefore, it has been suggested that a new "Consumer-At-Large" membership position be created that will help to improve consumer participation and involvement on the Board.

The proposed new "Consumer-At-Large" membership position would consist of a pool of five appointees working together to support one another. A BHD staff person and a consumer who has served on the MHB would meet with this pool of consumers prior to each Board meeting to review agenda items. A spokesperson would be chosen for

each MHB meeting with the responsibility of representing one vote for the consumer pool. The proposed revised Bylaws require that the MHB Executive Committee appoint the consumers that will participate in this pool. The MHB believes that this revision to the Bylaws will help encourage more consumers to participate as individual appointees to the Board in the future, as memberships become available.

Following is an excerpt of the recommended language changes in Article III pertaining to membership (other modifications to the Bylaws are non-substantive in nature, such as, editing, points of clarification, and format changes):

ARTICLE III

MEMBERSHIP

A. The MHB shall consist of 22 members. The Board of Supervisors shall appoint 20 members; the Chair of the Board of Supervisors shall appoint one member; and the MHB Executive Committee shall appoint one member. The Board of Supervisors shall appoint 20 members in the following manner: there will be four appointees from each of the five Supervisorial Districts. Each Supervisor shall be entitled to nominate candidates for four of the 20 positions. A Supervisor from one District may recommend an applicant from another District. The Chair of the Board of Supervisors shall appoint one member from the Board of Supervisors. The MHB Executive Committee shall appoint five consumers who shall share one membership position of the MHB as described further below. This membership position shall be known as the Consumer-At-Large position.

The MHB may recommend nominees to the Board of Supervisors for consideration of appointment. The appointment of individuals who have experience and knowledge of the Mental Health System is encouraged. If a consumer feels that he or she is capable of serving as a member of the MHB, the consumer may apply to be appointed by the Board directly to any vacancy on the MHB without being first appointed as one of the five consumers who shares the Consumer-At-Large position.

B. The MHB's membership should reflect as closely as feasible the ethnic diversity of the client population. (For example, a third of the clients in the County are ethnic minorities; therefore ideally, seven of the members of the MHB should be ethnic minorities.)

C. Fifty percent of the MHB (eleven members) shall be consumers, or parents, spouses, siblings, or adult children of consumers, who are receiving or who have received mental health services. At least 20 percent (five members) of the MHB

shall be consumers and at least 20 percent (five members) shall be members of families of consumers.

D. The Consumer-at-Large position will have five appointees, with only one appointee serving in the position and voting at each MHB meeting. These five appointees will meet prior to the MHB meetings to discuss the agenda of the MHB meeting; to decide which appointee will serve in the Consumer-at-Large position for the meeting; and to determine the manner in which the Consumer-at-Large will vote at the meeting on the agenda issues. The manner in which the Consumer-at-Large should vote on other issues that arise in the meeting, which were not discussed by the appointees, will be decided among the appointees at the MHB meeting as the issues arise. A consumer member of the Mental Health Board will serve as a resource and mentor to this pool of consumers.

E. Selection and Terms of MHB Members.

1. Appointments and Terms. In order to stagger the appointments so that approximately one-third of the appointments expire in each year, as required by Welfare & Institutions Code section 5604, subdivision (b), the terms of the first twenty-one appointments or re-appointments made after October 1, 2003, will be as follows: the terms for the first seven appointments or re-appointments will expire January 1, 2005; the terms for the next seven appointments or re-appointments will expire January 1, 2006; and the terms for the final seven appointments will expire January 1, 2007. Thereafter, the term of each member shall be three years, calculated from January 1 of the year of the member's appointment or re-appointment. For example, if a member was appointed on February 1, 2007, the expiration of the member's term would be three years from January 1, 2007 and would, therefore, expire on January 1, 2010.

2. Expiring Terms and Re-Appointments. Upon the expiration or termination of a member's term, the MHB may recommend to the Board of Supervisors appointees from the pool of available applicants for a new three-year term to fill the vacancy. As always, the County Supervisor, who represents the terminating member's District or who recommended the terminating member if the member was not from the Supervisor's district, has the right to recommend to the Board of Supervisors a new MHB member to fill the vacancy. The Board of Supervisors may reappoint a member who wishes to serve another term.

3. Partial Terms. If a member leaves the MHB prior to completing his or her full term, then any new member appointed in the departed member's place will serve the remainder of the departed member's term.

4. Record of Membership. The MHB secretary will maintain a record of MHB membership, including each member's appointment date and term expiration

date. The MHB secretary will work with the Clerk of the Board of Supervisors to ensure that their respective MHB membership records match.

F. No member of the MHB or his or her spouse shall be a full-time or part-time County employee of a County mental health service, an employee of the State Department of Mental Health, or an employee of, or paid member of, the governing body of a mental health contract agency,

G. If it is not possible to secure membership as specified from among persons residing in the County, the Board of Supervisors may substitute representatives of the public interests who are not full-time or part-time employees of Ventura County Mental Health, State Department of Mental Health, or on the staff of, or a paid member of, the governing body of a mental health contract agency.

H. The composition of the MHB shall represent the demographics of the County as a whole to the extent feasible.

I. After three (3) absences of any MHB member during a fiscal year, the Executive Committee will review the reasons for the absences and may notify the Board of Supervisors of the absences, if it deems this action appropriate. Three or more absences from the regular meetings may be cause for the MHB to recommend to the Board of Supervisors the removal of that MHB member.

J. Members of the MHB shall abstain from voting on any issues in which they have a direct or indirect financial interest as defined in Section 87103 of the Government Code.

K. Members of the MHB may be asked or appointed to participate on a subcommittee, task force, or a special project as a part of their responsibilities.

This Board letter has been reviewed by the County Executive Office, County Counsel, and the Mental Health Board. The MHB approved the proposed revised Bylaws at the MHB Executive Committee meeting held on April 17, 2006. Therefore, BHD recommends that your Board approve and authorize the Chair of the Board to sign the revised Mental Health Board Bylaws (full copy attached) that adds one new Consumer-At-Large appointment, and incorporates minor editing and format modifications.

If you have questions regarding this item, please contact Linda Shulman at 652-6737.

Sincerely,

LINDA SHULMAN, M.F.T.
Director
Behavioral Health Department

MICHAEL POWERS
Health Care Agency Director
Ventura County Medical Center Administrator

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN
May 23, 2006 at 8:30 a.m.

215.102

HEALTH CARE AGENCY – Behavioral Health – Approval of the Mental Health Board Revised Byfaws.

(X) All board members are present.

(X) The following person is heard: **Linda Shulman**.

(X) Upon motion of **Supervisor Long**, seconded by **Supervisor Mikels**, and duly carried, the Board hereby approves the attached staff recommendation.

By: Irene De La Torre
Deputy Clerk of the Board

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument
is a true and correct copy of the document
which is on file in this office.
JOHN F. JOHNSTON, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: 5/30/06

By: Irene De La Torre
Deputy Clerk of the Board

Item 38
05/23/06

DISTRIBUTION: Originating Agency, Auditor, File

BYLAWS OF THE
COUNTY OF VENTURA
MOBILE HOME PARK RENT REVIEW BOARD

December 14, 1993

ARTICLE I. TITLE

Section 1. The Ventura County Mobile Home Park Rent Review Board (MHPRRB) was established by Ordinance No. 3635, adopted by the Board of Supervisors February, 1983.

ARTICLE II. OFFICERS

Section 1. The officers shall be:

A Chair, who shall preside at all meetings and call all special meetings, appoint committees, and perform all other duties of a presiding officer.

A Vice-Chair, who shall, in absence of the Chair or due to the inability to act, preside at meetings and perform all other duties of the Chair.

A Secretary, who shall keep a written record of all business transacted by the MHPRRB, notify members of meetings, and keep the official records of the MHPRRB.

An Assistant Secretary, who shall keep a written record of all business transacted by the MHPRRB, notify members of meetings, and keep the official records of the MHPRRB in the absence of the Secretary.

Section 2. The Chair and Vice-Chair shall be members of the MHPRRB. They shall be elected at the annual meeting or an adjournment of that meeting and shall hold office for a period of one year or until their successors are elected, whichever is earlier. A vacancy in the office of Chair or Vice-Chair shall be filled for the balance of the unexpired term at the meeting succeeding the date upon which the vacancy occurred.

A special meeting may be called by not less than three members for the purpose of recalling the Chair or Vice-Chair, or both, and a vacancy created in any such office by a recall shall be filled at said meeting.

ARTICLE III. MEETINGS

Section 1. The annual meeting of the MHPRRB shall be the first month after the month that the Board of Supervisors appoints members.

Section 2. The regular meetings of the MHPRRB shall be held as required by rent applications and the provisions of the Ordinance requiring action on said applications within 45 days. At each annual meeting the MHPRRB shall fix the time, date, and place for regular meetings for that year.

Section 3. By a majority vote of those present and voting, a meeting may be adjourned until a time fixed but not later than the next regular meeting of the Commission. Special meetings may be held at the call of the Chair or Vice-Chair or members in the manner provided by law.

Section 4. County staff shall notify each member of the time, place, and date of each regular meeting by a written notice mailed to the last known address of each member not less than three days previous to the date set for the meeting. Sufficient notice shall be given each member of other meetings called by the Chair.

Section 5. The meetings shall be subject to the current provisions of Chapter 9 (commencing with S54950) of Part 1 of Division 2 of Title 5 of the Government Code, relating to meetings of local agencies (the Brown Act).

Section 6. Absences. The MHPRRB may recommend membership termination by the Board of Supervisors for the following conditions:

A. Being unavailable to attend meetings more than three (3) times for any reason in any 12-month period of time.

B. Termination procedures are as follows:

1. The member shall be notified and will be asked to submit a letter of resignation to the Chair and to the Board of Supervisors.

2. If a member does not submit the letter of resignation within thirty (30) days, the MHPRRB will then request the Board of Supervisors to remove the member, describing the reasons for the recommendation, and requesting that the vacancy be filled.

ARTICLE IV. QUORUM AND VOTING

Section 1. Unless otherwise provided by law, three members constitute a quorum for any meeting or hearing and a finding, decision, or order requires the concurrence of at least a majority of its total voting members. A person may be elected to the office of Chair or Vice-Chair by not less than a concurrence of at least three members.

Section 2. Unless otherwise required by law, deliberation of action on any matter may be postponed to a specified meeting by a concurrence of a majority of those present and voting.

ARTICLE V. ORDER OF BUSINESS

Section 1. The order of business for regular meetings shall be:

Roll Call
Flag Salute
Public comment for items not otherwise on the agenda
Minutes of previous meeting
Reports

Section 2. The order of business for the annual meeting shall be:

Roll Call
Election of Officers
Taking of office by new Chair
Fixing of time and dates for regular monthly meetings

Subsequent order of business shall be the same as for regular meetings.

ARTICLE VI. COMMITTEES

Section 1. There shall be such committees appointed by the Chair as shall be deemed necessary for determining the policies of the MHPRRB and executing its orders. The members of such committees shall serve for one year or until successors are appointed or the committee is discharged.

ARTICLE VII. RECORDS OF PROCEEDINGS

Section 1. All papers involving official acts shall be signed in accordance with appropriate legislation relating to such acts. In the absence of specific regulations, the signature of the Chair or Vice-Chair, attested by County staff shall be deemed sufficient.

Section 2. Routine correspondence, communications, or certifications may be signed by County staff as needed.

Section 3. County staff shall keep a record of the resolutions, transactions, findings, and determinations in the manner provided by law and by the MHPRRB.

ARTICLE VIII. SCOPE OF ACTIVITY

Section 1. To meet as required by County staff or upon the filing of a rent increase request and to utilize the County offices and facilities as needed.

Section 2. To receive, investigate, hold hearings on, and pass upon the issues relating to mobile home park rent stabilization as set forth in Ordinance No. 3998, or the most currently revised Ordinance.

Section 3. To make or conduct such independent hearings or investigations as may be appropriate to obtain such information as is necessary to carry out its duties.

Section 4. To adjust maximum rents either upward or downward upon completion of its hearings and investigations.

Section 5. To render an annual comprehensive written report to the Board of Supervisors concerning its activities, holdings, actions, results of hearings, and all other matters pertinent to the current Ordinance which may be of interest to the Board of Supervisors.

Section 6. To adopt, promulgate, amend, and rescind administrative rules to effectuate the purpose and policies of the current Ordinance.

Section 7. Such other duties as mandated by the Board of Supervisors.

ARTICLE IX. AMENDMENT OF BYLAWS

Section 1. These bylaws may be changed or added to from time to time by the affirmative vote of not less than three members at a regular meeting. No change or addition to these bylaws shall be made unless notice in writing shall be filed with County staff at the regular meeting next preceding the meeting at which the motion to change is to be made.

Section 2. Said notice shall state explicitly what change is to be proposed, or shall be accompanied by a draft of the proposed change. County staff shall notify each member at least seven days before the date of the next meeting of the wording of the proposed change or addition.

ARTICLE X. ADOPTION

Section 1. These bylaws were adopted on December 14, 1993, and became effective upon adoption.



Chair

December 14, 1993
Date Signed



Ordinance Number

4206

Date Adopted

12/21/1999

Subject

VENTURA COUNTY ORDINANCE RELATING TO MOBILE HOME PARK RENT CONTROL (REPEALED ORDINANCE 4163)

Comments

ORDINANCE NO. 4306
AN ORDINANCE OF THE VENTURA COUNTY
BOARD OF SUPERVISORS RELATING TO
MOBILE HOME PARK RENT CONTROL

The Board of Supervisors of the County of Ventura ordains as follows:

Ordinance No. 4163 is hereby repealed and the following provisions are hereby adopted:

Sec. 1 - Purpose and Intent. There is presently within the unincorporated area of the County a shortage of spaces for the location of mobile homes, trailers, and other mobile dwelling units. Because of this shortage, there is a low vacancy rate and rents have been for several years, and are presently, rising rapidly and causing concern among a substantial number of County residents. Because of the high cost of moving these mobile dwelling units, potential for damage resulting therefrom, the requirements relating to the installation of mobile dwelling units, including permits, landscaping, and site preparation, the lack of alternative homesites for mobile dwelling units and the substantial investment of owners in such mobile dwelling units, a virtual monopoly exists in the rental of mobile dwelling unit park spaces, creating a situation where park owners have unbridled discretion and ability to exploit park tenants. For these reasons, among others, the Board of Supervisors finds and declares it necessary to protect the owners of mobile dwelling units from unreasonable rent increases, while at the same time recognizing the need of park owners to receive a fair return on their property and rental income sufficient to cover increases in the costs of repairs, maintenance, insurance, employee services, additional amenities, and other costs of operation.

Sec. 2 - Definitions

"Board" or "Mobile Home Park Rent Review Board". The Mobile Home Park Rent Review Board established by this Ordinance.

"Capital Improvements". Those improvements that materially add to the value of the property and appreciably prolong its useful life or adapt it to new uses, and which may be amortized over the useful life of the improvement in accordance with the Internal Revenue Code and regulations issued pursuant thereto.

"Completely New Capital Improvements". Those improvements which are entirely new in the mobile home park. Examples include, a new swimming pool, golf green, electric security gate, etc. Not included are additions, replacement, upgrades, modernization, repairs or modifications of existing features or facilities.

"CPI-U". The annual average percentage Consumer Price Index (1982-1984 = 100 Base) for All Urban Consumers prepared by the U. S. Bureau of Labor Statistics for the Los Angeles-Anaheim-Riverside area.

The Consumer Price Index is a measure of the average change in prices over time in a fixed market basket of goods and services.

"Housing Services". Services provided by the park owner related to the use or occupancy of a mobile dwelling unit space, including, but not limited to, water and sewer, natural gas, electricity, refuse removal, management and administration (including employee salaries and fringe benefits), maintenance and repairs, supplies, advertising, recreation facilities, laundry facilities, parking, security services, insurance, property taxes, other governmental assessments, and other costs reasonably attributable to the operation of the park. The term "housing services" shall not include legal fees or mortgage payments, whether for principal, interest, or both.

"Mobile Dwelling Unit". A dwelling unit designed for human habitation which may be towed by another vehicle or which is self-contained and self-powered, including mobile homes, trailers, and recreational vehicles.

"Mobile Home". A structure with dimensions larger than eight (8) feet by forty (40) feet or a size larger than three hundred twenty (320) square feet designed for human habitation, transported over streets and highways to a permanent occupancy site, and installed on the site either with or without a permanent foundation.

"Mobile Home Park". An area of land having two or more spaces on which are located mobile homes, trailers, or other mobile dwelling units used as residences.

"Mobile Home Park Owner" or "Owner". The owner, lessor, operator or manager of a mobile home park in the unincorporated area of Ventura County.

"Mobile Home Tenant" or "Tenant". Any person entitled to occupy a mobile home, trailer, or other mobile dwelling unit which is located within a mobile home or trailer park in the unincorporated area of Ventura County.

"Park". An area of land where two or more spaces for mobile dwelling units are rented or leased out to tenants.

"Recreational Vehicle". A vehicle for human habitation, which is self-propelled or towed by a light-duty vehicle, in which the plumbing, heating, and electrical system contained therein may be operated without connection to outside utilities. Recreational vehicles do not fall within the definition of mobile homes.

"Space Rent". The consideration, including any security deposits, bonuses, benefits, or gratuities demanded or received in connection with the use and occupancy of a space in a mobile home or trailer park, or for housing services provided, but exclusive of any amount paid for the use of a mobile dwelling unit, or utility charges or trash charges which are billed to units separately whether or not the units are individually metered.

"Space rent" does not include reasonable user fees for services actually rendered to some, but not all, of the residents of a park.

"Trailer". A structure with dimensions of eight (8) feet by forty (40) feet or less or a size of three hundred twenty (320) square feet or less designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.

"Trailer Park". An area of land where two or more trailer spaces are rented or leased out for trailers.

"Trailer Park Owner". The owner, lessor, operator, or manager of a trailer park in the unincorporated area of the County.

"Trailer Park Tenant". Any person entitled to occupy a trailer which is located within a trailer park in the unincorporated area of the County.

"Utility Separation". The separation from the Space Rent of utility charges (water, sewer, electricity, trash, gas).

Sec.3 - Exemptions

(a) Mobile home park spaces rented for non-residential uses.

(b) Mobile home or trailer parks, the construction of which began after September 1, 1982; provided, however, that additional spaces created by the expansion of existing parks are not hereby exempted from the provisions of this Ordinance. For the purposes of this section, "construction" shall mean the erection of structures.

(c) Mobile home or trailer parks managed or operated by the United States Government, the State of California, or the County of Ventura.

(d) Tenancies for which any Federal or State law or regulation specifically prohibits rent regulations.

(e) Tenancies covered by leases or contracts which provide for more than a 12 month tenancy, but only for the duration of such lease or contract. Upon the expiration or other termination of any such lease or contract, this Ordinance shall immediately be applicable to the tenancy.

(f) Parks which sell all spaces or lots for factory built or manufactured housing.

(g) Those spaces in a mobile home park which provides condominium ownership, provided the owner of the mobile dwelling unit is also the owner of the lot or space on which the mobile home dwelling unit is located.

(h) Those sections of existing parks which have an approved permit modification identifying a separate area with reduced size spaces specifically designated for travel trailers, provided the modification was approved prior to the effective date of this Ordinance.

Sec. 4 - Mobile Home Park Rent Review Board

(a) There is hereby established a Mobile Home Park Rent Review Board consisting of five (5) members who shall be appointed by, and serve at the pleasure of, the Board of Supervisors.

(b) The five (5) members of the Board shall be persons who are neither connected with the real estate or rental housing industry for their personal gain nor tenants with any direct or indirect financial interest (as defined by State law) in any mobile home or mobile home park. Said members shall file a declaration to this effect with the County.

(c) Board members may be compensated for their services and may receive reimbursement as provided by the Board of Supervisors for traveling and other expenses incurred while on official duty.

(d) Terms of Board members shall be three (3) years.

Sec. 5 - Powers and Duties of the Board

Within the limitations provided by law, the Board shall have the following power and duties:

(a) To meet from time-to-time as required by the County staff or upon the filing of a rent increase request and to utilize the County offices and facilities as needed.

(b) To receive, investigate, hold hearings on, and pass upon the issues relating to mobile home park rent stabilization as set forth in this Ordinance.

(c) To make or conduct such independent hearings or investigations as may be appropriate to obtain such information as is necessary to carry out its duties.

(d) To adjust maximum rents either upward or downward upon completion of its hearings and investigations.

(e) To render a tri-annual comprehensive written report to the Board of Supervisors concerning its activities, holdings, actions, results of hearings, and all other matters pertinent to this Ordinance which may be of interest to the Board of Supervisors.

(f) To adopt, promulgate, amend, and rescind administrative rules to effectuate the purpose and policies of this Ordinance.

Sec. 6 - Legality of Increases and Ministerial CPI-U Increase

(a) Unless specifically exempted by this Ordinance, on and after September 1, 1982, no increase in space rents for any mobile dwelling unit space located in any mobile home parks or trailer parks or mobile home parks containing mobile dwelling units which allow for condominium ownership shall be effective unless approved as set forth in this

Ordinance. Additionally, on or after March 7, 1997, no permanent or extended reduction of significant housing services shall be permitted without a corresponding reduction in the amount of space rent.

(b) A ministerial CPI-U space rent increase not less than 2%, nor more than 8% shall be granted if:

(1) The proposed increase is to become effective no sooner than one (1) year from the date the last increase was approved as required by this Ordinance and became effective at the particular park; the applicant cannot include a request on a space which has had an increase since the last application pursuant to the vacancy decontrol provisions of this Ordinance.

(2) The park owner files:

(a) a schedule of existing and proposed rents for each affected space;

(b) proof that he has provided copies of said schedule to the tenants 90 days prior to the rent increase effective date;

(c) Written notification of their right to file complaints with County staff;

(3) The park owner shall file the schedule of existing and proposed rents and other documents no less than forty-five days prior to the effective date of increase.

(c) Special Limitations on Space Rent Increases Upon Sale of Coaches. The Board finds that restrictions on space rent increases at the time of the sale of the coaches are necessary to provide reasonable rent to incoming tenants and also to deter the use of the monopoly power described in Section 1 (Purpose and Intent) of this Ordinance to force the sale of coaches, to either new tenants or to the park owners themselves, at unreasonably low prices, or to force the abandonment of coaches in place. Therefore, the rent for a space occupied by a mobile home dwelling unit which has changed ownership may be increased no more than once every four years no more than fifteen percent (15%) of the average of the existing space rent of the affected spaces or sixty dollars ($60.00), whichever is less, effective upon the change of ownership subject to the following conditions:

(1) A mobile home dwelling unit shall be deemed to have changed ownership when an existing tenant transfers all of his or her right, title and interest in it, except that it shall be deemed not to have changed ownership when either (1) an existing tenant acquires a replacement mobile home dwelling unit and locates the replacement on, and continue to occupy, the space on which the replaced unit had been located or (2) when there is a transfer of all right, title and interest in the mobile home dwelling unit by any

resident to any joint tenant or family relative by gift, devise or operation of law.

(2) The park owner shall post in a prominent place in the park where other notices are customarily posted a written notice stating the amount of rent to be charged for each space upon change of ownership. This notice may be revised on a periodic basis, no more frequently than every three (3) months.

(3) Within fifteen (15) days after receiving a written request by certified or registered mail, or personal delivery, the park owner, or his designated agency, shall provide to the tenant requesting it a written commitment stating the exact amount of the space rent to be effective upon the change of ownership of the mobile home dwelling unit in the space occupied by the tenant requesting the written commitment. This written commitment shall be effective for six (6) months from the date it is received by the tenant. The park owner shall post in a prominent place in the park where other notices are customarily posted the name and address of the individual to whom such request for a written commitment is to be directed.

(4) In setting the rents to be effective upon the change of ownership the park owner shall not discriminate on any basis prohibited by California Civil Code Section 51 et seq. or discriminate based on some retaliatory or punitive motive, or on any other basis prohibited by law. A tenant shall have the right to petition the Mobile Home Park Rent Review Board to have a hearing concerning such discrimination. The tenant shall have the initial burden of presenting evidence tending to show the existence of such unlawful discrimination, which the park owner shall have the opportunity to rebut. If the Board finds, based on a preponderance of the evidence, that such illegal discrimination has occurred, the Board shall have the authority to reduce the proposed rent increase by that amount it finds is based on the unlawful discrimination.

(d) In any application for rent increase under this Ordinance, the owner shall indicate which, if any, of the mobile home spaces are covered by leases or contracts which provide for more than a month-to-month tenancy, together with the expiration date of each such lease or contract. Any rent increase approved under this Ordinance shall not be applicable to spaces covered by such leases or contracts during the terms of such leases or contracts; provided, however, that in acting upon any application for rental increase hereunder, the rents shall be set in accordance with this Ordinance for spaces covered by leases or contracts which shall become applicable to such spaces upon the expiration of each such lease or contract.

(e) A Utility Separation can be granted at any time during the year. The park owner shall request the MHRR Board in writing to hear the matter and

owner shall notice the tenants at least 90 days in advance of the utility separation effective date. The utility separation shall not become effective unless approved by the Board. The owner must provide the most recent utility bill(s) and any other information which will help the Board make an accurate decision on the amount of the space rent reduction.

(f) In addition to the usual case of an increase in the dollar amount of space rent, on or after March 7, 1997, a rent increase may occur when significant housing services are permanently reduced or disrupted for an unreasonable length of time without a corresponding reduction in the dollar amount of the space rent. It is the specific intent of this Ordinance to prohibit such indirect rent increases.

A permanent or extended reduction of significant housing services may be found to occur when specifically enumerated significant housing services either have been permanently eliminated or are not provided for an unreasonable length of time considering the nature of the service and the reasons for its disruption.

If a majority of affected homeowners concur in writing that such a significant reduction in services has occurred, and they are unable to satisfactorily resolve the dispute with park management, a representative group of homeowners may petition the Ventura County Mobile Home Park Rent Review Board for a finding of the reduction in services. Prior to presenting such a petition, the homeowner group must demonstrate that they have attempted in good faith to resolve the dispute through the mediation process, and that park management has either (1) refused to participate in the mediation process or (2) the attempt to mediate the matter with both parties participating in good faith, was unsuccessful. No Section 6 rent increase application shall be processed until the reduction in services dispute is resolved.

Nothing in this Section shall be construed to effect the rights or obligations set forth in California Civil code sections 798.84, et seq.

Sec. 7 Other Rent Adjustments

(a) **Completely New Capital Improvements:** Space rent may not be increased to cover completely new capital improvements as defined in Section 2 herein, unless written consent of a majority of affected spaces in the park is obtained prior to making the expenditure. Resident approval is not necessary, however, if such new capital improvements are required by law.

(1) The provisions of this section shall apply equally to Sec. 6 & 8 applications.

(2) An application for a special rent increase based on the cost of a completely new capital improvement may be filed not less than 120 days before the effective rent increase date. Section 6 applications including a completely new capital improvement, shall be approved by staff when the definition of a capital improvement

set forth in this Ordinance and any related Board procedures are satisfied. Any special rent increase granted under this section shall be amortized over the useful life of the improvement, in line with IRS rules and Board guidelines, and apportioned equally among the affected park spaces.

(3) A special rent increase application must be filed in conjunction with a Section 6 or Section 8 application and shall be processed according to the requirements of Section 12 of this Ordinance. After receipt of a completed application, written notice of the determination by the staff shall be mailed to the applicant and the affected residents' representative within that time. Written notice that an application has been determined to be incomplete and the reasons for that determination shall be given to the applicant within 30 days of receipt of the application. A written determination to grant a requested special rent increase or a modified special rent increase shall specify the duration and amount of the monthly rent adjustment granted.

(4) Whenever an application is submitted, all affected residents are entitled to copies of all documents in support of such application and they shall be furnished to such persons by the Park Owner upon request and upon payment by the resident of reasonable copying fees comparable to competitive rates available locally.

(5) Increases authorized and approved under this section shall be effective as of the rent increase anniversary date, but not earlier than 90 days after the Park Owner gives affected tenants notice of the proposed increase pursuant to the provisions of the State of California Mobilehome Residency law.

(6) Reasonable market rate interest on any debt incurred to fund completely new capital improvements shall be allowed.

(7) A Park Owner or tenant appealing a decision of the staff pursuant to the provisions of this subsection must file a written notice of appeal not later than 20 days after the receipt of the notice of said decision to the Park Owner. The notice of appeal must specify the decision appealed from and the grounds for the appeal.

(8) In computing rent increases, the staff shall not include in the current base rent any amounts that represent approved completely new capital improvement costs.

Sec. 8 - Discretionary Increases

(a) An owner may apply for a discretionary rent increase in cases where he contends that the facts and circumstances of this particular case warrant such an increase. An owner shall submit with the Rent Schedule a request for such discretionary increase, together with supporting documentation, no less than seventy-five (75) days prior to the effective date of the proposed increase. The notice and proof of service requirements set forth below shall apply to such request. The owner shall also deposit the appropriate processing fee listed in the current Board of Supervisors resolution establishing schedule of land development preliminary processing fee deposits to cover costs of processing the request and conducting any hearing or meeting held to consider the request. Upon conclusion of such meeting or hearing, the balance of the deposited processing fee, if any, shall be refunded to the owners. If

additional expenses are incurred, the owner shall be billed for, and shall be responsible for, payment of such additional expenses.

(b) The Board shall set a hearing on any request complying with the requirements of subdivision (a) above no sooner than ten (10) days and no later than seventy-five (75) days after receipt of the request and proof of service. The Board shall notify the owner and tenants, in writing, of the time and place set for the hearing. No hearing or any part thereof may be continued beyond thirty (30) days after the initial hearing date without the owner's consent. If the Board approves an increase as requested, or lower than requested, the same shall take effect as noticed by the owner or as the Board may otherwise direct.

(c) Procedures-The owner shall also deposit the appropriate processing fee listed in the current Board of Supervisors resolution establishing schedule of land development preliminary processing fee deposits to cover costs of processing the proposed Rent Schedule and/or utility separation applications and conducting any hearing or meeting held to consider the proposed Rent Schedule. Upon conclusion of such meeting or hearing, the balance of the deposited processing fees, if any, shall be refunded to the owner. If additional expenses are incurred, the owner shall be billed for, and shall be responsible for, payment of such additional expenses.

The owner shall serve affected residents, either personally or by mail, with written notice of the proposed increase, in accordance with State law, and with written notice that a request for approval of same is being filed with the Board. The owner shall file proof of such service with the Board concurrent with the filing of the rent increase requests. Copies of the Rent Schedule, request for increase, and supporting documentation shall be available free of charge to any tenant requesting same at the owner's office in the affected park.

Sec. 9 - Administrative Fees

The Board of Supervisors finds that this Ordinance protects the owners of mobile dwelling units from unreasonable rent increases and recognizes the need of park owners for a fair return on their property and a sufficient rental income. The Ordinance services a limited segment of the public, the mobile dwelling unit owners and park owners. Therefore, that service is not generally applicable to the public at large. The tenants benefit from the Ordinance provisions, but the owners also benefit. For instance, the administration of the Ordinance provides a certain level of stability for the park owners in that they know they are annually eligible for a reasonable rent increase and that there is a fair process to resolve tenant concern with rent increases. Additionally, in recent years there have been amendments made to the Ordinance and procedures that have allowed greater rental income over and above the annually permitted increases and, or reduced costs to the park owners, i.e., vacancy decontrol, utility separations, amortization extensions and sliding scale application fees. Also, the approval of this new Fee accompanies the elimination of the Section 6 application fee for the park owners. Furthermore, during the administration of the Ordinance it is often

necessary for staff to work with tenants and park owners to assist in resolving issues of concern to both. This has benefited the owners as well as the tenants.

The Board of Supervisors finds that the County incurs certain costs administering this Ordinance in the interests described in Sec. 1 (Purpose and Intent), and as noted above. The Board concludes that a fee that bears a reasonable relationship to the services provided is necessary.

(a) Registration Fee: The total of said fee is in the current Board of Supervisors Land Development Processing Fee Schedule.

(b) The percent of said fee paid by the park owner and the affected tenants shall be proportionate to the services provided to each as determined by the standards set forth in the Board of Supervisors approved fee resolution. The tenant portion of the fee shall be collected by the park owner in twelve (12) equal monthly installments which may be included with the monthly statement of rent due, but must be separately itemized.

(c) This fee shall not be included in the rent base when calculating ministerial rent increases, but may be used in enumerating housing service costs. The fee for the entire park must be submitted with the annual rent increase request as part of the annual rent increase application, or in the event there is no application, the fee shall be paid on the month and day of the most recent application's effective date.

(d) The Planning Director shall report to the Board of Supervisors each fiscal year with a recommendation regarding the amount necessary to recover the costs of administering this Ordinance, and the proportion of said fee levied on the tenants and the park owners based on the relative service provided to each. A notification of the hearing on any proposed fee changes shall be mailed at least 10 days in advance to each mobile home park owner and to the manager of each mobile home park for public posting.

Sec. 10 - Conduct of the Hearing

(a) All meetings and hearings conducted by the Board shall be open to the public.

(b) All parties to a hearing may have assistance from an attorney or such other person as may be designated by said parties in presenting evidence or in setting forth by argument their position. All witnesses shall be sworn in and all testimony shall be under penalty of perjury.

(c) In the event that either the owner or the tenant(s) should fail to appear at the hearing at the specified time and place, the Board may hear and review such evidence as may be presented and make such decisions as if both parties had been present.

(d) All meetings and hearings shall be tape recorded. Tapes shall be preserved for six months, or longer if requested by any party affected by the meeting or hearing.

Sec. 11 - Standards of Review

(a) In evaluating a rent increase proposed under Section 8 by the park owner, the Board shall consider, along with all relevant factors, changes in costs to the owner attributable to increases or decreases in master land and/or facilities lease rent, utility rates, property taxes, insurance, advertising, variable mortgage interest rates, governmental assessments and fees, incidental services, employee costs, normal repair and maintenance, and other considerations including, but not limited to, capital improvements, upgrading and addition of amenities or services, net operating income, and the level of rent necessary to permit a just and reasonable return on the owner's property.

(b) The Board shall adopt guidelines for discretionary rent increases which will assure a just and reasonable return to owners or parks subject to this Ordinance. Said guidelines shall include, but not be limited to, those items listed in Section 11(a), in addition to procedures for determining eligibility for discretionary rent increases and evaluating such increases.

Sec. 12 - Decisions

(a) Staff Decisions: Decisions by staff shall constitute a written finding of application completeness and a resolution and shall be rendered within 30 calendar days of receipt.

(b) All other Decisions: The Board shall make a final decision no later than ten (10) days after the conclusion of its hearing. The Board's decision shall be based on the preponderance of the evidence submitted at the hearing. All parties to the hearing shall be advised of the Board's decision and given a copy of the findings upon which the decision is based.

(c) Pursuant to its findings, the Board may: (1) permit the requested increase to become effective, in whole or in part; (2) deny the increase; or (3) if circumstances justify, order reduction in rent to a rate(s) determined by the Board.

(d) If the Board finds that an increase which went into effect, or any portion thereof, is not justified or authorized by this Ordinance, the owner shall refund the amount found to be unjustified or unauthorized to the tenant(s) within thirty (30) days after the decision of the Board is announced.

(e) If the Board finds that a proposed increase, or any portion thereof, which was previously inoperative is justified, the tenant(s) shall pay the amount found justified to the owner within thirty (30) days after the decision of the Board is announced.

(f) The conclusions and findings of staff of CPI-U ministerial annual rent increases and all other decisions by the Board shall be final and there shall be no right of appeal to the Board of Supervisors.

Sec. 13 - Tenant's Right of Refusal

A tenant may refuse to pay any increase in rent which is in violation of this Ordinance, provided that staff or the Board has either not reached its decision or has found the increase violates the provisions of this Ordinance. Such refusal to pay shall be a defense in any action brought to recover possession of a mobile home space or to collect the rent increase.

Sec. 14 - Retaliatory Eviction

Notwithstanding Section 12 above, in any action brought to recover possession of a mobile home space, the court may consider as grounds for denial any violation of any provision of this Ordinance. Further, the determination that the action was brought in retaliation for the exercise of any rights conferred by this Ordinance shall be grounds for denial. Any action brought within three (3) months of the determination of a request for rent increase, petition, or complaint filed by the tenant pursuant to this Ordinance, shall be presumed to be retaliatory; this presumption affects the burden of proof and is rebuttable by the owner.

Sec.15 - Other Retaliation

It shall be unlawful for a landlord to retaliate against a mobilehome owner or tenant for:

The mobilehome owner's or mobilehome tenant's organizing, petitioning government for rent relief, or exercising any right granted under this Ordinance or engaging in any form of harassment that causes the mobile home owners or tenants to quit the premises.

In an action by or against a mobile home owner, evidence of the assertion or exercise by the mobilehome owner of rights under this Ordinance or other activity in furtherance of mobile home owners' rights and organizations within three months of the alleged act of retaliation shall create a presumption affecting the burden of producing evidence that the park owner's conduct was in retaliation for the mobilehome owner's assertion or exercise of rights under this Ordinance.

Sec. 16 - Agreements

Nothing in this Chapter shall operate to restrict the right of a Resident and Management to enter into an agreement in accordance with California Civil Code, §798.17. Pursuant to California Civil Code, §798.17(c) the Resident shall have the option to reject the offered rental agreement and accept a rental agreement for a term of twelve (12) months or less, including a month to month agreement. No owner may require, directly or indirectly, that any Resident or prospective Resident sign a lease or rental agreement with a term in excess of twelve (12) months or that provides that it shall be exempt from local rent control as a condition of residency in the park, and no owner may deny a tenancy to a prospective purchaser of a mobilehome in the park on the ground that the prospective purchaser will not sign such a lease or rental agreement.

Sec. 17 - Civil Remedies

If any owner demands, accepts, receives, or retains any payment of rent in excess of the maximum lawful space rent, as determined under this Ordinance, the tenants in such park affected by such violation, individually or by class action, may seek relief in a court of appropriate jurisdiction for injunctive relief and/or damages. In any such court proceeding, the prevailing party shall be awarded his reasonable attorney's fees and the court, in its discretion and in addition to any other relief granted or damages awarded, shall be empowered to award to each affected tenant civil damages in the sum of not more than three times the total monthly space rent demanded by the owner from each such tenant.

Sec. 18 - Penalties

Any person, firm, or corporation willfully violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this Ordinance is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than $1,000.00 (one thousand dollars), or by imprisonment for not more than six (6) months, or both such fine and imprisonment.

Sec. 19 - Procedural Irregularities

Formal rules of evidence or procedure which must be followed in court shall not apply to staff or Board proceedings, except to the extent that staff or the Board shall determine. No action hereunder shall be held void or invalid or be set aside by any court on the ground of the improper admission or rejection of evidence, or by reason of any error, irregularity, informality, neglect, or omission (hereinafter called "error") as to any matter pertaining to applications, notices, findings, records, hearings, reports, recommendations, or any matters or procedure whatever, including but not limited to those included in this section, unless after an examination of the entire case, including the evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

Sec. 20 - Notice to New and Prospective Tenants

Prior to or at the time of agreeing to rent space to a new tenant in a park, the owner shall provide each new tenant or prospective tenant with a copy of this Ordinance, as currently in force.

Sec. 21 - Severability

If any provisions or clause of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by a final judgment of any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end, the provisions and clauses of this Ordinance are declared to be severable.

Passed and adopted this 21st day of December, 1999,

by the following vote:

AYES: Supervisors: Scholbo, Long, Mikels Flynn and Lacey

NOES: None

ABSENT: None

Susan K. Lacey
CHAIR, BOARD OF SUPERVISORS

ATTEST:

RICHARD D. DEAN, County
Clerk, County of Ventura,
State of California, and
ex-officio Clerk of the
Board of Supervisors thereof

By Karen L. Flaeman
Deputy Clerk



A MUTUAL AGREEMENT TO A CESSATION OF REQUESTS TO AMEND THE VENTURA COUNTY MOBILE HOME PARK RENT CONTROL ORDINANCE

WHEREAS, Ventura County Board of Supervisors appointed Committee to Review the Rent Control Ordinance met and conferred twelve times over a six month period, and

WHEREAS, the Committee identified issues of concern, negotiated in good faith, and

WHEREAS, the Committee unanimously agreed to support various amendments to the Rent Control Ordinance, and

WHEREAS, the Committee members in attendance October 26, 1999, further unanimously agree that the parties representing the Mobilehome Owners and the Park Owners shall not initiate any requests to amend the Ordinance for the seven year period from the date of the Board of Supervisors hearing on this matter.

NOW, THEREFORE, BE IT RESOLVED that the undersigned do hereby agree to abide by this agreement.

_____
CHAIR, Mr. Dick Chess
Rent Review Board Representative

_____
Mr. Bill Porter
Park Owner Representative

_____
Ms. Lucy Goodrich
Mobilehome Owner Representative

_____
Mr. Mike Cirillo
Park Owner Representative

_____
Mr. John Ball
Mobilehome Owner Representative

_____
Mr. James Jones
Park Owner Representative

_____
Ms. Norma Lamb
Mobilehome Owner Representative

_____
Mr. Dick Fredrickson
Mobilehome Owner Representative

_____
Board of Supervisors Hearing Date

_____
Mr. Ted Wynne
Park Owner Representative

SUMMARY ORDINANCE NO. 4206

SUMMARY OF AMENDMENTS TO THE VENTURA COUNTY MOBILE HOME PARK RENT CONTROL ORDINANCE

The following is a summary of Mobile Home Park Rent Control Ordinance amendments adopted by the Ventura County Board of Supervisors on December 21, 1999 at 9:00 a.m. in the Board Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California. The purpose of the amendments is to:

Section 6, Legality of Increases and Ministerial CPI-U Increase

(b), Amend the current rent increase limits from 3% and &%, respectively, to 2% and 8%

(c), Amend decontrol limits of 15% or $50, whichever is less, to 15% of each park's average rent or $60, whichever is less, and this shall occur only once every four years

Section 18, Penalties

Line 1: add the word "willfully" prior to the word "violating".

Passed and adopted this 21st day of December, 1999.

Ayes: Supervisors Schulz, Long, McKeon, Flynn and Lacey

Noes: None

Absent: None

Mkh/word4/committeesum

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, DECEMBER 21, 1999 AT 9:00 A.M.

ORD. #4206/222

AN ORDINANCE RELATING TO MOBILE HOME PARK RENT CONTROL

An Ordinance of the Ventura county Board of Supervisors Relating to Mobile Home Park Rent Control is presented to the Board at this time, and upon motion of Supervisor Mikels, seconded by Supervisor Long, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4206.

Board members vote as follows:

Ayes: Supervisors Schillo, Long, Mikels and Lacey

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4206.

It is further ordered that said ordinance shall take effect and be enforced at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days a summary of said ordinance shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ojai Valley News (OVN), a newspaper of general circulation printed and published in the County of Ventura, State of California.

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(SECTION 2015.5 CCP)

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BOARD OF SUPERVISORS

STATE OF CALIFORNIA
COUNTY OF VENTURA

I am a citizen of the United States and a resident to for the County of aforesaid; I am over the age of eighteen, and not interested in the above entitled matter. I am now, and at all times embraced in the publication herein mentioned, was a principal clerk of the printers and publishers of THE OJAI VALLEY NEWS, a newspaper of general circulation, printed and published Wednesday & Friday at Ojai in the above named County and State; that the Legal Advertisement

OVN 12-24-9/GI8929

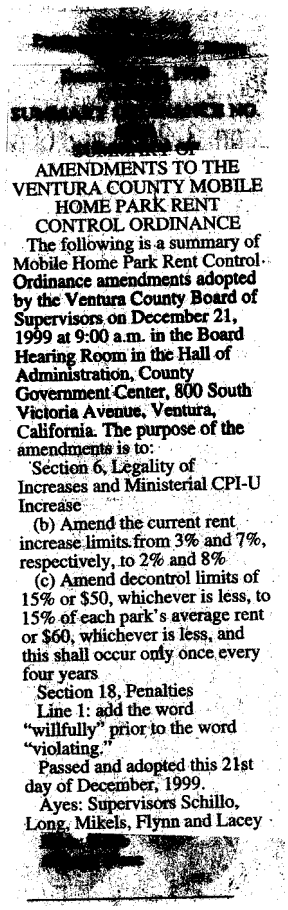
of which the annexed clipping is a true printed copy, was published in the above-named newspaper, and not in any supplement thereof, on the following dates, to-wit:

December 29 1999

that said newspaper was duly and regularly ascertained and established newspaper of general circulation by Decree entered in the Superior Court of the County of Ventura, State of California, on February 14, 1958, under the provision of Chapter 1, Division 7, Title 1 of the California Code of the State of California.

I certify (or declare) under penalty of perjury that the foregoing is true and correct

SCOTI MONICAL
LEGAL AD MGR.



AMENDMENTS TO THE VENTURA COUNTY MOBILE HOME PARK RENT CONTROL ORDINANCE

The following is a summary of Mobile Home Park Rent Control Ordinance amendments adopted by the Ventura County Board of Supervisors on December 21, 1999 at 9:00 a.m. in the Board Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California. The purpose of the amendments is to:

Section 6, Legality of Increases and Ministerial CPI-U Increase

(b) Amend the current rent increase limits from 3% and 7%, respectively, to 2% and 8%

(c) Amend decontrol limits of 15% or $50, whichever is less, to 15% of each park's average rent or $60, whichever is less, and this shall occur only once every four years

Section 18, Penalties

Line 1: add the word "willfully" prior to the word "violating."

Passed and adopted this 21st day of December, 1999.

Ayes: Supervisors Schillo, Long, Mikels, Flynn and Lacey

1/24

Dated this 13th Day of January 2000, at Ojai Valley News, Ventura County, California

Second Issue/Requested 1-13-2000

RESOURCE MANAGEMENT AGENCY
county of ventura

Planning Division
Keith A. Turner
Director

December 14, 1999 (Agenda)

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura. Ca. 93009

SUBJECT: Reportback from Committee to Review the Mobile Home Park Rent Control Ordinance and Recommended Ordinance Changes

RECOMMENDED ACTIONS:

1. On December 14. 1999 read the Mobile Home Park Rent Control Ordinance in title only, receive testimony, and waive further reading of the proposed ordinance as shown on Exhibit 1, and continue the hearing for final adoption to December 21, 1999.

2. Find that the proposed amendments will not have a significant effect on the environment, direct staff to prepare and file a Notice of Exemption pursuant to Section 150161(b)(3) of the California Environmental Quality Act, repeal Ordinance 4163, and approve and adopt the proposed amendments.

FISCAL/MANDATES IMPACT:

None.

DISCUSSION

On April 6, 1999 your Board created the Mobile Home Park Rent Control Ordinance Committee to review the Ordinance. The Committee met twelve times, considered over thirty possible amendments and unanimously agreed to the proposed changes. Also, the Ventura County Mobile Home Park Rent Review Board held a public hearing on the Committee's report November 17, 1999, and recommends the following changes:

1. Section 6, CPI Rent Increase- change the current limits of 3% and 7% to 2% and 8%

The Consumer Price Index (CPI) has been below 3% for a number of years and the residents considered a reduction in the lower level to be the major issue. The park owners agreed to the reduction as long as the upper end would rise by 1%.

2. Section 6 Decontrol Provisions- change the current 15% or $50, whichever is less limits to 15% of the park's average space rent or $60, whichever is less. This may occur no more than once every four years.

The park owners regarded the decontrol amount as their major issue. The residents agreed to this increase as long as the new base for calculation was the "average" rent for the park, and not the individual space as it is now. This will have the effect of lowering the rent for incoming residents, a primary concern. Additionally, the residents wanted the number of times this could occur to be limited and the park owners agreed to four years. Currently there is no limit.

3. Section 18-Penalties- Line 1, Add the word "willfully" prior to the word "violating". The revised sentence will read: "Any person, firm, or corporation willfully violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor....."

The park owners were concerned that an owner could be sent to jail for a unwillfull and minor offense.

Also attached for your Board's information is the seven year agreement to not request changes to the Ordinance. (Exhibit 2)

The Review Process

The Rent Control Ordinance Review Committee has the following composition: three park owners, three mobile home owners, a Ventura County Mobile Home Park Rent Review Board (RRB) member, and alternates for each group. The members were selected by open election at the May 12, 1999 RRB meeting after wide dissemination of the election notice. (Exhibit 2)

The committee meeting schedule was published and distributed to mobile home parks for posting. Park owners and the public were invited to attend and be heard. Each meeting was publicly noticed. Agendas were sent for posting to each park and to their owners.

The Planning Division reviewed this project, and determined that it is exempt from the California Environmental Quality Act, Section 15061(b)(3), as there is no possible significant effect on the environment.

This item has been reviewed by County Counsel and a copy provided to the Chief Administrative Office. If you have any questions please contact Kim Hocking at extension 2414.

Keith Turner, Director
Planning Division

Attachments:

Exhibit "1" Draft Ordinance for Mobile Home Park Rent Control

Exhibit "2" Seven Year Agreement

ami/mkh/bsordcom

BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS SUSAN K. LACEY, FRANK SCHILLO, KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN

December 14, 1999 at 1:30 p.m.

222 ORD. #

PUBLIC HEARING: Public Hearing regarding the Reportback from Committee to Review the Mobile Home Park Rent Control Ordinance and Recommended Ordinance

(X) All board members are present except Supervisor Flynn.

(X) The following persons are heard: Kim Hocking and Gary Jenkins.

( ) The following document(s) are submitted to the Board for consideration:
( ) ____ statement card(s); ( ) _____

(X) The Board holds a public hearing.

(X) Upon motion of Supervisor Mikels, seconded by Supervisor Long, and duly carried, the Board hereby discusses the attached matter and requests that a section be added in regards to a "New Owner" when becoming a owner/tenant at a mobile home park to receive a copy of the current Ordinance entitled "Mobile Home Park Rent Control Ordinance" and the Mutual Agreement to a Cessation of Requests to Amend the Ventura County Mobile Home Park Rent Control Ordinance; and further reads ordinance in title only and continues final adoption to December 21, 1999 at 9:00 a.m.

( ) Without motion, the Board hereby: ( ) Continues the above stated matter to _____. ( ) Hears the attached presentation. ( ) Removes the above stated matters from the Agenda. ( ) Receives and files the attached.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

By: Roberta Rodriguez
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument Is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated: _____

By: _____
Deputy County Clerk

Item 37
12/14/99

DISTRIBUTION: Originating Agency(2), Auditor, File, RMA

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division

Keith A. Turner
Director

December 14, 1999 (Agenda)

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, Ca. 93009

SUBJECT: Reportback from Committee to Review the Mobile Home Park Rent Control Ordinance and Recommended Ordinance Changes

RECOMMENDED ACTIONS:

1. On December 14, 1999 read the Mobile Home Park Rent Control Ordinance in title only, receive testimony, and waive further reading of the proposed ordinance as shown on Exhibit 1, and continue the hearing for final adoption to December 21, 1999.

2. Find that the proposed amendments will not have a significant effect on the environment, direct staff to prepare and file a Notice of Exemption pursuant to Section 150161(b)(3) of the California Environmental Quality Act, repeal Ordinance 4163, and approve and adopt the proposed amendments.

FISCAL/MANDATES IMPACT:

None.

DISCUSSION:

On April 6, 1999 your Board created the Mobile Home Park Rent Control Ordinance Committee to review the Ordinance. The Committee met twelve times, considered over thirty possible amendments and unanimously agreed to the proposed changes. Also, the Ventura County Mobile Home Park Rent Review Board held a public hearing on the Committee's report November 17, 1999, and recommends the following changes:

1. Section 6, CPI Rent Increase- change the current limits of 3% and 7% to 2% and 8%

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The park owners regarded the decontrol amount as their major issue. The residents agreed to this increase as long as the new base for calculation was the "average" rent for the park, and not the individual space as it is now. This will have the effect of lowering the rent for incoming residents, a primary concern. Additionally, the residents wanted the number of times this could occur to be limited and the park owners agreed to four years. Currently there is no limit.

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Also attached for your Board's information is the seven year agreement to not request changes to the Ordinance. (Exhibit 2)

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The committee meeting schedule was published and distributed to mobile home parks for posting. Park owners and the public were invited to attend and be heard. Each meeting was publicly noticed. Agendas were sent for posting to each park and to their owners.

The Planning Division reviewed this project, and determined that it is exempt from the California Environmental Quality Act, Section 15061(b)(3), as there is no possible significant effect on the environment.

This item has been reviewed by County Counsel and a copy provided to the Chief Administrative Office. If you have any questions please contact Kim Hocking at extension 2414.

Keith Turner, Director
Planning Division

Attachments:

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ami/mkh/bsordcom

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division

Keith A. Turner
Director

December 14, 1999 (Agenda)

Board of Supervisors
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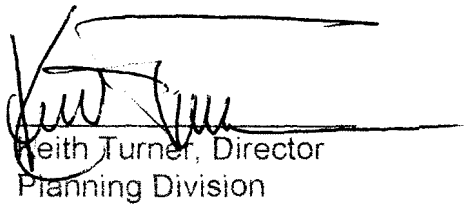
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The Planning Division reviewed this project, and determined that it is exempt from the California Environmental Quality Act, Section 15061(b)(3), as there is no possible significant effect on the environment.

This item has been reviewed by County Counsel and a copy provided to the Chief Administrative Office. If you have any questions please contact Kim Hocking at extension 2414.



Keith Turner, Director
Planning Division

Attachments:

Exhibit "1" Draft Ordinance for Mobile Home Park Rent Control

Exhibit "2" Seven Year Agreement

ami/mkh/bsordcom

RESOLUTION
OF THE BOARD OF SUPERVISORS
COUNTY OF VENTURA
ESTABLISHING THE
OAK VIEW
LOCAL RECREATION ADVISORY COMMISSION
CSA NO. 28
(426.28)

WHEREAS, the County of Ventura provides local recreational facilities in the unincorporated community of Oak View for the use and enjoyment of the public; and

WHEREAS, it has been deemed desirable to provide for greater citizen participation in the operations of the local recreation program and in developing long range objectives and goals of the County Local Recreation Program; and

WHEREAS, Section 31000.1 of the Government Code of the State of California provides that, "The Board of Supervisors may appoint commissions or committees of citizens to study problems of general or special interest to the Board and to make reports and recommendations to the Board"; and

WHEREAS, the Board of Supervisors, by adopted policy, provides local recreation facilities to serve residential areas within the unincorporated territory of Ventura County where an equitable share of development and operation costs can be reimbursed through local assessments and/or donations

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Oak View Local Recreation Commission is hereby established.

2. Said Commission shall be composed of seven (7) members. Each member shall be nominated by the Supervisor, District 3, subject to approval by the Board of Supervisors.

3. The Board of Supervisors may remove any member of the Commission from office at any time upon a majority vote of the Board.

4. Commission members shall serve terms coinciding with the term of the Supervisor who nominates them plus 60 days for consideration for reappointment.

5. Commission members shall serve without compensation except as otherwise provided in Section 31000.1 of the Government Code and as approved by the Board

of Supervisors, or as may be provided in Article 43 of the County of Ventura's "Personnel Rules and Regulations."

6. The function and duties of said Commission shall be:

   A. To advise the Board of Supervisors and County staff

      (1) In matters of policy pertaining to Ventura County's Local Recreation Program.

      (2) In planning for the local recreational needs within the community in terms of local parks, recreation programs, and specialized recreation areas and facilities.

      (3) On all financial matters including grants and other sources of revenue and expenses in the administration of the local recreation program.

      (4) And/or assist in other matters as may be requested of the Commission from time to time by the Board of Supervisors.

   B. To administer the operational program of the County owned local recreation facilities in the Oak View community including:

      (1) Reservations

      (2) Accountability

      (3) Maintenance and construction (improvements enforcing)

      (4) Rules and regulations for use of facilities.

7. The Commission shall cooperate and coordinate with cities, local park and recreation districts, local unincorporated communities, and other agencies in planning for the local recreational needs of the residents of the community, recognizing the roles of various recreational agencies in meeting these needs. All recommendations shall be directed to the Board of Supervisors, exclusively.

8. The Commission shall meet regularly, at least once a month, at a time and place established by its members.

9. The Commission shall adopt bylaws, rules and regulations providing for the election of officers, designation of meeting dates, establishment of committees, allocations of duties, and such other rules and regulations as may be necessary for the efficient conduct of business.

10. The officers of the Commission shall consist of Chairman, Vice-Chairman, Secretary, and Treasurer.

11. The Commission Chairman and other officers shall serve for a period of one year from July through June.

12. The Duties of the Officers shall be:

A. Chairman - shall preside at all meetings of the Commission; call special meetings of the Commission; prepare agenda items; represent the Commission at public hearings of the Board of Supervisors on Commission matters; and other duties as may be established in the bylaws.

B. Vice-Chairman - shall take over the duties of the Chairman in his absence; shall be responsible for the maintenance and operation of the county owned local recreation facilities (including improvements); and other duties as may be established in the bylaws.

C. Secretary - shall take minutes of Commission meetings and record all Commission action; assume Chairman's role in the absence of the Chairman and Vice-Chairman at meetings; initiate or introduce correspondence; and other duties as may be established in the bylaws.

D. Treasurer - shall make all reservations and collect fees for use of local park facilities; shall be accountable for all monies on hand, collected, and turned in to Property Administration Agency for deposit; shall assist County staff in annual budget preparation; and other duties as may be established in the bylaws.

13. The Operations Supervisor of the County Parks Department, or his designated appointee, shall be a non-voting ex-officio member of the Commission. Other staff services and supplies may be authorized by the Director of the Property Administration Agency or by the Board of Supervisors from other County agencies.

14. The Board hereby directs and requests all County Officers and agencies to aid and cooperate in every way with the Commission.

15. Commission members shall conform to all applicable Codes of the State of California, Ordinances of the County of Ventura and directives of the Board of Supervisors in the conduct of their business.

PASSED, APPROVED and ADOPTED this 31st day of October, 1978.

EDWIN A. JONES, Chairman
Board of Supervisors
County of Ventura

ATTEST: ROBERT L. HAMM,
County Clerk, County of
Ventura, State of California,
and ex-officio Clerk of the
Board of Supervisors thereof.

By _____
Deputy County Clerk

LOCAL PARKS ADVISORY COMMISSION

BYLAWS

PURPOSE

1. (a) The Commission shall advise the Board of Supervisors on local recreational matters of the Oak View community, the planning and the orderly development of the County local park program and operation policy for the residents of the Oak View community while at the same time considering the socio-economic-environmental balances.

(b) The Commission shall be responsible for the operation of local parks, including labor and donations and fund raising events to offset nonlabor operational costs.

MEMBERSHIP

2. The Commission is composed of seven (7) voting members and may include seven (7) alternates. Each member shall be nominated by the Supervisor, District 3, subject to approval by the Board of Supervisors. In addition, there are two non-voting ex-officio members, representing the County Parks Department and the office of the County Supervisor, District 3. In the event of a vacancy by resignation or dismissal, the Commission, by Commission action, will recommend a member to be duly recommended to the Board of Supervisors by the local County Supervisor for appointment.

QUORUM

3. A quorum shall be at least 50% of the current Commission membership.

REGULAR MEETINGS

4. The Oak View Community Recreation Advisory Commission shall meet in regular session, monthly, on a predetermined day at a predetermined time and place.

SPECIAL MEETINGS

5. Special meetings may be called for any Commission business by (a) the Commission Chairman, (b) a quorum of Commissioners, or (c) the Operations Supervisor of the County Parks Department or his designated appointee.

ELECTIONS AND OFFICERS

6. (a) Elective officers of the Commission shall be:

1. Chairman
2. Vice-Chairman
3. Secretary
4. Treasurer

(b) The term of office for all officers shall be for one calendar year.

(c) Election of said officers shall take place at the first regular meeting of the Commission in July of each year. Election shall be by majority vote of the members in attendance at this meeting providing that such membership constitutes a quorum.

NOTE: Commission member appointments are made by the Board of Supervisors at the beginning of each of their own terms of office. The time for election of officers is selected to insure that only properly appointed members participate or be considered for office.

(d) Office vacancies shall be filled by election.

DUTIES OF MEMBERS

7. It shall be the duty of each member of the Commission to take an active part in the affairs of the Commission; specific duties of officers are as follows:

(a) Chairman - shall preside at all meetings of the Commission, appoint special Committees; call special meetings of the

Commission as deemed advisable; prepare agenda items; serve as representative of the Commission on County Local Parks Advisory Committee.

(b) Vice-Chairman - shall assume the duties of the Chairman in his absence.

(c) Secretary - shall take minutes of Commission meetings and record all Commission action; assume Chairman role in the absence of the Chairman and Vice-Chairman; initiate or introduce correspondence.

(d) Treasurer - shall make all reservations and collect fees for use of local park facilities; shall be accountable for all monies on hand, collected, and turned in to the Property Administration Agency for deposit; shall assist County staff in annual budget preparation.

COMMITTEES

8. The Commission shall establish standing committees for each of the following subjects:

1. Park Planning
2. Recreation Programming
3. Operations (fee collections, reservations)
4. Public Information

Each standing committee will be comprised of three (3) Commissioners and shall meet as deemed necessary to review and make recommendations to the Commission.

Special committees may be appointed by the Chairman as the need arises.

PARLIAMENTARY PROCEDURE

9. Roberts Rules of Order, Revised Form, shall govern the conduct of the OAK VIEW Community Local Parks Advisory Commission.

COMMISSION ACTION

10. (a) A majority vote of the members present shall be required to carry a motion, proposal, or resolution. The vote shall be recorded on all official action by the Commission. In actions proposed by the Chairman, unanimous consent thereto shall have the effect of a motion duly carried without the necessity of a formal vote.

(b) Under no circumstances should any member take any action or make any statement committing the Commission as a whole unless given authority to do so by a vote of the Commission.

(c) All Commission action should be consistent with the mission and goals of the Local Parks Program established by the Commission and the County Board of Supervisors.

COMMUNICATIONS 11. All written communications from the Commission shall be sent out over the signature of the Chairman, or his designated appointee, or an officer of the Commission as may be directed by the Commission.

AMENDMENTS 12. These Bylaws may be amended by a majority of the voting members present, provided notice of said amendment has been given at the previous regular meeting.

MINUTES OF MEETINGS 13. The Secretary of the Commission is charged with transcribing the minutes of regular and special meetings within a reasonable time following such meetings. Following Commission approval, a copy of the minutes shall be forwarded to:

1. Commission members
2. Parks Department, Property Administration Agency
3. Supervisor, District 3 .

ATTENDANCE 14. The Commission minutes shall record members present at each meeting.

An attendance report will be filed with the Board of Supervisors each quarter listing the attendance at the Commission meetings.

(28)

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, JUNE 17, 1969, AT 9:00 O'CLOCK A. M.

202-Airport Authority
Upon motion of Supervisor Conlan, seconded by Supervisor Laubacher, and duly carried, the Board hereby approves the following matter, authorizing the Chairman to sign the Statement of Policies and the Joint Exercise of Powers Agreement between the City of Oxnard and the County of Ventura creating the Ventura County Airport Authority; the Board defers the matter of the appointment of two persons to serve on the Board of Directors of the Authority:

MAILING ADDRESS:
3900 PELICAN WAY
OXNARD, CALIFORNIA
93030

TELEPHONE:
(805) 487-5511 EXT. 4288

Department of Airports and Harbors

COUNTY OF VENTURA

June 12, 1969

Board of Supervisors
County of Ventura

Subject: Oxnard Airport Policy - Joint Powers Agreement

Pursuant to Board action of June 10, your Board approved a Statement of Policies for developing the County Airport in Oxnard and submitted said statement to the City Council of Oxnard for their consideration and adoption as a statement of policy. This matter came before the City Council on the evening of June 10 and with a 4-1 vote received support and their adoption as the City's policy on airport development. The purpose of this letter is to request the Chairman of the Board to sign the re-typed copy of said Statement of Policies.

In addition, accompanying this letter are copies of the Joint Powers Agreement which modifications have been reviewed and accepted as to legal significance by the firm of O'Melveney & Myers. As the Board may recall, the City of Oxnard, through their attorney's office and O'Melveney & Myers, requested certain minor changes to the document which more explicitly set up the intent and purpose for the Joint Powers Agreement; however, these modifications, in no way limit the planned terminal facility or its use.

The City Council in their action of June 10 did not have the final typed statement of policy and were unable to sign the policy as such; however, it is assumed that upon presenting it to the City Clerk of Oxnard the Mayor will sign the statement and once it is signed it will automatically make way for the City to enter into the

Oxnard Airport Auth

202
Agreement with

JOINT EXERCISE OF POWERS AGREEMENT
BETWEEN THE CITY OF OXNARD AND THE
COUNTY OF VENTURA CREATING THE
VENTURA COUNTY AIRPORT AUTHORITY

THIS AGREEMENT, dated for convenience as of July 1, 1969, by and between the CITY OF OXNARD, a municipal corporation of the State of California (hereinafter called "City") and the COUNTY OF VENTURA, a body corporate and politic of the State of California (hereinafter called "County");

W I T N E S S E T H:

WHEREAS, City and County are each empowered by law to acquire sites and to acquire, construct, maintain, operate and lease public buildings for airport purposes together with improvements with related facilities and appurtenances necessary or convenient therefor; and

WHEREAS, City and County are of the opinion that there should be acquired or constructed within City and County public buildings and facilities for the foregoing purposes; and

WHEREAS, said public buildings and facilities will serve and be of benefit to the inhabitants of City and of County;

NOW, THEREFORE, City and County, for and in consideration of the mutual promises and agreements herein

RECOMMENDATION:

It is the recommendation of this office that the Board:

1. Authorize the Chairman to enter into the Joint Powers Agreement as presented herewith,

2. Appoint two members to the Airport Authority upon its formation and direct the County Clerk to administer the oath of office,

3. Authorize the Board Chairman to sign the Statement of Policies accompanying this letter.

Respectfully submitted,

Thomas M. Volk
Director

TMV/le
Attachments

BOARD MINUTES

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS SUSAN K. LACEY, MARIA E. VANDERKOLK, MAGGIE KILDEE, VICKY HOWARD AND JOHN K. FLYNN
APRIL 20, 1993 at 8:30 A.M.

FILE #202.100

AIRPORTS - Approval of an Amendment to the Oxnard Airport Authority Joint Powers Agreement and Bylaws.

✓ All board members are present.

( ) All board members are present except Supervisor(s)_____
_____.

( ) The following person(s) are heard:_____
_____
_____

( ) The following document(s) are submitted to the Board for consideration: ( ) _____ statement card(s); ( ) _____
_____.

( ) The Board holds a public hearing.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the attached staff recommendation(s).

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the attached staff recommendation(s) with the following modification(s):_____
_____
_____.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, with Supervisor(s) _____ dissenting, and duly carried, the Board hereby approves the attached staff recommendation(s).

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby continues the above stated matter to _____.

( ) Without motion, the Board hereby continues the above stated matter to _____.

( ) Without motion, the Board hereby makes/hears the attached presentation.

✓ Without motion, the Board hereby removes the above stated matter from the Agenda.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

( ) _____

DUPLICATE ORIGINAL

AGREEMENT BETWEEN COUNTY OF VENTURA AND CITY OF OXNARD PERTAINING TO AIRPORT DEVELOPMENT AND SURROUNDING AREA

THIS AGREEMENT is entered into by and between the COUNTY OF VENTURA (hereinafer "COUNTY") and the CITY OF OXNARD (hereinafter "CITY") and shall become binding and effective upon the date of the last signature hereupon. The parties make the following recitals:

A. COUNTY is sole owner of the Oxnard Airport located in the City of Oxnard and has the authority to develop and operate said Airport as COUNTY deems in the best interest of aviation and the taxpayers of the County of Ventura.

B. COUNTY and CITY desire to achieve maximum mutual cooperation in the development of Oxnard Airport and to maintain a balanced perspective in fulfilling COUNTY aviation requirements within a framework of continuing community sensitivity.

C. Most of the Oxnard Airport and much of the land surrounding the Airport is located within CITY.

D. COUNTY and CITY objectives will be realized by a joint exercise of powers by and between COUNTY and CITY to form an advisory joint review body to oversee and make appropriate recommendations concerning airport development and surrounding land use planning.

Based upon the following recitals, the parties do hereby agree as follows:

1. COUNTY and CITY do hereby jointly exercise their powers and create the Oxnard Airport Authority (hereinafter "Authority").

2. The Authority shall be composed of two members and an alternate of the Ventura County Board of Supervisors, which members shall be selected by the Board of Supervisors; two members and an alternate of the Oxnard City Council, which members shall be selected by the City Council; and a fifth member to be selected by three of the other four members. The term of office of the fifth member shall be two (2) years. The fifth member shall serve at the pleasure of the other four and can be replaced during his/her term of office by majority vote of the other four members.

3. It is agreed by City and County that Airport operations and surrounding development must be compatible. Accordingly, the Authority shall consider and recommend to the Oxnard City Council and the Ventura County Board of Supervisors appropriate standards which will assist in insuring that airport operations and development occurring around the Airport shall be compatible.

Airport operational standards shall be related to items such as the level of general aviation and limited commercial flights, runway length for takeoffs and landings, aircraft weight limits, VFR traffic patterns and any other reasonable standards which will promote safe and compatible airport

operations with the surrounding land areas. Any specific changes proposed by the County with respect to Airport operations shall comply with the Airport operational standards adopted by the County after recommendation from the Authority.

Development standards for areas adjacent to the Airport shall relate to building heights, noise attenuation requirements, and any other reasonable standards to promote safe and compatible air operations at the Airport. Included within the Authority's recommendations shall be maps identifying the compatible area surrounding the Airport in which the development standards shall apply.

CITY and COUNTY will continue to maintain sole discretion of land use determinations within their respective areas of jurisdiction. The land use designations will be determined by adopted General Plans but specific development applications within the Airport compatible area will be required to comply with standards adopted by CITY and COUNTY after recommendation from the Authority.

4. Any matter related to the adopted standards shall, before action is taken, be referred to the Authority for its review and recommendation as to the application of the adopted standards. The Authority shall act expeditiously and avoid unreasonable delays in formulating recommendations for the Ventura County Board of Supervisors and the Oxnard City Council. Any matter submitted to the Authority shall be deemed to have

been approved following the expiration of forty-five (45) days following submission unless a majority of the members of the Authority shall have denied or taken other action on a matter submitted to it.

5. Notwithstanding the provisions of paragraphs 3 and 4, the Oxnard City Council and the Ventura County Board of Supervisors may act on any matter prior to (1) receiving a recommendation from the Authority, or (2) the expiration of forty-five (45) days to the extent that such action may be required by law. In the event of a requirement for early action on any matter to be submitted to the Authority, such matter shall be submitted to the Authority at the earliest possible date and the Authority shall be given notice by which action must be taken.

6. The Ventura County Board of Supervisors and the Oxnard City Council shall each give full consideration to all recommendations of the Authority and shall not take any action inconsistent therewith unless by at least a four-fifths vote.

7. The Authority shall hold regular monthly meetings at a fixed time. Special meetings may be called by the chairman, vice chairman, or any three members. The Authority shall promulgate and adopt rules for the orderly conduct of its meetings and affairs.

8. The Authority shall elect from its members a chairman and vice chairman to serve for one year. Elections shall be

held in January. Members of the authority may be compensated in an amount of not more than $50.00 per meeting for a maximum of two meetings any given month. Such compensation shall be provided by the respective entities with the compensation for the public member being shared equally by both entities.

9. COUNTY shall, without cost to CITY, provide staff and secretarial support to the Authority which said support shall include the taking of minutes at all Authority meetings, the preparation and distribution of agendas for Authority meetings and coordination of Authority business with CITY staff.

10. All additional expenditures which are recommended by Authority shall be paid by COUNTY subject to COUNTY'S prior approval. In the event COUNTY fails to approve any proposed expenditure, the expenditure shall not be incurred unless and until the manner of payment is mutually agreed upon between the parties hereto.

11. Any action or exercise of police powers on the part of either party to this agreement which precedes the effective date of this agreement shall not be affected by this agreement.

12. The term of this agreement shall be for a period of fifty years and may be extended for a fixed period beyond that time by majority vote of both the Oxnard City Council and the Ventura County Board of Supervisors; provided, however that if COUNTY is precluded from operating the Oxnard Airport for public airport purposes, then this agreement shall be of no further force or effect.

13. This agreement may be modified at any time by mutual agreement of the parties.

COUNTY OF VENTURA

Date: DEC 16 1980

By _____
Chairman, Board of Supervisors

ATTEST:

ROBERT L. HAMM, County Clerk, County of Ventura, State of California, and ex officio Clerk of the Board of Supervisors thereof.

By _____
Deputy Clerk

CITY OF OXNARD

By _____
Mayor

ATTEST:

_____
City Clerk

AMENDMENT #1

"AGREEMENT BETWEEN COUNTY OF VENTURA AND CITY OF OXNARD PERTAINING TO AIRPORT DEVELOPMENT AND SURROUNDING AREA

1. WHEREAS, the County of Ventura and the City of Oxnard, on December 16, 1980, entered into a joint powers agreement pertaining to Airport Development and Surrounding Land Use; and

2. WHEREAS, said agreement provides for the formation of the Oxnard Airport Authority and selection of members thereof; and

3. WHEREAS, the Authority now wishes to amend the "Agreement" to allow alternate members to be appointed and vested with certain voting authority;

4. NOW, THEREFORE, it is hereby resolved that the "AGREEMENT BETWEEN COUNTY OF VENTURA AND CITY OF OXNARD PERTAINING TO AIRPORT DEVELOPMENT AND SURROUNDING AREA", be amended as follows:

pg. 2, para 2 "Composition of Authority"

Add: "Members of the Board of Supervisors may be selected by the Board of Supervisors as alternates, and members of the City Council may be selected by the City Council as alternates". An alternate to the fifth member (public member) may be selected by a majority vote of the other four Authority members. "Such designated alternate(s) may be a voting participant(s) at an Authority meeting at such time as the regular member(s) representing his/her jurisdiction is not in attendance".

county of ventura

DEPARTMENT OF AIRPORTS

MARSHALL A. MacKINEN
Administrator

April 20, 1993

Board of Supervisors
Ventura County
800 S. Victoria Avenue
Ventura, CA 93009

Subject: **AMENDMENT TO OXNARD AIRPORT AUTHORITY JOINT POWERS AGREEMENT**

Recommendation:

Recommend that your Board approve the following amendment to the Oxnard Airport joint powers agreement (JPA) and bylaws:

1. Amend line five in the added paragraph of Amendment #1 for the joint powers agreement to read "Alternates to the...", instead of "An alternate to..." This amendment will become Amendment #2.

2. Amend the bylaws to the JPA on page four, paragraph two, end of line two, to read "Alternates" instead of "An alternate..."

Discussion:

To fill a vacancy for the alternate public member, the Oxnard Airport Authority (OAA) recruited for a qualified replacement. The top two candidates were deemed equal by the review committee and, therefore, the authority voted to have both of them as alternates.

In order to accomplish this request, both the JPA and the bylaws to the JPA must be modified to reflect two alternates for the public member, since they currently call for only one.

To amend the JPA, both your Board and the Oxnard city council must approve the recommendation. The amendment is currently being reviewed by the City of Oxnard for city council action. The OAA has introduced and approved the action. The amendment has been reviewed by the CAO's office, County Counsel and the Auditor/Controllers office.

If you have any questions relating to this matter, you may reach me at 388-4200.

MARSHALL A. MacKINEN
Airports Administrator

93-5BOS

c: Richard Wittenberg, CAO

AMENDED BYLAWS
Oxnard Airport Authority

The following provisions shall constitute the bylaws of the Oxnard Airport Authority:

Article 1 CONSTITUTION - The Oxnard Airport Authority, herein after referred to as "Authority," was formed by joint powers agreement on December 16, 1980, between the City of Oxnard and County of Ventura, entitled "Agreement Between County of Ventura and City of Oxnard Pertaining to Oxnard Airport Development and Surrounding Land Use."

Article 2 PURPOSE - The purpose of the Authority is to review and act upon policy matters relating to airport operations and development and policy matters regarding changes in land use as the change relates to land use standards as defined in the joint powers agreement.

The Ventura County Board of Supervisors shall not give formal approval or otherwise act upon any matter brought before it pertaining to development, operation or any other matter at the Oxnard airport until the matter shall have first been submitted to the Authority and a recommendation received therefrom.

The Oxnard City Council and the Ventura County Board of Supervisors shall not grant any approval or take any other action in respect to any land use matter within the Oxnard Airport Zone until the matter shall have first been submitted to the Authority and a recommendation received therefrom. Any land use that may be affected by the operation of the Airport shall mean actions relating to zoning, master or general planning, use permits and all other exercises of the police power which relate to the development of the Airport.

Article 3 DUTIES AND RESPONSIBILITIES - All matters concerning the Oxnard airport and land use around the airport, or the air transportation system within the Ventura County requiring Board or Council action shall first be referred to the Authority for its action prior to submission to the Board or Council for action.

The Authority shall act expeditiously and avoid unreasonable delays in formulating recommendations for the Ventura County Board of Supervisors and the Oxnard City Council. Any matter submitted to the Authority shall be deemed to have been approved following the expiration of sixty (60) days following submission unless a majority of the members of the Authority shall have denied or taken other action on a matter submitted to it.

Department of Airports staff shall provide assistance, including obtaining legal and other technical assistance necessary in the development of information required by the Authority in formulating its recommendations. The Department of Airports may request the Authority to review and make recommendations on matters under its jurisdiction, which would normally not require Board or Council action or approval. The Authority shall, at all of its meetings, set aside time for public comment and input on the matters at hand. It shall hear all complaints, suggestions and viewpoints from airport users, lessees, and parties of interest. The Authority shall give fair, open-minded consideration to public comment and make its dispositions public in all matters brought before it. The Authority may hold public hearings when necessary to serve the public interest. Correspondence containing representations and/or recommendations of the Authority being sent to the Board, Council, individuals of the public, or other agencies of the County shall first be approved by a majority vote of the Authority, and such materials shall be transmitted under the signature of the Chairperson of the Authority or his/her designee. Correspondence containing County/City policy or representations being sent to federal, state or other non-County/City agencies shall be sent to the Board/Council for approval and signature.

County shall, without cost to City, provide staff and secretarial support to the Authority, which said support shall include the taking of Minutes at all Authority meetings, the preparation and distribution of agendas for Authority meetings and coordination of Authority business with City staff.

All additional expenditures, which are recommended by Authority shall be paid by County subject to County's prior approval. In the event County fails to approve any proposed expenditure, the expenditure shall not be incurred unless and until the manner of payment is mutually agreed upon between the parties hereto. The debts, liabilities and obligations of the Authority shall be solely the

debts, liabilities and obligations of the Authority and neither the City nor the County shall be liable therefor.

Article 4 MEMBERSHIP - The Authority shall be composed of two members of the Ventura County Board of Supervisors, which members shall be selected by the Board of Supervisors; two members of the Oxnard City Council, which members shall be selected by the City Council; and a fifth member to be selected by a majority of the other four members. The term of office of the fifth member shall be two (2) years. The fifth member shall serve at the pleasure of the other four and can be replaced during his/her term of office by majority vote of the other four members.

Members of the Board of Supervisors may be selected by the Board of Supervisors as alternates, and members of the City Council may be selected by the City Council as alternates. An alternate to the fifth member (public member) may be selected by a majority vote of the other four Authority members. Such designated alternate(s) may be a voting participant(s) at an Authority meeting at such time as the regular member(s) representing his/her jurisdiction is not in attendance.

Article 5 COMPENSATION - Members of the Authority may be compensated in an amount of not more than $50.00 per meeting for a maximum of two meetings any given month. Such compensation shall be provided by the respective entities with the compensation for the public member being shared equally by both entities.

Article 6 OFFICERS - The Authority shall select from its membership a Chairman and a Vice-chairman. Both shall serve for one calendar year beginning on the first meeting in January. The Chairman shall be responsible for conducting the meetings and shall be guided by Roberts' Rules of Order, Revised. The Director of Airports shall act as the Authority's Administrative Secretary. The Administrative Secretary shall be directly responsible to the Chairman and the Authority for the administrative and secretarial needs of the Authority. From time to time the Chairman will assign members to committees for purposes of special studies and pursuits. Each committee will be headed by a committee chairman. The committee chairman shall be responsible to the Authority for carrying out its assigned task.

Article 7 MEETINGS - The Authority shall hold meetings once each month at a time and place selected by the Authority. Meetings shall be open to the public. The Administrative Secretary shall prepare and publish the agenda for each meeting and have it distributed to Authority members and all interested parties after it has been approved by the Chairman or his designee. Meetings may be cancelled only on the approval of the Chairman. Special meetings may be called by the Chairman, Vice-chairman or any three members.

In the absence or unavailability of the Chairman, the Vice-chairman shall assume all duties and responsibilities of the Chairman. In the absence of both officers, the next most senior member shall assume the duties and responsibilities of the Chairman. No action shall be taken except by a majority of the quorum of the Authority. A quorum shall exist when at least three (3) Authority members are present, which must be made up of at least one member from the City and one member from the County. Voting shall normally take place by voice vote unless ballot vote is requested by any one member. The secretary shall poll each member and record his or her vote on all motions acted upon by voice vote, and record the results of all ballot votes. An accurate record of each regular and special meeting shall be kept and published for all interested parties.

Article 8 AMENDMENTS - Amendments to these bylaws may be made by the Authority at any time by a majority vote of the Authority, as long as such amendments are consistent with the joint powers agreement ("Agreement Between County of Ventura and City of Oxnard Pertaining to Oxnard Airport Development and Surrounding Land Use").

Article 9 EFFECTIVE DATE – These bylaws shall take effect upon adoption by the Authority.

Upon motion of Supervisor John Flynn, seconded by Supervisor Kathy Long, and duly carried, the foregoing amended bylaws were approved by the Oxnard Airport Authority on February 15, 2001.

STATEMENT OF AMENDED BY-LAWS OF THE OXNARD AIRPORT AUTHORITY

The following provisions shall constitute the By-laws of the Oxnard Airport Authority as amended:

ARTICLE I. CONSTITUTION

The Oxnard Airport Authority, hereinafter referred to as "Authority," was formed pursuant to a joint powers agreement on December 16, 1980, between the City of Oxnard and the County of Ventura, such accord being entitled "Agreement Between County of Ventura and City of Oxnard Pertaining to Oxnard Airport Development and Surrounding Land Use."

ARTICLE II. PURPOSE

The purpose of the Authority is to review and act upon policy matters relating to airport operations and development, and policy matters regarding changes in land use within "Oxnard Airport Zone" as defined in the joint powers agreement.

The Ventura County Board of Supervisors shall not give formal approval or otherwise act upon any matter brought before it pertaining to the development or operation of the Oxnard Airport until it has been first submitted to the Authority and a recommendation received therefrom.

The Oxnard City Council and the Ventura County Board of Supervisors shall not grant any approval or take any other action in respect to any land use matter within the Oxnard

Airport Zone until it has been first submitted to the Authority and a recommendation received therefrom. "Any land use matter within the Oxnard Airport Zone" shall mean actions relating to zoning, master or general planning, use permits and all other exercises of the police power which regulate the development of the Airport Zone.

ARTICLE III. DUTIES AND RESPONSIBILITIES

All matters concerning the Oxnard Airport and Oxnard Airport Zone, or the air transportation system within the County of Ventura requiring Board or Council action shall first be referred to the Authority for its review prior to submission to the Board or Council for action.

The Authority shall act expeditiously and avoid unreasonable delays in formulating recommendations to the Ventura County Board of Supervisors and the Oxnard City Council. Any matter submitted to the Authority shall be deemed to have been approved following the expiration of sixty (60) days following submission unless a majority of the members of the Authority shall have denied or taken other action upon it.

The Department of Airports staff shall provide assistance, including obtaining any necessary legal or other technical assistance required by the Authority in formulating its recommendations. The Department of Airports may request the Authority to review and make recommendations upon matters under its jurisdiction which would have not required Board or Council action or approval. The Authority shall, at all of

its meetings, set aside time for public comment and input on the matters at hand. It shall hear all complaints, suggestions and viewpoints from airport users, lessees and other interested parties. The Authority shall give fair, open-minded consideration to public comment and make its deliberations and dispositions public in all matters brought before it. The Authority may hold public hearings when necessary to serve the public interest. Correspondence containing representations and/or recommendations of the Authority being sent to the Board, Council, members of the general public or other agencies of the County shall first be approved by a majority vote of the Authority, and such materials shall be transmitted under the signature of the Chairman of the Authority or his or her designee. Correspondence containing County and/or City policy or representations which are being transmitted to federal, state or other non-County/City agencies shall be sent to the Board and/or Council as appropriate for approval and signature.

County shall, without cost to City, provide staff and secretarial support to the Authority, which support shall include the taking of minutes at all Authority meetings, the preparation and distribution of agendas for Authority meetings and coordination of Authority business with City staff.

All additional expenditures which are recommended by Authority shall be paid by County subject to County's prior approval. In the event County fails to approve any proposed

expenditure, such expenditure shall not be incurred unless and until the manner of payment is mutually agreed upon by the Authority. The debts, liabilities and obligations of the Authority shall be solely the debts, liabilities and obligations of the Authority; neither the City nor the County shall be liable therefor.

ARTICLE IV. MEMBERSHIP

The Authority shall be composed of two members of the Ventura County Board of Supervisors, which members shall be selected by such Board; two members of the Oxnard City Council, which members shall be selected by such Council; and a fifth member selected by a majority of the other four members. Alternates for the representatives of the Board and the Council may be selected by the respective bodies. An alternate to the fifth member may be selected by a majority vote of the other five Authority members. Any such designated alternate(s) may be a voting participant at an Authority meeting at such time as a regular member(s) is not in attendance. Upon the termination of office of the fifth member prior to the expiration of his or her term, the designated alternate shall succeed to such position, following a majority vote of approval by the five Authority members.

ARTICLE V. TERMS OF OFFICE

Members from the Board of Supervisors and the City Council shall serve at the pleasure of their respective bodies. The term of the fifth member shall be two (2) years,

with no such member holding office for more than four (4) consecutive years or two (2) consecutive terms, whichever period is shorter.

The term of office of the fifth member shall commence on the first of March. Prospective candidates shall complete and return an approved application form to the Airport Authority in compliance with the instructions provided, when so ordered by the Authority. Final selection will be by majority vote of the other four Authority members. The final selection shall be made by the Authority prior to the end of the fifth member's term.

The term of office of the Alternate Public Member shall be the same as that of the Public Member. Prospective candidates shall complete and return an approved application form to the Airport Authority in compliance with the instructions provided. Vacancy in the Public Member position shall be filled by the appointment of the Alternate Public Member upon a majority vote of the five Authority members.

ARTICLE VI. OFFICERS

The Authority shall select from its membership a chairman and a vice-chairman. Each shall serve for one (1) calendar year beginning on the first meeting in January. The chairman shall be responsible for conducting the meetings and shall be guided by Roberts' Rules of Order, Revised. The Airport Administrator for the Department of Airports shall act as the Authority's administrative secretary. The administrative secretary shall be directly responsible to the

chairman and the Authority for the administrative and secretarial needs of the Authority. From time to time the chairman will assign members to committees for purposes of special studies and pursuits. Each committee will be headed by a committee chairman. The committee chairman shall be responsible to the Authority for carrying out its assigned task.

ARTICLE VII. MEETINGS

The Authority shall hold meetings once each month at a time and place selected by the Authority. Meetings shall be open to the public. The administrative secretary shall prepare and publish the agenda for each meeting and have it distributed to Authority members and all interested parties after it has been approved by the chairman or his or her designee. Meetings may be cancelled only on the approval of the chairman. Special meetings may be called by the chairman, vice-chairman or any three members. In the absence or unavailability of the chairman, the vice-chairman shall assume all duties and responsibilities of the chairman. In the absence of both officers, the next most senior member shall assume the duties and responsibilities of the chairman. No action shall be taken except by a majority of a quorum of the Authority. A quorum shall exist when at least three (3) Authority members are present and a quorum must contain one City member and one County member. Voting shall generally take place by voice vote unless a ballot vote is requested by any one member. The secretary shall poll each member and record his or her vote on all motions acted upon by voice vote, and record

the results of all ballot votes. An accurate record of each regular and special meeting shall be kept and published for all interested parties.

ARTICLE VIII. COMPENSATION

Members of the Authority may be compensated in an amount of not more than $50.00 per meeting for a maximum of two meetings any given month. Such compensation shall be provided by the respective entities with the compensation for the public member being shared equally by both entities.

ARTICLE IX. AMENDMENTS

Amendments to these By-laws may be made by the Authority at any time by a majority vote of the Authority, as long as such amendments are consistent with the joint powers agreement ("Agreement Between County of Ventura and City of Oxnard Pertaining to Oxnard Airport Development and Surrounding Land Use").

ARTICLE X. EFFECTIVE DATE

These By-laws, as amended, shall take effect upon adoption by the Authority.

Upon motion of Supervisor John Flynn, seconded by Councilmember Dorothy Maron, and duly carried, the foregoing amended By-laws were approved by the Oxnard Airport Authority on January 18, 1989.

county of ventura

Peter S. Pedroff
Director

GENERAL SERVICES AGENCY
County Government Center
Administration Building
800 South Victoria Avenue
Ventura, CA 93009
(805) 654-3800

June 24, 1997

Board of Supervisors
County Government Center
800 S. Victoria Ave.
Ventura, California 93009

SUBJECT: **Enabling Resolution Creating a New Parks Advisory Commission**

RECOMMENDATION:

It is recommended that your Board approve the attached Enabling Resolution which creates a new Ventura County Parks Advisory Commission.

FISCAL IMPACT:

None.

DISCUSSION:

On April 22, 1997 your Board approved the elimination of the Ventura County Parks and Harbor Commission effective July 1, 1997 and the creation of a new five member Parks Advisory Commission and a new five member Harbor Advisory Commission. To implement this change in the advisory boards, we have drafted the attached Resolution which creates the new Ventura County Parks Advisory Commission and specifies how members are appointed, removed, and the basic structure and operation of the commission.

When your Board makes appointments to the Parks Advisory Commission, we hope to have our first meeting in July. At that time, the Commission will review draft Bylaws for operation of the Commission.

This item has been reviewed by the Chief Administrative Office, the Auditor-Controller's Office, and County Counsel. If you should have any questions on this item, please contact Blake Boyle at 654-3961.

Peter S. Pedroff
Director

PSP/BB
Attachment

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF VENTURA
ESTABLISHING THE VENTURA COUNTY
PARKS ADVISORY COMMISSION

WHEREAS, the County of Ventura provides regional recreational facilities for the use and enjoyment of the public: and

WHEREAS, it has been deemed desirable to provide for greater citizen participation in developing the long range objectives and goals of the County Regional Parks program: and

WHEREAS, Section 31000.1 of the Government Code of the State of California provides that, "The Board of Supervisors may appoint commissions or committees of citizens to study problems of general or special interest to the Board and to make reports and recommendations to the Board";

NOW, THEREFORE, BE IT RESOLVED that:

1) A Ventura County Parks Advisory Commission is hereby established.

2) Said Commission shall be composed of five (5) members, one appointed from each Supervisorial District.

3) The Board of Supervisors may remove any member of the Commission from office at any time upon a majority vote of the Board. A Commissioner who is absent four or more times during a calendar year shall be automatically removed from the Commission and the Board may appoint a replacement Commissioner. If the Commission so requests, the Board may, at its option, waive this automatic removal provision due to extenuating circumstances.

4) Commission members shall serve terms coinciding with the same terms of the Supervisors who nominate them.

5) Commission members shall serve without compensation except as otherwise provided in Section 31000.1 of the Government Code and as approved by the Board of Supervisors, or as may be provided in Article 43 of the County of Ventura's "Personnel Rules and Regulations".

6) The functions and duties of said Commission shall be to advise the Board of Supervisors on budgetary matters, planning and development of regional recreational facilities, leases, and major park operational and maintenance issues and policies.

7) The Commission shall direct all recommendations on State and Federal legislative matters

to the Chief Administrative Office prior to these matters being taken to the Board of Supervisors.

8) The Commission shall meet regularly, at least once every other month, at a time and place established by its members. Public notice of all meetings shall be made in accordance with the Government Code , specifically the "Brown Act". Special meetings may be called according to the guidelines specified in the Commission's Bylaws and applicable laws.

9) The Commission shall adopt bylaws, rules and regulations providing for the election of officers, designation of meeting dates, allocation of duties, and such other rules and regulations as may be necessary for the efficient conduct of business.

10) The officers of the Commission shall consist of Chairman and Vice-Chairman.

11) The officers of the Commission shall serve for a period of one year as specified in the Commission Bylaws.

12) The Chairman shall preside at all meetings, submit all motions to vote and in general do all things ordinarily required of a Commission Chairman. In the absence of the Chairman, the Vice-Chairman shall assume his/her duties.

13) A Recording Secretary for the Commission shall be designated by the Director of the General Services Agency.

PASSED, APPROVED AND ADOPTED this 24th day of June, 1997

John K. Flynn

CHAIR, Board of Supervisors
County of Ventura

ATTEST:

RICHARD D. DEAN, County Clerk,
County of Ventura, State of California, and
ex officio Clerk of the Board of Supervisors
thereof.

By Faye Millard
Deputy Clerk

COUNTY OF VENTURA CALIFORNIA

county of ventura

Peter S. Pedroff
Director

GENERAL SERVICES AGENCY
Parks Department
County Government Center
Administration Building, L #1030
800 South Victoria Avenue
Ventura, CA 93009
(805) 654-3963
Fax (805) 654-3684

September 3, 1997

Ventura County Parks Advisory Commission
County Government Center
800 S. Victoria Ave.
Ventura, California 93009

Parks Commission Bylaws

Recommendation:

It is recommended that your Commission adopt the attached Bylaws for the Ventura County Parks Advisory Commission.

Discussion:

On July 23, 1997 your Commission reviewed a draft of proposed Bylaws for the Commission. At that time it was believed that the Bylaws would need to be approved by the Board of Supervisors. County Counsel has advised staff that the Board does not need to approve the Commission Bylaws in that this power was delegated to the Commission under the Board approved Enabling Resolution.

The final version of the Bylaws (attached) was amended to remove the need for Board of Supervisors ratification. Also, the Quorum section was revised to read "A majority of the members shall constitute a quorum". The original language read "A majority of three members shall constitute a quorum". The problem with the original language was a majority of three members is two members and thus only two members could constitute a quorum instead of for example three members of a five member commission.

With these changes, the Bylaws are ready for your final review and adoption. If you should have any questions on this item, please give me a call at 654-3961.

Sincerely,

Blake Boyle
Parks Manager
Agency Deputy Director

Printed on Recycled Paper

BYLAWS
Ventura County
Parks Advisory Commission

I. NAME:

The name of this organization shall be the Ventura County Parks Advisory Commission.

II. OBJECT:

The object of the Commission is to advise the Board of Supervisors on Parks Department budgetary matters, planning and development of new recreational facilities, park leases and operational and park maintenance issues.

III. MEMBERSHIP:

A. Appointing Authority – Commission members shall be appointed by the Board of Supervisors.

B. Members – The Commission shall be composed of five members, one from each Supervisorial District.

IV. OFFICERS:

A. Officers – Officers of the Commission shall be a Chairman and a Vice Chairman.

B. Election – Election of officers shall be held annually at the regular March meeting. Upon initial formation, the Commission shall elect officers to serve until the next March. A vacancy in office shall be filled by special election.

C. Term – The term of office shall be one year. No member shall be eligible to serve more than two consecutive terms in the same office. For re-election purposes, six months or more shall constitute a full term of office.

V. MEETINGS:

A. Regular Meetings – The regular meetings of the Commission shall be held on the second Monday of each month unless otherwise ordered by the Commission.

B. Special Meetings – Special meetings may be called by the Chairman or by the Staff Director.

C. Quorum – a majority of the members shall constitute a quorum.

D. Brown Act – The Commission is subject to the provisions of the Brown Act as described in Government Code 54950 et seq.

VI. GENERAL PROVISIONS:

A. Actions and Statements – No member shall take any actions or make any statements on behalf of the Commission unless authorized by the Commission.

B. Correspondence – Written communications from the Commission shall be sent over the signature of the Chairman or an appointee as directed by the Commission.

C. Conflict of Interest – A Commissioner having a monetary interest in a matter before the Commission shall disclose that interest and withdraw from deliberation and voting on the matter.

VII. AMENDMENTS:

A. Notice – These bylaws may be amended at any regular meeting of the Commission by a two-thirds vote provided that the amendment has been submitted in writing at the previous regular meeting.

B. Consistency – Amendments shall be consistent with the Commission's enabling resolution.

BYLAWS
Ventura County
Parks Advisory Commission

ARTICLE I

RESOLUTION ESTABLISHING A COMMISSION

The Ventura County Board of Supervisors signed a Resolution on June 24, 1997, that established the Ventura County Parks Advisory Commission (PAC).

ARTICLE II

PURPOSE OF THE COMMISSION

The functions and duties of the Commission shall be to advise the Board of Supervisors on Parks Department budgetary matters, planning and development of recreational facilities, park leases and major park operational and maintenance issues and policies.

ARTICLE III

POLICY

The PAC shall strive to conduct itself in a highly ethical, courteous and cooperative manner, carefully weighing the inputs of the public, in order to form recommendations to the Board of Supervisors that are in the best interests of the County of Ventura and its residents. To assist and advise the five members, meetings of the PAC will routinely include the Director, General Services Agency, Parks Deputy Director, Parks Project Officer, Operations Supervisor, and Commission Secretary.

ARTICLE IV

ORGANIZATION

A. Membership

1. The Commission shall be composed of five members, one appointed from each Supervisorial District.

2. The Appointing Authority of Commission members is the Board of Supervisors.

3. The Board of Supervisors may remove any member of the Commission from office at any time upon a majority vote of the Board.

4. A Commissioner who has three unexcused absences during one calendar year shall be removed from the Commission and the Board shall appoint a replacement Commissioner.

5. Commission Members shall notify the Commission Secretary if they are unable to attend a meeting.

B. Term of Office

1. Commission members shall serve terms coinciding with the Supervisor whose district the member represents.

2. A commission member serves at the discretion of the Supervisor whose district the member represents.

C. Officers

1. The Commission shall elect two officers of the Commission, a Chair and a Vice Chair.

2. Elections of officers shall be held annually at the regular March meeting.

3. Commission officers shall serve terms of one calendar year.

4. Officers are not eligible to serve more than two consecutive terms in the same office. For re-election purposes, six months or more shall constitute a full term of office.

5. A vacancy in office shall be filled by special election.

6. The duties of the Chair are to preside over all regular and special meetings, state the agenda before the meeting, announce all decisions made at the meeting, rule on questions of procedure, and to preserve order and decorum at all times during the meeting.

7. Decisions of the Chair may be overruled by a majority vote of the Commission members.

8. The duties of the Vice Chair are to perform the duties of the Chair in his or her absence.

9. If neither the Chair nor Vice Chair is present at a meeting, the Commission members shall, by an order entered into the minutes, select one of their members to act as the Chair Pro Tempore. The Chair Pro Tempore shall have and exercise all the powers and duties of the Chair for that meeting only.

D. Staff

A Commission Secretary shall be present during all meetings for the purpose of taking and maintaining minutes; presenting correspondence, records, documents, reports or petitions; preserving all records; imparting information on the Commission documents of public record; and otherwise fulfilling all duties imposed by law or required by the commission or by the presiding officer as required by law.

ARTICLE V

All meetings of the PAC will be open and public and the PAC will comply with the provisions of the Ralph M. Brown Act and any other applicable legislation.

Commission Meetings

1. Regular Meetings –Regular meetings of the Commission shall be held on the second Monday of every odd month unless otherwise ordered by the Chair. Regular meetings shall commence at 3:00 P.M. and adjourn when business is complete.

2. Special Meetings – Special meetings to discuss a specific topic(s) may be called as provided by the Chair or by the Staff Director. No other business shall be considered at the meeting per Government Code Section 54956.

3. Closed Session – Closed session to discuss a specific topic (s) may be called as provided by the Chair or by Staff Director. No other business shall be considered at the meeting per Government Code Section 54956.

4. Meeting Location – All regular meetings shall be held at the Ventura County Government Center, Hall of Administration, located at 800 South Victoria Avenue, Ventura, California, and shall begin at the hour specified in these Rules except as otherwise noted.

5. Quorum – a majority of the members shall constitute a quorum.

6. Adjourned Meetings and Continued Hearings - In the absence of a quorum, the remaining members may adjourn the meeting to another date and time in accordance with Government Code Section 54956 and shall post a Notice of Adjournment.

7. Momentary Lack of Quorum - In the event that a Commissioner leaves the hearing room, momentarily causing a lack of quorum, he or she should notify the Chair of his or her intended absence and the Chair may call a recess.

8. Brown Act – The Commission is subject to the provisions of the Brown Act as described in Government Code 54950 et seq.

ARTICLE VI

Rules of Procedure

A. Open Meetings - All meetings shall be open to the public.

B. Records available for Inspection – All Commission records shall be made available for inspection by request of any person, unless the requested records are statutorily exempt from public inspection.

C. Orderly Conduct at Meetings - Persons attending Commission meetings shall not disrupt the orderly conduct of the meeting. Members of the public will be discouraged from engaging in audible or emotional displays of support or opposition to testimony provided. Behaviors such as clapping, booing, hissing and cheering are prohibited. The Chair may direct a person attending such meetings to refrain from disrupting, delaying, preventing or disturbing the meeting and from addressing anyone other than the Chair. Any person failing to comply may be required to leave the meeting at the discretion of the Chair.

D. Addressing the Commission - Prior to the meeting, a person wishing to address the Commission will fill out a speaker card and submit it to the Commission Secretary. When called upon, the person will come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented. Questions, if any, should be addressed to the Chair of the Commission. Public Comment shall be limited to no more than 30 minutes total for all speakers with each speaker given no more than five minutes. If there are more than six speakers, each speaker's time shall be reduced from five minutes so that all speakers have an equal time to speak within the 30 minute limit. Persons wishing to speak under Public Comment must submit a speaker card prior to the commencement of the item. Presentations under Public Comment are limited to items within the subject matter jurisdiction of County Parks and are limited to no more than five minutes.

E. Meeting Minutes - The Commission Secretary shall prepare minutes of all meetings. As soon as possible after each meeting, the Commission Secretary shall e-mail a copy of the minutes to each Commissioner.

F. Preparation and Distribution of Agendas – At least 72 hours prior to each regular meeting, the agenda for the regular meeting will be posted at a location freely accessible to the public. An item may be added to the agenda after the distribution of the initial meeting agenda so long as an addendum agenda can be posted at least 72 hours prior to each regular meeting. The Commission Secretary shall prepare, post and distribute all agendas. The regular Commission meeting agenda and agenda materials will be distributed and made available to the public no later that the Thursday proceeding the Monday regular meeting. Internal distribution shall be made to the members of the Commission, Board of Supervisors, County Executive Officer, and GSA Director. The Commission Secretary will also make agendas, addendum agendas, and agenda materials available on the Internet at least 72 hours prior to the meeting.

G. Custodian of Audio Records - The Commission Secretary shall maintain the official audio record of each Commission meeting for a period of not less than five years and will make these tapes available for listening by the public at no charge. The Commission Secretary is authorized pursuant to Government Code Section 26202 to destroy these audio records after five (5) years.

H. Emergency Items - The Commission may take action on items of business not appearing on the posted agenda under any of the following circumstances:

1. Upon a determination by a two-thirds vote, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County Parks Department subsequent to the agenda being posted. No item will be considered by the Commission which is not on the posted agenda unless the Deputy Director presents the item with evidence that assures the Commission that there is a need to take immediate action and that the need for action came to the attention of the Parks Department after the agenda was posted.

2. The item was posted for a prior meeting of the Commission not more than five days earlier and at the prior meeting the item was continued to the meeting at which action is being taken.

I. Motions

(a) Action of the Commission shall be taken by motion. Any action of the Commission may be proposed by the motion of any member. Such a motion, if seconded by a member, shall be on the floor and must be considered. If a motion is not seconded, the motion fails for lack of a second, which shall be so declared by the Chair and shall not be further considered.

(b) A motion may be withdrawn by its maker at any time before adoption or rejection, with the consent of the second. Absent the consent of the second, the motion shall remain on the floor. The second to a motion may be withdrawn by the second at any time before adoption or rejection of the motion. Upon withdrawal of the second, the motion will be lost for lack of a second and so declared by the Chair unless seconded by another member.

(c) When a question or "original motion" is under debate, no motion shall be received unless:

1. To adjourn
2. To lay on the table
3. To consider the previous question
4. To continue to a certain date
5. To amend
6. To remove

These motions shall have preference in the above order.

(d) A motion on the floor may be amended by motion at any time before adoption or rejection. If the motion to amend fails, the original motion will be voted upon. If the motion to amend passes, the amendment is adopted and, thereafter, the original motion, as amended, will be voted upon.

After a motion has been seconded, any member may discuss the subject of the motion. When no member wishes to discuss the motion further, the Chair shall call for the vote on the motion. At any time after a motion has been seconded,

any member who has the floor may call for the question. The Chair may call for the vote if it appears that further discussion will be repetitious or that a majority of the members present concur in the call.

(e) A motion to consider the previous question shall preclude all amendments from debate to the main question and shall be put in the form "shall the main question be put to a vote".

(f) A member called to order shall relinquish the floor unless permitted to explain, and the Commission, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Chair shall be final.

(g) A motion to Reconsider Made at the Same Meeting – Upon motion by a Commission member who voted with the prevailing side of the matter previously considered, and seconded by any Commission member, the Commission, by majority vote of the entire Commission (at lease three votes in favor), may reconsider any matter dealt with previously by the Commission at the same meeting. The motion may be made either during the same session or at any recessed or adjourned session of that same meeting.

(h) A motion to Reconsider Made at a Subsequent Meeting - Upon motion by a Commission member who voted with the prevailing side of the matter previously considered, and seconded by any Commission member, ~~by~~ the Commission may, by majority vote of the entire Commission (at lease three votes in favor), reconsider any matter dealt with previously by the Commission at a previous meeting of the Commission. All such requests for reconsideration that appear on the agenda, shall contain both the recommendation to reconsider and a recommendation on the matter previously considered at a public hearing shall be reconsidered only at a public hearing, which is noticed in the same manner as the original hearing.

J. Roll Call Votes - The roll need not be called in voting upon a motion except where specifically required by law or requested by a Commission member of the Chair. Each roll call vote shall be made in an order determined by the Commission Secretary or directed by the Chair but shall first include: the maker of the motion; the member who seconded the motion; the balance of the members present, with the Chair called last, unless the Chair made or seconded the motion.

K. Non-Roll Call Votes - If the roll is not called, in the absence of objection, the Chair shall order the item unanimously approved.

L. Abstention - The Board of Supervisors, by order dated December 5, 1978, adopted a policy on abstention from Board votes to the effect that whenever a Board member abstains from voting it is indicated that such Board member is not taking a position on the matter and the abstention will not be recorded as a yes vote or a no vote. The PAC will adopt the same policy.

M. Conflict of Interest - Members shall not be financially interested in any contracts, purchases at any sale, or vendors at any purchase made by them in their official capacity, or by any Commission or body of which they are members.

Any member with a disqualifying conflict of interest must, in compliance with the Political Reform Act:

a. Publicly state the nature of the conflict of interest in sufficient detail to be understood by the public;

b. Recuse himself/herself from discussing and voting on the item; and

c. Leave the room until the item has concluded, unless the Chair approves Commission member to remain in room.

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION **9000**-9007

9000. This part shall be known and may be cited as the Public Cemetery District Law.

9001. (a) The Legislature finds and declares all of the following:

(1) There is a continuing need to provide for the respectful and cost-effective interment of human remains to meet the cultural, economic, religious, and social needs of California's diverse communities.

(2) The Legislature authorized the creation of public cemetery districts in 1909 to assume responsibility for the ownership, improvement, expansion, and operation of cemeteries and the provision of interment services from fraternal, pioneer, religious, social, and other organizations that were unable to provide for those cemeteries.

(3) For nearly a century, public cemetery districts have provided communities with the means to publicly finance the ownership, improvement, expansion, and operation of public cemeteries and the provision of interment services, particularly in rural and formerly rural communities.

(4) Interment customs and practices have changed since the creation of the public cemetery districts but communities continue to need the means to own, improve, expand, and operate public cemeteries that provide respectful and cost-effective interments.

(b) In enacting this part, it is the intent of the Legislature to create and continue a broad statutory authority for a class of special districts that can own, improve, expand, and operate public cemeteries that provide respectful and cost-effective interments.

(c) It is also the intent of the Legislature that local officials adapt the powers and procedures provided by this part to meet the diversity of local conditions and circumstances.

9002. The definitions in Chapter 1 (commencing with Section 7000) of Part 1 of Division 7 apply to this part. Further, as used in this part, the following terms have the following meanings:

(a) "Active militia" means the active militia as defined by Section 120 of the Military and Veterans **Code**.

(b) "Armed services" means the armed services as defined by Section 18540 of the Government **Code**.

(c) "Board of trustees" means the legislative body of a district.

(d) "District" means a public cemetery district created pursuant to this part or any of its statutory predecessors.

(e) "Family member" means any spouse, by marriage or otherwise, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of these persons.

(f) "Firefighter" means a firefighter as defined by Section 1797.182.

(g) "Nonresident" means a person who does not reside within a district or does not pay property taxes on property located in a district.

(h) "Peace officer" means a peace officer as defined by Section 830 of the Penal **Code**.

(i) "Principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district.

(j) "Voter" means a voter as defined by Section 359 of the Elections **Code**.

9003. (a) This part provides the authority for the organization and powers of public cemetery districts. This part succeeds the former Part 4 (commencing with Section 8890), as added by Chapter 60 of the Statutes of 1939, as subsequently amended, and any of its statutory predecessors.

(b) Any public cemetery district formed pursuant to the former Part 4 or any of its statutory predecessors that was in existence on January 1, 2004, shall remain in existence as if it has been organized pursuant to this part.

(c) Any indebtedness, special tax, benefit assessment, fee,

election, ordinance, resolution, regulation, rule, or any other action of a district taken pursuant to the former Part 4 or of any of its statutory predecessors which was taken before January 1, 2004, shall not be voided solely because of any error, omission, informality, misnomer, or failure to comply strictly with this part.

9004. This part is necessary to protect the public health, **safety**, and welfare, and shall be liberally construed to effectuate its purposes.

9005. If any provision of this part or the application of any provision of this part in any circumstance or to any person, city, county, special district, school district, the state, or any agency or subdivision of the state is held invalid, that invalidity shall not affect other provisions or applications of this part that can be given effect without the invalid provision or application of the invalid provision, and to this end the provisions of this part are severable.

9006. (a) Any action brought to determine the validity of the organization or of any action of a district shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the **Code** of Civil Procedure.

(b) Any judicial review of an action taken pursuant to this part shall be conducted pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the **Code** of Civil Procedure.

9007. (a) Except as provided in this section, territory, whether incorporated or unincorporated, whether contiguous or noncontiguous, may be included in a district. Territory that is already within a public cemetery district or another type of special district that provides cemetery facilities and services shall not be included within a public cemetery district.

(b) Except as provided in this part, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government **Code**, shall govern any change of organization or reorganization of a district. In the

case of any conflict between that division and this part, the provisions of this part shall prevail.

(c) A district shall be deemed an "independent special district," as defined by Section 56044 of the Government **Code**, except when a county board of supervisors has appointed itself as the board of trustees.

RESOLUTION
OF THE BOARD OF SUPERVISORS
COUNTY OF VENTURA
ESTABLISHING THE
PIRU
LOCAL RECREATION ADVISORY COMMISSION

WHEREAS, the County of Ventura provides local recreational facilities in the unincorporated community of Piru for the use and enjoyment of the public; and

WHEREAS, it has been deemed desirable to provide for greater citizen participation in the operations of the local recreation program and in developing long range objectives and goals of the County Local Recreation Program; and

WHEREAS, Section 31000.1 of the Government Code of the State of California provides that, "The Board of Supervisors may appoint commissions or committees of citizens to study problems of general or special interest to the Board and to make reports and recommendations to the Board"; and

WHEREAS, the Board of Supervisors, by adopted policy, provides local recreation facilities to serve residential areas within the unincorporated territory of Ventura County where an equitable share of development and operation costs can be reimbursed through local assessments and/or donations

NOW THEREFORE BE IT RESOLVED THAT:

1. The Piru Local Recreation Commission is hereby established.

2. Said Commission shall be composed of seven (7) members. Each member shall be nominated by the Supervisor, District 3, subject to approval by the Board of Supervisors.

3. The Board of Supervisors may remove any member of the Commission from office at any time upon a majority vote of the Board.

4. Commission members shall serve terms coinciding with the term of the Supervisor who nominates them plus 60 days for consideration for reappointment.

5. Commission members shall serve without compensation except as otherwise provided in Section 31000.1 of the Government Code and as approved by the Board

of Supervisors, or as may be provided in Article 43 of the County of Ventura's "Personnel Rules and Regulations."

6. The function and duties of said Commission shall be:

   A. To advise the Board of Supervisors and County staff

      (1) In matters of policy pertaining to Ventura County's Local Recreation Program.

      (2) In planning for the local recreational needs within the community in terms of local parks, recreation programs, and specialized recreation areas and facilities.

      (3) On all financial matters including grants and other sources of revenue and expenses in the administration of the local recreation program.

      (4) And/or assist in other matters as may be requested of the Commission from time to time by the Board of Supervisors.

   B. To administer the operational program of the County owned local recreation facilities in the Piru community including:

      (1) Reservations

      (2) Accountability

      (3) Maintenance and construction (improvements enforcing)

      (4) Rules and regulations for use of facilities.

7. The Commission shall cooperate and coordinate with cities, local park and recreation districts, local unincorporated communities, and other agencies in planning for the local recreational needs of the residents of the community, recognizing the roles of various recreational agencies in meeting these needs. All recommendations shall be directed to the Board of Supervisors, exclusively.

8. The Commission shall meet regularly, at least once a month, at a time and place established by its members.

9. The Commission shall adopt bylaws, rules and regulations providing for the election of officers, designation of meeting dates, establishment of committees, allocation of duties, and such other rules and regulations as may be necessary for the efficient conduct of business.

10. The officers of the Commission shall consist of Chairman, Vice-Chairman, Secretary, and Treasurer.

11. The Commission Chairman and other officers shall serve for a period of one year from July through June.

12. The Duties of the Officers shall be:

    A. Chairman - shall preside at all meetings of the Commission; call special meetings of the Commission; prepare agenda items; represent the Commission at public hearings of the Board of Supervisors on Commission matters; and other duties as may be established in the bylaws.

    B. Vice-Chairman - shall take over the duties of the Chairman in his absence; shall be responsible for the maintenance and operation of the county owned local recreation facilities (including improvements); and other duties as may be established in the bylaws.

    C. Secretary - shall take minutes of Commission meetings and record all Commission action; assume Chairman's role in the absence of the Chairman and Vice-Chairman at meetings; initiate or introduce correspondence; and other duties as may be established in the bylaws.

    D. Treasurer - shall make all reservations and collect fees for use of local park facilities; shall be accountable for all monies on hand, collected, and turned in to Property Administration Agency for deposit; shall assist County staff in annual budget preparation; and other duties as may be established in the bylaws.

13. The Operations Supervisor of the County Parks Department, or his designated appointee, shall be a non-voting ex-officio member of the Commission. Other staff services and supplies may be authorized by the Director of the Property Administration Agency or by the Board of Supervisors from other County agencies.

14. The Board hereby directs and requests all County Officers and agencies to aid and cooperate in every way with the Commission.

15. Commission members shall conform to all applicable Codes of the State of California, Ordinances of the County of Ventura and directives of the Board of Supervisors in the conduct of their business.

PASSED, APPROVED and ADOPTED this 5th day of September, 1978.

Ed Jones

ED JONES, Chairman
Board of Supervisors
County of Ventura

ITEM 19A-9/5/78

LOCAL PARKS ADVISORY COMMISSION

BYLAWS

PURPOSE

1. (a) The Commission shall advise the Board of Supervisors on local recreational matters of the Piru community, the planning and the orderly development of the County local park program and operation policy for the residents of the Piru community while at the same time considering the socio-economic-environmental balances.

(b) The Commission shall be responsible for the operation of local parks, including labor and donations and fund raising events to offset nonlabor operational costs.

MEMBERSHIP

2. The Commission is composed of seven (7) voting members and may include seven (7) alternates. Each member shall be nominated by the Supervisor, District 3, subject to approval by the Board of Supervisors. In addition, there are two non-voting ex-officio members, representing the County Parks Department and the office of the County Supervisor, District 3. In the event of a vacancy by resignation or dismissal, the Commission, by Commission action, will recommend a member to be duly recommended to the Board of Supervisors by the local County Supervisor for appointment.

QUORUM

3. A quorum shall be at least 50% of the current Commission membership.

REGULAR MEETINGS

4. The Piru Community Recreation Advisory Commission shall meet in regular session, monthly, on a predetermined day at a predetermined time and place.

SPECIAL MEETINGS

5. Special meetings may be called for any Commission business by (a) the Commission Chairman, (b) a quorum of Commissioners, or (c) the Operations Supervisor of the County Parks Department or his designated appointee.

ELECTIONS AND OFFICERS

6. (a) Elective officers of the Commission shall be:

1. Chairman
2. Vice-Chairman
3. Secretary
4. Treasurer

(b) The term of office for all officers shall be for one calendar year.

(c) Election of said officers shall take place at the first regular meeting of the Commission in July of each year. Election shall be by majority vote of the members in attendance at this meeting providing that such membership constitutes a quorum.

NOTE: Commission member appointments are made by the Board of Supervisors at the beginning of each of their own terms of office. The time for election of officers is selected to insure that only properly appointed members participate or be considered for office.

(d) Office vacancies shall be filled by election.

DUTIES OF MEMBERS

7. It shall be the duty of each member of the Commission to take an active part in the affairs of the Commission; specific duties of officers are as follows:

(a) Chairman - shall preside at all meetings of the Commission, appoint special Committees; call special meetings of the

Commission as deemed advisable; prepare agenda items; serve as representative of the Commission on County Local Parks Advisory Committee.

(b) Vice-Chairman - shall assume the duties of the Chairman in his absence.

(c) Secretary - shall take minutes of Commission meetings and record all Commission action; assume Chairman role in the absence of the Chairman and Vice-Chairman; initiate or introduce correspondence.

(d) Treasurer - shall make all reservations and collect fees for use of local park facilities; shall be accountable for all monies on hand, collected, and turned in to the Property Administration Agency for deposit; shall assist County staff in annual budget preparation.

COMMITTEES

8. The Commission shall establish standing committees for each of the following subjects:

1. Park Planning
2. Recreation Programming
3. Operations (fee collections, reservations)
4. Public Information

Each standing committee will be comprised of three (3) Commissioners and shall meet as deemed necessary to review and make recommendations to the Commission.

Special committees may be appointed by the Chairman as the need arises.

PARLIAMENTARY PROCEDURE

9. Roberts Rules of Order, Revised Form, shall govern the conduct of the Piru Community Local Parks Advisory Commission.

COMMISSION ACTION

10. (a) A majority vote of the members present shall be required to carry a motion, proposal, or resolution. The vote shall be recorded on all official action by the Commission. In actions proposed by the Chairman, unanimous consent thereto shall have the effect of a motion duly carried without the necessity of a formal vote.

(b) Under no circumstances should any member take any action or make any statement committing the Commission as a whole unless given authority to do so by a vote of the Commission.

(c) All Commission action should be consistent with the mission and goals of the Local Parks Program established by the Commission and the County Board of Supervisors.

COMMUNICATIONS 11. All written communications from the Commission shall be sent out over the signature of the Chairman, or his designated appointee, or an officer of the Commission as may be directed by the Commission.

AMENDMENTS 12. These Bylaws may be amended by a majority of the voting members present, provided notice of said amendment has been given at the previous regular meeting.

MINUTES OF MEETINGS 13. The Secretary of the Commission is charged with transcribing the minutes of regular and special meetings within a reasonable time following such meetings. Following Commission approval, a copy of the minutes shall be forwarded to:

1. Commission members
2. Parks Department, Property Administration Agency
3. Supervisor, District 3 .

ATTENDANCE 14. The Commission minutes shall record members present at each meeting.

An attendance report will be filed with the Board of Supervisors each quarter listing the attendance at the Commission meetings.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION **65100**-65106

65100. There is in each city and county a planning agency with the powers necessary to carry out the purposes of this title. The legislative body of each city and county shall by ordinance assign the functions of the planning agency to a planning department, one or more planning commissions, administrative bodies or hearing officers, the legislative body itself, or any combination thereof, as it deems appropriate and necessary. In the absence of an assignment, the legislative body shall carry out all the functions of the planning agency.

65101. (a) The legislative body may create one or more planning commissions each of which shall report directly to the legislative body. The legislative body shall specify the membership of the commission or commissions. In any event, each planning commission shall consist of at least five members, all of whom shall act in the public interest. If it creates more than one planning commission, the legislative body shall prescribe the issues, responsibilities, or geographic jurisdiction assigned to each commission. If a development project affects the jurisdiction of more than one planning commission, the legislative body shall designate the commission which shall hear the entire development project.

(b) Two or more legislative bodies may:

(1) Create a joint area planning agency, planning commission, or advisory agency for all or prescribed portions of their cities or counties which shall exercise those powers and perform those duties under this title that the legislative bodies delegate to it.

(2) Authorize their planning agencies, or any components of them, to meet jointly to coordinate their work, conduct studies, develop plans, hold hearings, or jointly exercise any power or perform any duty common to them.

65101.1. The Hoopa Valley Business Council, as the governing body

of the Hoopa Valley Indian Tribe, may participate as a legislative body, pursuant to subdivision (b) of Section 65101 on the Humboldt County Association of Governments and for that purpose may enter into a joint powers agreement with the parties thereto and shall be deemed to be a public agency for purposes of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1. The Legislature finds and declares that the unique circumstances of Humboldt County necessitate this special law.

65102. A legislative body may establish for its planning agency any rules, procedures, or standards which do not conflict with state or federal laws.

65103. Each planning agency shall perform all of the following functions:

(a) Prepare, periodically review, and revise, as necessary, the general plan.

(b) Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.

(c) Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Article 7 (commencing with Section 65400).

(d) Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.

(e) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.

(f) Promote the coordination of local plans and programs with the plans and programs of other public agencies.

(g) Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

65104. The legislative body shall provide the funds, equipment, and accommodations necessary or appropriate for the work of the planning agency. If the legislative body, including that of a charter city,

establishes any fees to support the work of the planning agency, the fees shall not exceed the reasonable cost of providing the service for which the fee is charged. The legislative body shall impose the fees pursuant to Section 66016.

65105. In the performance of their functions, planning agency personnel may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

65106. Upon request all public officials shall furnish to the planning agency within a reasonable time any available information as may be required for the work of the planning agency.

Ventura County Planning Commission Action Minutes
June 24, 2004

ATTENDANCE

Commission:	Selma Dressler, Chair	District 5
	Leo Molitor, PhD., Vice-Chair	District 1
	Nora Aidukas	District 2
	Bill Bartels	District 3
	Michael Wesner	District 4

Planning Staff: Christopher Stephens, Planning Director
Craig Malin, Planner
Jared Rosengren, Planner
Nancy Francis, Manager
Robert Kwong, County Counsel

1. **8:36 A.M. MEETING CALLED TO ORDER BY CHAIRMAN DRESSLER**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **PUBLIC COMMENTS**

No public comments.

4. **APPROVAL OF MINUTES – May 27, 2004**

Commissioner Bartels moved to approve the minutes and Commissioner Molitor seconded the motion. Commissioner Wesner abstained. Motion passed 4-0.

5. **ZONE CHANGE NO. 2955**

Staff planner, Craig Malin presented Zone Change No. 2955 and answered questions of the Commissioners.

Mr. John Newton represented the property owner Mr. Brecunier. He made a few corrections to the staff report. Page 4, under "Existing Development" (item 8) there was only 1 cesspool approved but now the remaining cesspool has been removed and a brand new septic system as been recently installed. Page 5, "Services" (item 10a), water is supplied to all lots by Camrosa Water District, and wells currently producing irrigation water for the existing agricultural operations will continue. Page 6, Item 12, the site is in the area of Moorpark and borders Thousand Oaks. He presented this item and answered questions of the Commissioners.

STAFF RECOMMENDATIONS:

1. CERTIFY that the Planning Commission has read and considered the information contained in the Mitigated Negative Declaration.

2. ADOPT a Resolution recommending that the Board of Supervisors:

a. CERTIFY that the board has read and considered the information contained in the Mitigated Negative Declaration, and finds that no subsequent Negative Declaration or supplemental Environmental Impact Report is necessary.

b. FIND THAT all of the MND mitigation measures described in the Mitigated Negative Declaration to the proposed project have been incorporated in the PMW 1193 approval and mitigation-monitoring program.

c. ADOPT Zone Change findings (Section 14); and approve Zone Change No. Z 2955 (Exhibit 4)

d. DESIGNATE the Planning Director, the Resource Management Agency, and the Clerk of the Board of Supervisors, (Hall of Administration, 800 South Victoria Avenue, Ventura, CA) as the custodians and location of the record of proceedings.

Commissioner Wesner moved and Commissioner Bartels seconded the motion to approve the staff recommended action and the corrections that were made to the staff report. Motion carried 3-2 (Commissioner Aidukas and Molitor dissenting).

6. APPEALS (AP04-0002 through AP04-0010)

Staff planner, Jared Rosengren made some corrections to the staff report. On page 1, AP04-0008, the appellant's last name should be spelled **McGinity**. Page 5, item 9, "Staff Response" should read "the project is **not** in a sensitive . . . ." At the end of the same paragraph, Condition #19 was left out of the staff report, Exhibit "24" was submitted as an amendment to Exhibit "3". Page 7, Exhibit "11", should read **North elevation** not South. Under the original staff report, Page 4, Section H, the first line should read **"The proposed Single Family Dwelling . ."** Mr. Mike Losey faxed a letter prior to the hearing stating his support of the Planning Director's approval and was entered into the record as Exhibit "D". Mr. Gary Cuoco faxed a letter prior to the hearing stating his support of the Planning Director's approval and it was entered into the record as Exhibit "E".

Mr. Rosengren showed a PowerPoint presentation and answered questions of the Commissioners.

Mr. Milos Douda of 3326 Ocean, (AP04-0006) spoke against the project.

Mr. Tim McGinity of 3321 Ocean, spoke for his parents (AP04-0008). They are against the project.

Mr. David Quintana of 3314 Ocean Drive, (AP04-0004) presented some house drawings that suggest that the project is oversized for the area, and is against the project. These drawings were submitted into the record as Exhibit "F".

Mrs. Diana Quintana of 3314 Ocean Drive, (AP04-0004) showed drawings (Exhibit "F") to commissioners.

Commissioner Molitor submitted some maps of the property around the 4000 block to compare and they were entered into the record as Exhibit "G".

Ms. Judy Walker of 3336 Ocean Drive submitted a statement card opposing the recommended action. For the record, Chair Dressler read the name as Andy Walker.

Mr. Cameron Walker of 3336 Ocean Drive (AP04-0005) opposes the project.

Mrs. Sheila McGinity of 3321 Ocean Drive (AP04-0008) opposes the project. She submitted Exhibit "H", pictures of the homes next to the project area.

Mr. Patrick Forrest of 3317 Ocean Drive (AP04-0003) opposes the project. His complaint is a privacy issue.

Mr. Gene Murphy of 3325 Ocean Drive does not oppose the project. One of the appellants quoted as saying Mr. Murphy and wife were planning to remodel their home in the near future. He said they never made that comment.

Mr. Scott Strumwasser, the architect of the project is in support of the project.

Mr. Dennis Howarth, a General Contractor, builds homes in the beach area and is in support of the project.

Ms. Lei Eberhardt is Mr. and Mrs. Harry Saperstein's Realtor. She faxed a letter prior to the hearing stating she is in support of the Planning Director's findings and it is Exhibit "C".

Mr. Hadley Hendrick submitted a statement card that he opposes the appeal.

Dr. Harry Saperstein, owner of property answered questions of the commissioners.

Mr. Michael Vignieri, speaker for the applicant, submitted Exhibit "A", which are maps of the new residence and Exhibit "B", his presentation of the project. He presented it in a PowerPoint format and it is on file in a CD format.

Mr. David Quintana, Mr. Milos Douda, Mr. Tim McGinity and Mr. Patrick Forrest gave their rebuttal.

Mr. Milos Douda submitted Exhibit "I", which was an outline of his home in comparison of the applicant's proposed project.

Mr. Kevin Keivanfar of the Public Works Agency, Watershed Protection Division, answered questions in regards to the datum point. FEMA establishes the datum point.

Mr. Tom Melugin of the Resource Management Agency, Building and Safety Division, gave the definitions of a basement, roof structure and side fences.

Mr. David Quintana rebutted that he would like the entire roof to meet the 25 ft. requirement as provided for in the code.

Mr. Vignierie, speaker for applicants said, Dr. and Dr. Saperstein are glad to change the exterior wall to 25 ft., adjust the roofline and install open side-yard fencing at the height required by the code.

STAFF RECOMMENDED ACTION:

1. **ADOPT** the Planning Director's findings (Exhibit "1").

2. **DENY** Appeals Nos. AP04-0002 through AP04-0010, UPHOLD the Planning Director's decision and APPROVE Coastal Planned Development Permit No. PD-2004, as set forth in Exhibit "1".

3. Designate the Planning Director, Resource Management Agency, as the custodians and location of the record proceedings.

Commissioner Wesner made a motion to deny all the appeals and 1) to condition the applicant to accept all the revisions proposed today 2) include an open railing at 36" or as required by code, whichever is higher 3) and that the 25 feet wall code requirement be met and that no point of the roof be higher than 28 feet. Staff was directed to insure that changes comply with the codes and include all revisions stated today. Commissioner Bartels seconded the motion. Motion carried 4-1 (Commissioner Molitor dissenting).

7. **REVISION TO PLANNING COMMISSION BYLAWS**

Commissioners discussed the changes to be made to the Planning Commission Bylaws.

Commissioner Molitor made a motion to approve the Bylaws pages 1-5 as recommended and add the following amendments and additions: under Article III Meetings Section 2. – "as needed but in no case less frequent than quarterly every calendar year". and on page 4, Article VIII. Section 2. – add "f. Make recommendations to the Board of Supervisor's on matters related to the general plan, zoning, subdivisions, and other matters relating to planning." and accept

Exhibit "4" Planning Commission Public Hearing Procedures and Guidelines, Motion and Disclosure. Commissioner Bartels seconded the motion. Motion carried 5-0.

8. DISCUSSION:

a) REPORT BY THE PLANNING DIRECTOR ON BOARD ACTIONS AND OTHER MATTERS

Chris Stephens, Planning Director reported that the Board adopted the next fiscal year's budget and fee schedule. These actions finalize the Planning budget and fees for next year. The Planning Division lost five positions and raised the fees but had no layoffs. Programmatically the five positions included a permit planner position, pre-submittal process position, Measure A Program and a position in the General Plan Section.

We are looking at a Planning Commissioner hearing to be held on July 29.

b) ITEMS THE PLANNING COMMISSION MAY WISH TO INTRODUCE

Chair Dressler thanked staff and the commissioners for assisting her through a long hearing today.

Commissioner Molitor stated that he originally was not available on July 15 for any Planning Commission hearing but will be available if needed.

9. FIELD TRIP/STUDY SESSION-LAKE SHERWOOD

Chris Stephens postponed the field trip to Lake Sherwood.

Meeting adjourned at 3:31 p.m.

Kristine Graves

Kristine Graves, Recording Secretary
Ventura County Planning Commission

BYLAWS OF THE

VENTURA COUNTY PLANNING COMMISSION

Adopted October 23, 1968
Revised June 24, 2004

ARTICLE I. TITLE

Section 1. The Ventura County Planning Commission was established by Ordinance No. 334, adopted by the Board of Supervisors on June 13, 1939. The official title of this Commission shall be the "Ventura County Planning Commission."

ARTICLE II. OFFICERS

Section 1. The officers shall be:

A Chairman, who shall preside at all meetings, call all special meetings, appoint committees, and perform all other duties of a presiding officer.

A Vice-Chairman, who shall, in the absence of the Chairman or his inability to act, preside at meetings and perform all other duties of the Chairman.

A Secretary, who shall keep a written record of all business transacted by the Commission, notify members of meetings, and keep the official records of the Commission. The Secretary shall be named as the Director of the Planning Division.

A Recording Secretary, who shall keep a written record of all business transacted by the Commission, notify members of meetings, and keep the official records of the Commission at the direction of the Secretary.

Section 2. The Chairman and Vice-Chairman shall be members of the Commission. They shall be elected at the annual meeting of the Commission or an adjournment of that meeting and shall hold office for a period of one year or until their successors are elected, whichever is earlier. A vacancy in the office of Chairman or Vice-Chairman shall be filled for the balance of the unexpired term at the meeting succeeding the date upon which the vacancy occurred.

A special meeting may be called by not less than three members of the Commission for the purpose of recalling the Chairman or Vice-Chairman, or both, and a vacancy created in any such office by a recall shall be filled at said meeting.

ARTICLE III. MEETINGS

Section 1. The annual meeting of the Commission shall be the first regular meeting of the calendar year.

Section 2. The regular meetings of the Commission shall be held as needed but in no case less frequent than once every quarter year. At each annual meeting the Commission shall fix the time, date and place for regular meetings for that year.

Section 3. By a majority vote of those present and voting, a meeting may be adjourned until a time fixed but not later than the next regular meeting of the Commission. Special meetings may be held at the call of the Chairman or a majority of the members of the Commission in the manner provided by the Brown Act Open Meeting Law (Government Code Section 54950 et seq.).

Section 4. In the event that both the Chairman and Vice-Chairman either cannot or are unable to attend a duly noticed Planning Commission meeting, the members in attendance shall elect a Commissioner to serve as the Chairman for that meeting.

Section 5. A special meeting may be called at any time by the Chairman of the Commission or by a majority of the members of the Commission in accordance with Government Code Section 54956.

Section 6. The Secretary shall notify each member of the time, place and date of each regular meeting by a written notice mailed to the last known address of each member not less than three days previous to the date set for the meeting. Sufficient notice shall be given each member of other meetings called by the Chairman.

ARTICLE IV. QUORUM AND VOTING

Section 1. Unless otherwise provided by law, three members constitute a quorum for any meeting or hearing of the Commission and a finding, decision or order requires the concurrence of at least a majority of its total voting members. A person may be elected to the office of Chairman or Vice-Chairman by not less that a concurrence of at least three members, and a person may be recalled from the office of Chairman or Vice-Chairman or Vice-Chairman by not less than a concurrence of at least three members.

Section 2. Unless otherwise required by law, deliberation of action on any matter may be postponed to a specified meeting by a concurrence of a majority of those present and voting.

ARTICLE V. ORDER OF BUSINESS

Section 1. The order of business for regular meetings shall be:

Roll call
Minutes of previous meeting
Reports

Section 2. The order of business for the annual meeting shall be:

Roll call
Election of Chairman
Taking of chair by new Chairman
Election of Vice-Chairman
Fixing of time for regular monthly meetings

Subsequent order of business shall be the same as for regular meetings.

Section 3. Robert's Rules of Order, Latest Edition, except where inconsistent with express provisions of law, these Bylaws or other resolutions of the Board of Supervisors, shall govern conduct of meetings of this Commission.

ARTICLE VI. COMMITEES

Section 1. There shall be such committees appointed by the Chairman as shall be deemed necessary by him for determining the policies and procedures of the Commission and executing its orders. The members of such committees shall serve for one year or until successors are appointed or the committee is discharged.

ARTICLE VII. RECORDS OF PROCEEDINGS

Section 1. All papers involving official acts of the Commission shall be transmitted to the Board of Supervisors in accordance with applicable state law and Board of Supervisors resolutions.

Section 2. Routine correspondence, communications or certifications may be signed by the Secretary as the administrative officer of the Commission, or the Assistant Secretary in the absence of the Secretary.

Section 3. The Secretary shall keep a record of the resolutions, transactions, findings, and determinations in the manner provided by law and by the Commission.

ARTICLE VIII. SCOPE OF ACTIVITY

Section 1. The Commission shall make such investigations, studies, reports, and recommendations regarding the general plan, zoning, subdivisions, and any matter relating to the planning and development of the county, as it deems in the best interests of the County of Ventura and for the proper discharge of its duties and responsibilities.

Section 2. The duties and responsibilities of the Commission include, but are not limited to, the following:

a. Prepare and revise as necessary the General Plan.

b. Implement the General Plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.

c. Perform other functions as the Board of Supervisors provides, including conducting studies and preparing plans other than those required or authorized by state law.

d. Review and act upon subdivision maps in accordance with procedures set forth in state law.

e. Act as an appeal body for administrative actions of the Planning Director.

f. Make recommendations to the Board of Supervisors on matters related to the general plan, zoning, subdivisions and other matters related to planning.

Section 3. Any expenditure by the Commission in excess of five hundred dollars ($500) must have the prior approval of the Chairman and the Secretary.

ARTICLE IX. AMENDMENT OF BYLAWS

Section 1. These bylaws may be changed or added to from time to time by the affirmative vote of not less than three members at a regular meeting. No change or addition to these bylaws shall be made unless notice in writing shall be filed with the Secretary at the regular meeting next preceding the meeting at which the motion to change is to be made.

Section 2. Said notice shall state explicitly what change is to be proposed, or shall be accompanied by a draft of the proposed change. The Secretary shall notify each member at least ten (10) days before the date of the next meeting of the wording of the proposed change or addition.

ARTICLE X. ADOPTION

Section 1. These bylaws were adopted on October 23, 1968 and became effective upon adoption. These bylaws were amended on June 24, 2004 and became effective upon adoption.



Ordinance Number

0334

Date Adopted

6/13/1938

Subject

PLANNING COMMISSION, ESTABLISHING

Comments

AMENDS SEC. 1321

ORDINANCE NO. 334

Date of Adoption: June 13, 1938

RE: Planning Commission, Establishing

- -

CODE SECTIONS: Sec. 1321-

Repeals:

Amends:

Adds:

- -

AMENDED BY:

Ord. No.	Date	Remarks

- -

REPEALED BY:

Ord. No. Sec.1321 ; Date

ORDINANCE NO. 334

An Ordinance Establishing a County Planning Commission with Membership, Powers and Duties as Provided by State Law.

The Board of Supervisors of the County of Ventura, State of California, do ordain as follows:

SECTION 1. A County Planning Commission in and for the County of Ventura, State of California, is hereby established.

SECTION 2. The membership, powers and duties of said County Planning Commission shall be as provided by Chapter 838 of the Statutes of 1929 as amended by Chapter 665 of the Statutes of 1937.

SECTION 3. This Ordinance shall take effect at the expiration of thirty days from and after its passage, and before taking effect shall be published for one week in the Weekly Post and Democrat, a newspaper of general circulation printed in the County of Ventura, State of California.

Passed and approved by the Board of Supervisors of the County of Ventura at a regular session of said Board, this 13th day of June, 1939, by the following vote:

AYES: Supervisors, Butts, Cook, Price and Dennis;

NAYS: None

ABSENT: Supervisor Lefever.

C M Price

Chairman of the Board of Supervisors

ATTEST:

E. Hallowell

Clerk

Star - Free Press

ORDINANCE NO. 334

AN ORDINANCE ESTABLISHING A COUNTY PLANNING COMMISSION WITH MEMBERSHIP, POWERS AND DUTIES AS PROVIDED BY STATE LAW.

The Board of Supervisors of the County of Ventura, State of California, do ordain as follows:

SECTION 1. A County Planning Commission in and for the County of Ventura, State of California, is hereby established.

SECTION 2. The membership, powers and duties of said County Planning Commission shall be as provided by Chapter 988 of the Statutes of 1929 as amended by Chapter 665 of the Statutes of 1937.

SECTION 3. This ordinance shall take effect at the expiration of thirty days from and after its passage, and before taking effect shall be published for one week in the Ventura Weekly Post and Democrat, a newspaper of general circulation printed in the County of Ventura, State of California.

P. W. DENNIS,
Chairman of the Board of Supervisors.

ATTEST: (SEAL)
L. E. HALLOWELL,
County Clerk and ex-Officio Clerk of the Board of Supervisors in and for the County of Ventura, State of California.

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

I, L. E. HALLOWELL, County Clerk of the County of Ventura, State of California and ex-Officio Clerk of the Board of Supervisors therein, do hereby certify that the above and foregoing is a true, full and correct copy of Ordinance No. 334 as passed and adopted by the Board of Supervisors of Ventura County, California, on the 13th day of June, 1939.

I further certify that upon the passage and adoption of said Ordinance, Supervisors Dennis, Butts, Cook and Price voted for said Ordinance; Supervisor Lefever was absent and no Supervisor voted against said Ordinance.

WITNESS my hand and the seal of said Board of Supervisors of Ventura County, California, on this 13th day of June, 1939.

(SEAL) L. E. HALLOWELL,
County Clerk
By Marion Smith, Deputy Clerk.

STATE OF CALIFORNIA,)
) ss.
COUNTY OF VENTURA.)

I, L. E. HALLOWELL, County Clerk of the County of Ventura, State of California and ex-Officio Clerk of the Board of Supervisors therein, do hereby certify that the above and foregoing is a true, full and correct copy of Ordinance No. 334 as passed and adopted by the Board of Supervisors of Ventura County, California, on the 13th day of June, 1939.

I further certify that upon the passage and adoption of said Ordinance Supervisors Dennis, Butts, Cook and Price voted for said Ordinance; Supervisor Lefever was absent and no Supervisor voted against said ordinance.

WITNESS my hand and the seal of said Board of Supervisors of Ventura County, California, on this 13th day of June, 1939.

L. E. HALLOWELL, County Clerk

By

Deputy Clerk.

ORDINANCE NO. 334

AN ORDINANCE ESTABLISHING A COUNTY PLANNING COMMISSION WITH MEMBERSHIP, POWERS AND DUTIES AS PROVIDED BY STATE LAW.

The Board of Supervisors of the County of Ventura, State of California, do ordain as follows:

SECTION 1. A County Planning Commission in and for the County of Ventura, State of California, is hereby established.

SECTION 2. The membership, powers and duties of said County Planning Commission shall be as provided by Chapter 488 of the Statutes of 1929 as amended by Chapter 665 of the Statutes of 1937.

SECTION 3. This ordinance shall take effect at the expiration of thirty days from and after its passage, and before taking effect shall be published for one week in the Ventura Weekly Post and Democrat, a newspaper of general circulation printed in the County of Ventura, State of California.

P. W. DENNIS,
Chairman of the Board of Supervisors.

ATTEST: (SEAL)
L. E. HALLOWELL,
County Clerk and ex-Officio Clerk of the Board of Supervisors in and for the County of Ventura, State of California.

STATE OF CALIFORNIA,)
) ss.
COUNTY OF VENTURA)

I, L. E. HALLOWELL, County Clerk of the County of Ventura, State of California and ex-Officio Clerk of the Board of Supervisors therein, do hereby certify that the above and foregoing is a true, full and correct copy of Ordinance No. 334 as passed and adopted by the Board of Supervisors of Ventura County, California, on the 13th day of June, 1939.

I further certify that upon the passage and adoption of said Ordinance, Supervisors Dennis, Butts, Cook and Price voted for said Ordinance; Supervisor Lefever was absent and no Supervisor voted against said Ordinance.

WITNESS my hand and the seal of said Board of Supervisors of Ventura County, California, on this 13th day of June, 1939.

(SEAL) L. E. HALLOWELL,
County Clerk.
By Marion Smith, Deputy Clerk.

6-3

OK for #6.30
Claim appr 6/21/39

Filed
June 16, 1939
L. E. HALLOWELL, CLERK
By Marion Smith
Deputy Clerk

BxP

AFFIDAVIT OF PUBLICATION

STATE OF CALIFORNIA
County of Ventura ss.

Dorothy Nicholson, being first duly sworn, deposes and says: That at all times hereinafter mentioned he was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the Ventura Weekly Post and Democrat, a newspaper of general circulation, printed and published weekly in the City of San Buenaventura, in said County of Ventura, State of California; that said newspaper is and was at all times herein mentioned, a newspaper of general circulation, as that term is defined by section 4460 of the Political Code, and, as provided by said Section, is published for the dissemination of local and telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to the interests, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all said times said newspaper had been established, printed and published in the said City of San Buenaventura, in said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned; that said notice was set in type not smaller than nonpareil, and was preceded with words printed in black face type, not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given; that the County Ordinance # 334

of which the annexed is a printed copy, was published and printed in said newspaper at least 1 time

to wit: on June 16, 1939.

And further deponent saith not.

(SEAL) Dorothy Nicholson

Subscribed and sworn to before me this 16th day of June 19 39

Notary Public in and for Ventura County, State of California.

(My commission expires. My Commission Expires Mar. 25, 1941)

ORDINANCE NO. _____

An Ordinance Establishing a County Planning Commission with Membership, Powers and Duties as Provided by State Law.

The Board of Supervisors of the County of Ventura, State of California, do ordain as follows:

SECTION 1. A County Planning Commission in and for the County of Ventura, State of California, is hereby established.

SECTION 2. The membership, powers and duties of said County Planning Commission shall be as provided by Chapter 838 of the Statutes of 1929 as amended by Chapter 665 of the Statutes of 1937.

SECTION 3. This Ordinance shall take effect at the expiration of thirty days from and after its passage, and before taking effect shall be published for one week in a newspaper of general circulation printed in the County of Ventura, State of California.

Passed and approved by the Board of Supervisors of the County of Ventura at a regular session of said Board, this day of , 1939, by the following vote:

AYES:

NAYS:

ABSENT:

_____
Chairman of the Board of Supervisors

ATTEST:

_____
Clerk

ORDINANCE NO. _____

An Ordinance Establishing a County Planning Commission with Membership, Powers and Duties as Provided by State Law.

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Passed and approved by the Board of Supervisors of the County of Ventura at a regular session of said Board, this day of , 1939, by the following vote:

AYES:

NAYS:

ABSENT:

Chairman of the Board of Supervisors

ATTEST:

Clerk

ORDINANCE NO. _____

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SECTION 3. This Ordinance shall take effect at the expiration of thirty days from and after its passage, and before taking effect shall be published for one week in a newspaper of general circulation printed in the County of Ventura, State of California.

Passed and approved by the Board of Supervisors of the County of Ventura at a regular session of said Board, this day of , 1939, by the following vote:

AYES:

NAYS:

ABSENT:

C. J. Rumsey

Chairman of the Board of Supervisors

ATTEST:

_____

Clerk

It is important that this acknowledgement be signed and returned promptly.

June 13, 1939

Ventura Weekly Post and Democrat 334
32 South Oak Street
Ventura, California

Gentlemen:

Enclosed find copy of Ordinance No. 334 of the County of Ventura, which please publish in the Weekly Post and Democrat in the issue of Friday, June 16, 1939. When you have completed the publication of this ordinance, forward your Affidavit of Publication to this office, together with your statement of charges.

COPY

Please furnish me with about one hundred printed copies of the enclosed ordinance.

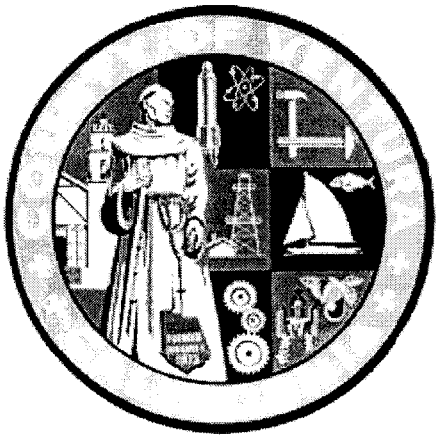
Very truly yours,
L. E. HALLOWELL, Clerk.
By Marion Smith
Deputy Clerk.

Enc. 1

Received from L. E. Hallowell, County Clerk, original of this letter and enclosures, if any, mentioned therein.

Sign here .....

Date .....



Ordinance Number

4274

Date Adopted

11/5/2002

Subject

VENTURA COUNTY ORDINANCE AMENDING THE COUNTY BUILDING CODE AND ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN MODEL CODES AS FOLLOWS: CALIFORNIA BUILDING CODE, 2001 EDITION AND UNIFORM HOUSING CODE, 1997 EDITION

Comments

VENTURA COUNTY

BUILDING CODE

2001 EDITION

Ventura County Ordinance

Compiled by

THE RESOURCE MANAGEMENT AGENCY
DIVISION OF BUILDING AND SAFETY

Ventura

800 South Victoria Avenue, Ventura, CA 93009
(805) 654-2771

East County

3855-F Alamo, Rm. 2019-A
Simi Valley, CA 93065
(805) 582-8064

4i9-1.02

ATTACHMENT "A"

The Ventura County Building Code, as shown herewith, is a compilation of the following ordinances adopted by the Ventura County Board of Supervisors.

Ordinance no.	Effective date
3773	June 19, 1986
3778	July 31, 1986
3904	August 11, 1989
4002	August 14, 1992
4130	June 12, 1997
4188	July 15, 1999

VENTURA COUNTY BUILDING CODE

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ORDINANCE NO. 4274

AN ORDINANCE OF THE COUNTY OF VENTURA AMENDING THE VENTURA COUNTY BUILDING CODE AND ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN MODEL CODES AS FOLLOWS: CALIFORNIA BUILDING CODE, 2001 EDITION; UNIFORM HOUSING CODE, 1997 EDITION; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; CALIFORNIA ELECTRIC CODE, 2001 EDITION; CALIFORNIA PLUMBING CODE, 2001 EDITION; THE CALIFORNIA MECHANICAL CODE, 2001 EDITION; AND APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE, 2001 EDITION, TOGETHER WITH AMENDMENTS THERETO.

The Board of Supervisors of the County of Ventura ordains as follows:

The Ventura County Building Code (VCBC) is hereby amended to read as follows:

ARTICLE 1 - ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND OTHER MODEL CODES BY REFERENCE

CHAPTER 1 - ADOPTION INTO THE VENTURA COUNTY BUILDING CODE

Section 101 VENTURA COUNTY BUILDING CODE DEFINED.

101.1 ELEMENTS. The Ventura County Building Code contained herein is comprised of the following elements:

a) The specified portions of the California Building Standards Codes known as Title 24, Parts 2, 3, 4, 5, 6, 8 and 10; and

b) The model codes referenced by the California Building Standards Code and the model codes herein adopted by reference being:

1) The Uniform Building Code, 1997 Edition.
2) The National Electrical Code, 1999 Edition.
3) The Uniform Mechanical Code, 2000 Edition.
4) The Uniform Plumbing Code, 2000 Edition.
5) The Uniform Code for Building Conservation, 1997 Edition.
6) The Uniform Housing Code, 1997 Edition.
7) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition; and

c) The Ventura County Amendments contained in this ordinance to the above referenced codes.

Taken together, the codes and amendments described above constitute the Ventura County Building Code.

101.2 AMENDMENTS. Ventura County amendments to the California Building Standards Code and the other adopted model codes are found in Articles 3 through 9 of this code.

Section 102 ADMINISTRATION. The administrative provisions referenced in Article 2 - General Application Amendments are applicable to all portions of the Ventura County Building Code.

Section 103. FILING WITH THE CLERK OF THE BOARD. Not less than one (1) certified copy of this Code and of each of the codes adopted by reference herein are on file in the office of the Clerk of the Board of Supervisors, and all such certified copies of the codes shall be kept at that office for public inspection while this Code is in force.

Section 104. COPIES OF CODE FOR SALE TO THE PUBLIC. Copies of the Ventura County Building Code shall be made available in the office of the Division of Building and Safety for examination. Purchase of the codes by the public at a price not to exceed the actual cost thereof to the County plus a reasonable handling charge as established by the Building Official may be available depending on the stock on hand.

CHAPTER 2 - ADOPTION OF THE CALIFORNIA BUILDING CODE (CBC)

Section 101. ADOPTION. That building code known as the "California Building Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 2 - a portion of the "California Building Standards Code", which incorporates by reference the 1997 edition of the Uniform Building Code with adopted California amendments, together with Appendices Chapter 3, Division I; Chapter 3, Division II; Chapter 4, Division II; Chapter 12, Division I; Chapter 12, Division IIA; Chapter 15; Chapter 16, Division IV; Chapter 18; Chapter 29; Chapter 30; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33 promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose and subject matter of which, among other things, is to protect the public health and safety as set out in Section 101.2 of the Uniform Building Code, is hereby adopted and enacted as the primary building code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this Ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Building Code are found in Article 3 of this Code.

CHAPTER 3 - ADOPTION OF THE CALIFORNIA ELECTRICAL CODE (CEC)

Section 101. ADOPTION - That Electrical Code known as the "California Electrical Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 3 - a portion of the "California Building Standards Code", which incorporates by reference the 1999 edition of the National Electrical Code with necessary California amendments, promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269; the purpose of which, among other things is to provide minimum standards for the design, installation, maintenance, and use of electrical wiring and electrical apparatus in order to safeguard persons and property from electrical hazards, is hereby adopted and enacted as the primary Electrical Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein, with specific modifications as indicated in Article 4:

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Electrical Code are found in Article 4 of this code.

CHAPTER 4 - ADOPTION OF THE CALIFORNIA MECHANICAL CODE (CMC)

Section 101. ADOPTION. That mechanical code known as the California Mechanical Code," 2001 Edition and also known as the California Code of Regulations (C.C.R.), Title 24, Part 4 - a portion of the "California Building Standards Code", which incorporates by reference the 2000 edition of the Uniform Mechanical Code with necessary California amendments, and Appendices A, B, C, and D promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, and as amended herein, the purpose and subject matter of which, among other things, is to protect public health and safety as stated in Section 102 of said code, is hereby adopted and enacted as the primary mechanical code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Mechanical Code are found in Article 5 of this code.

CHAPTER 5 - ADOPTION OF THE CALIFORNIA PLUMBING CODE (CPC)

Sec. 101 ADOPTION. That plumbing code known as the "California Plumbing Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 5 - a portion of the "California Building Standards Code", which incorporates by reference the 2000 edition of the Uniform Plumbing Code with necessary California amendments, together with Uniform Plumbing Code Appendices A, B, C, D, E, G-A, H, I, J, K and L promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, the purpose and subject matter of which is to protect public health and safety by establishing minimum regulations for the installation, alteration, or repair or plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Plumbing Code are found in Article 6 of this code.

CHAPTER 6 - ADOPTION OF THE UNIFORM HOUSING CODE (UHC)

Section 101. ADOPTION - That Housing Code known as the "Uniform Housing Code," 1997 Edition which was promulgated and published by the International Conference of Building Officials, 5360 South Workingman Mill Road, Whittier, California 90601, the purposes and subject matter of which among other things is to protect the public health and safety as set out in Section 102 of said Code, is hereby adopted and enacted as the primary Housing Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herewith with specific modifications as indicated below.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the Uniform Housing Code are found in Article 7 of this code.

CHAPTER 7 - ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

Section 101 ADOPTION. That code known as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose of which, among other things, is to protect the public health and safety as set out in Section 102 of this Code, is hereby adopted and enacted as the Code for Abatement of Dangerous Buildings in the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein with specific modifications as indicated below. This Code will be referred to herein as the Dangerous Buildings Code.

Sec. 102 AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments Ventura County amendments to the Dangerous Buildings Code are found in Article 8 of this code.

CHAPTER 8 - ADOPTION OF APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE (CCC)

Sec. 101 ADOPTION: That building conservation code known as the "California Conservation Code", 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 10 - a portion of the "California Building Standards Code" which incorporates by reference Appendix Chapter 1 of the 1997 edition of the Uniform Code for Building Conservation, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as amended herein, the purpose and subject matter of which, among other things, is to promote public safety and welfare by reducing the risk of death or injury from the effects of earthquakes on existing unreinforced masonry bearing wall buildings as stated in Section A101 of said code, is hereby adopted as the primary unreinforced masonry building conservation code of the County and made a part of this code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Sec. 102 AMENDMENTS: Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to Appendix Chapter 1 of the Uniform Code for Building Conservation are found in Article 9 of this code.

ARTICLE 2 - AMENDMENTS OF GENERAL APPLICATION TO ALL OF THE ADOPTED STATE AND MODEL CODES

CHAPTER 1 - ADMINISTRATION

Section 101 TITLE, PURPOSE AND SCOPE

101.1 TITLE. This ordinance shall be known as the "Ventura County Building Code," may be cited as such, and will be referred to herein as "this Code."

This ordinance shall adopt certain State and model codes by reference, together with amendments thereto, as published herein. These referenced codes and amendments shall have the same force and effect as if fully set forth herein.

101.2 PURPOSE. The Board of Supervisors expressly finds that the purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, relocation, and maintenance of all buildings and structures within the County and certain equipment specifically regulated herein.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this code.

101.18 AUTHORITY. This code is adopted pursuant to the statutory authority of Health and Safety Code Section 17910 et seq., known as the "State Housing Law." It is further adopted in conformity with the provisions of Sections 50022.1 to 50022.10, inclusive of the Government Code relating to the adoption of codes by reference.

101.19 APPLICABILITY. This code shall apply within all of the unincorporated territory of Ventura County.

101.20 INTENT. It is the intent of this Article to provide administrative control over all of the applicable sections of the adopted State and model codes even if these sections are not specifically identified in each of the adopted codes.

101.21 CONFLICTS. Wherever conflicts occur between the provisions of this Code and the separate codes adopted by reference hereby, or between different sections within such individual code or codes, the provisions which are more strict or which set the highest standard of health and safety shall govern.

Where conflicts occur between provisions of this code and other duly enacted County codes and ordinances, those provisions becoming law last in time shall govern.

Wherever in this code reference is made to the Appendix, the Appendix shall not apply unless specifically adopted.

101.22 SEVERABILITY. If any article, chapter, section, sub-section, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations. The Board of Supervisors hereby declares that it would have passed this ordinance, and each article, chapter, section, sub-

section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, chapters, sections, sub-sections, sentences, clauses, and phrases be declared unconstitutional or invalid.

101.23 SECTION NUMBERING AND CROSS-REFERENCING SYSTEM FOR CODE AMENDMENTS. To facilitate cross-referencing between the adopted codes as published and the amendments contained herein, amendments are numbered to correspond to the uniform and model code sections which are affected. Thus, "Article 3, Chapter 18 Section 1804" in this ordinance is an amendment to, and supersedes Chapter 18, Section 1804 as published in the California Building Code.

Generally, each numbered sub-section of the adopted codes, for example, UBC subsection 1804.2, is deemed to be separate and distinct from others for the purpose of amendment. An amendment to one sub-section changes only that portion and does not by omission of reference amend or delete any other part of the Section such as UBC Section 1804.7.

Sec. 103 VIOLATIONS.

103.1 GENERAL. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, building service equipment, machine or equipment or cause or permit the same to be done in violation of this Code or to violate any provision of this Code.

103.3 INFRACTIONS. It shall be an infraction of law for any person to remove, deface, or alter a posted notice of the Building Official or duly appointed representative when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this code.

103.4 MISDEMEANORS. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, misdemeanor/infraction, or infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Each and every violation of any provision of this Code is a misdemeanor unless designated by this Code to be an infraction or a misdemeanor/infraction.

103.5 MISDEMEANORS/INFRACTIONS. Every violation of this Code designated a misdemeanor/infraction shall be a misdemeanor; provided that, where the District Attorney has determined that such action would be in the best interests of justice, the District Attorney may specify in the accusatory pleading that the violation shall be an infraction and the violation shall then be prosecuted as an infraction.

103.6 PUNISHMENTS. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both such fine and imprisonment. Any person convicted of an infraction, the penalty for which is not otherwise prescribed, shall be punished by (a) a fine not exceeding one hundred dollars ($100) for the first violation; (b) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance provision within one year; and (c) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance provision within one year.

Sec. 104 - ORGANIZATION AND ENFORCEMENT

104.1 CONTINUANCE OF DIVISION. There is hereby continued within the County the "Division of Building and Safety" of the Resource Management Agency, which division shall be under the administrative and operational control of the Building Official designated by the appointing authority.

104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.2.1 ENFORCEMENT OF CODES. The Building Official is hereby authorized and directed to enforce all the provisions of this Code and of the codes adopted by reference hereby. The decision of the Building Official in enforcing the provisions of this Code or of the codes adopted by reference, or in interpreting the provisions thereof, or in exercising the authority delegated thereby shall be final, subject to appeal as provided in this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Whenever in this Code or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards, or rules or regulations as part of this Code or of any of the codes adopted by reference hereby unless set out in full herein, but they shall be considered and may be used by the Building Official as guides to assist in determining whether or not there has been compliance with the provisions of this Code. The Building Official shall not be bound by the provisions of any such other codes, standards, interpretations, or rules or regulations not expressly adopted by reference in this Code in determining such compliance.

104.2.2 DEPUTIES. In accordance with the prescribed procedures and with the approval of the appointing authority of the County, the Building Official may, from time to time, appoint such number of officers, inspectors, assistants and other employees as shall be necessary to carry out the functions of the Division of Building and Safety and act as duly authorized representatives of the Building Official.

104.2.3 RIGHT OF ENTRY. Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, hazardous, or insanitary, the Building Official or his authorized representative may enter such building, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons having charge or control of the building, structure, or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

104.2.4 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code, or in violation of applicable ordinances of other County agencies, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Whenever the Building Official finds that a building or structure for which a permit has been issued may be flooded or is subject to erosion hazard if the work is completed in the manner proposed, or that the completion of such work will cause the flooding of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of the Ventura

County Flood Control District (P.W.A.), or other qualified County officer for a determination as to such danger. If the Director of the aforementioned District or other qualified County officer reports that substantial danger exists, the Building Official shall order work stopped until plans to alleviate such danger have been reviewed and approved by said Director or County officer.

Failure to order work stopped or to make such referral or both shall not be construed as a representation that danger of flooding or erosion does not or will not exist if the work is completed in the manner proposed.

104.2.5 OCCUPANCY VIOLATIONS. Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that in the event of an unsafe building Section 102 in the Uniform Building Code shall apply.

104.2.6 LIABILITY. The Building Official or his authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the legal department of the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this code.

104.2.11 REPORTS AND RECORDS. The Building Official shall submit a report to the proper County official not less than once a year covering the work of the department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this Code.

The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

104.2.12 POWER OF CITATION. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code section 836.5, the Building Official and certain of his authorized subordinates as hereinafter provided shall have the power of arrest without warrant whenever they have reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a

violation of the provisions of this Code or any other ordinance or statute which the Building Official has a duty to enforce.

The persons who are authorized to make arrests as herein provided shall consist of the Building Official and those of his subordinates as he may from time to time designate, whose duties include inspection and enforcement activities for Ventura County.

In any case in which a person is arrested pursuant to this section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C (commencing with section 853.6) of the California Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this section.

104.2.13 NOTICE OF INTENT TO RECORD NOTICE OF NONCOMPLIANCE AND RECORDATION OF NOTICE OF NONCOMPLIANCE. Whenever the Building Official determines that work has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Building Official shall post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall described the property, shall set forth the noncomplying conditions, and shall inform the owner(s) that the Building Official shall record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeal.

A. If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeal, the Building Official shall record a Notice of Noncompliance.

B. If a timely appeal is filed with the Board of Appeal and the Board finds that the noncomplying conditions have not been corrected and need to be corrected, the Building Official shall record a Notice of Noncompliance.

Under either A or B above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall described the property, shall set forth the noncomplying conditions, and shall state that the property owner(s) have been notified.

If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or removed, the Building Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the noncomplying conditions have been corrected or removed. A fee as set forth in the Ventura County Building Code Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

104.2.14 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT. Whenever the Building Official ascertains that any building service equipment regulated in the referenced technical codes has become hazardous to life, health or property, or becomes insanitary, he shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written order itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When any building service equipment is maintained in violation of this code and in a violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

104.2.15 AUTHORITY TO DISCONNECT UTILITIES. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to a building, structure or building service therein regulated by this code, or the referenced technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupants of the building or structure of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupants of the building or structure, in writing, of such disconnection immediately thereafter.

104.2.16 RECONNECTION AFTER ORDER OF DISCONNECTION. No person shall make connections from any energy, power or fuel supply, nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24 (CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

Sec. 106 PERMITS

106.1 PERMITS REQUIRED. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, building service equipment, machine, equipment, or cause the same to be done, without first obtaining the necessary permit for each such building or structure from the Building Official. The terms "erect, construct, enlarge, alter, repair," etc. as used above shall be deemed to include any and all electrical, plumbing, mechanical, grading, or other work regulated by this Code.

106.1.1 STREAMLINED PERMITS FOR CERTAIN AGRICULTURAL BUILDINGS, GREENHOUSES AND SHADE STRUCTURES. The provisions of this code with respect to plan review and inspection shall not apply to certain agricultural buildings, greenhouses and shade structures as specified herein, provided that all of the following conditions are met:

1. The building or structure is used exclusively as an agricultural building as defined in the Uniform Building Code (U.B.C.), and is not designed, equipped or intended for human occupancy or any use other than as an agricultural building, and

2. The building or structure is detached, single story, not over 15 feet in height as defined in the U.B.C., and is of conventional wood frame (Type V-N) construction, and

3. The floor area of the building or structure does not exceed the following limits:

   a. On sites of 10 acres or more in size: 3,000 square feet.

   b. On sites 2 acres or more but less than 10 acres in size: 1,500 square feet, except for nurseries.

   c. On sites 2 acres or more but less than 10 acres in size: 3,000 square feet for nurseries licensed by the Agricultural Commissioner.

   d. On sites less than 2 acres in size: none.

   e. Shade cloth structures without permanently affixed sides: 12,000 square feet, and

4. The building is determined to be exempt from requirements for preparation of plans by a professional engineer or architect as set forth in the California Professional Engineer's or Architect Act, and

5. A Zoning Clearance as an agricultural building, greenhouse or shade structure for the building or structure is approved by the Planning Division, and

6. Approval from the Environmental Health Division is obtained for properties with septic systems, and

7. Approval from the Flood Control Department of the Public Works Agency is obtained as required, and

8. Approval from the Ventura County Fire Department is obtained relative to access, water supply, fire sprinkler, brush clearance and high fire hazard area requirements for any barn or storage structure designed and constructed to house farm implements, hay, grain, poultry or livestock in excess of 1,500 square feet in area; and where a review for other types of agricultural buildings up to 3,000 square feet in area in not required; and

9. Approval from the Development and Inspection Services Division of the Public Works Agency is obtained when a grading permit is required, and

10. A code complying exit is provided from the building or structure, and

11. There is no plumbing, mechanical or electrical work proposed for the building or structure.

106.1.1.1 FEES FOR STREAMLINED AGRICULTURAL BUILDING PERMITS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to agricultural buildings, greenhouses and shade structures qualifying for the above procedure under the provisions of that subsection.

106.1.1.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.1.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

106.1.2 PERMITS FOR SMALL AGRICULTURAL PRODUCE STANDS. The provisions of this Code with respect to plan review and inspection shall not apply to agricultural produce stands, as specified herein, provided that all of the following conditions are met:

1. A Zoning Clearance for the produce stand is approved by the Planning Division.
2. Approval for the sale of agricultural products is obtained from the Environmental Health Division.
3. Approval from the Environmental Health Division is obtained for properties with septic systems.
4. The produce stand is used exclusively for the sale of agricultural produce only.
5. The floor area of the building does not exceed 400 square feet and is a single story, conventional wood frame structure of type V-N construction.
6. An area equivalent to at least 65% of the area of the longest side is left open and unobstructed during business hours.
7. A code complying exit is provided from the structure.

106.1.2.1 FEES FOR SMALL AGRICULTURAL PRODUCE STANDS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to produce stands qualifying for exemption under the provisions of this subsection.

106.1.2.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.2.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

106.1.3 WAIVER OF PERMIT. The Building Official may, by administrative order, waive permit requirements for work which is not inimical to the public health, safety or welfare, or which because of its temporary nature or special purpose, does not fall within the purview or intention of this Code.

106.1.4 EMERGENCY BUILDING PERMITS. The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

Emergency repairs to plumbing, electrical, and mechanical installations may be initiated prior to obtaining the required permits, provided that such work was urgently necessary and it was impractical to obtain the permits prior to commencement of the work. Permits for all such work shall be obtained as soon as it is practical to do so.

Sec. 106.2 EXEMPTED WORK. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, patio covers, playhouses, playground or athletic equipment and similar uses provided the floor area does not exceed 120 square feet.

2. Fences not over 6 feet high measured from highest point of grade, unless supporting a surcharge or structural element.

3. Oil derricks.

4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

5. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and wood decks not more than 30 inches above grade at any point and not over any basement or story below, nor supporting any structure above.

8. Painting, papering, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported completely by an exterior wall of Group R, Division 3 or Group U, Division 1 Occupancies when projecting not more than 54 inches nor encroaching into required yards.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

13. Freestanding signs not more than 10 feet in height and not more than 72 square feet in area and wall signs not more than 200 square feet in area.

14. Residential television and radio antennas and dish antennas not more than 3 feet in diameter with an approved zone clearance.

15. Commercial antennas not over 15 feet in height when in compliance with the County Zoning Ordinance.

16. Electrolier standards and flag poles not over 35 feet in height when in compliance with the County Zoning Ordinance.

17. Readily removable plastic covered hoop structures without in-ground footings or foundations that are not more than 8' in height.

18. Agricultural wind generating machines except that an electrical or gas permit is required if they are connected to a commercial utility.

19. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade and not more than 1,000 square feet of roof area.

Unless otherwise exempted, separate plumbing, mechanical and electrical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Sec. 106.3 - APPLICATION

106.3.1 APPLICATION FOR PERMIT. To obtain a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

1. Give such information as may be required by the Building Official, County Agencies, or State Law.

2. Be accompanied by such plans, diagrams, computations, schedules, specifications and other data as may be necessary to determine compliance with this Code and other applicable codes, laws, ordinances, rules and regulations.

106.3.2 SUBMITTAL DOCUMENTS.

Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal

documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Computations, diagrams, schedules, soil reports, geological or geotechnical reports, and other data sufficient to show the correctness and adequacy of the plans shall be submitted when required by the Building Official.

A Survey of a lot may be required by the Building Official to assure that a structure is located in accordance with requirements, and/or is situated with respect to Mean Sea Level such that it complies with regulations governing construction in flood-prone areas.

Sec. 106.4 - PERMITS ISSUANCE

106.4.1 PERMIT ISSUANCE AND DENIAL. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees have been paid, he shall issue a permit therefor to the applicant.

Except where special building designs or other mitigating measures have been approved by the Building Official and cooperating officials of other County agencies, a building permit may be denied where physical features of a building site are such that a denial of the building permit is deemed necessary to safeguard life or limb, health, property, or public welfare. Physical features which justify the denial of a permit shall include but shall not be limited to:

1. Precipitous cliffs or other nearby vertical land masses of unknown stability.
2. Unstable soils or geologic conditions.
3. Terrain which is subject to flooding, inundation, or sever soil erosion.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been found complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building or structure will be granted.

106.4.1.1 PERMIT ISSUANCE: RESTRICTIONS. The issuance of permits shall be restricted to those applicants or their authorized representatives who are entitled by the regulations and the exemptions in the State Contractor's License Law, Business and Professions Code, and other applicable statutes to perform work regulated by this Code.

1. Owner-Builder permits may be issued to a property owner building or improving his/her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

(a) The residence is not intended or offered for sale.

(b) The homeowner has actually resided in the residence for the 12 month period prior to the completion of the work for which the permits is issued.

2. Owner-Builder permits may be issued to a property owner building or improving structures thereon who contract for such projects with licensed contractors pursuant to Division 3, Chapter 9, of the California Business and Professions Code.

3. Tenant Improvement permits may be issued to tenants when authorized by the building owner for work within the tenant space.

106.4.4 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days after the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the work authorized by such permit does not receive final inspection approval within 3 years from the issuance date of the permit. Before such work may be recommenced, a new or renewed permit shall first be obtained to do so. The fee therefor shall be based upon the valuation and extent of work remaining to complete the project, but such fee shall not exceed one-half the current permit fee providing no changes have been made or will be made in the original plan and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may perform work under that permit when he is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may, without requiring payment of an additional permit fee, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Demolition permits issued for the correction of violations shall expire after 30 days.

For the purpose of this Section "suspended or abandoned" shall be measured as elapsed time between approved REQUIRED INSPECTIONS as delineated in UBC Sections 108.5 through 108.7.

106.4.5 SUSPENSION OR REVOCATION OF PERMIT. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code or for just cause.

106.4.6 PERMITS TRANSFERABLE. Permits required by this Code may be transferred from the original permittee to second parties when legal requirements have been satisfied, when approved by the Building Official, and when applicable fees have been paid.

106.4.7 ANNUAL MAINTENANCE PERMITS. The Building Official may, upon receipt of the required fee, issue an annual maintenance permit to any authorized person, firm, or corporation regularly engaged in the repair, replacement, or facility maintenance of electrical, plumbing, or mechanical systems regulated by this Code. The annual maintenance permit shall cover maintenance work which is performed on the specific premises of a person, firm or corporation and shall entitle the holder to be issued permits for said work on a monthly basis in lieu of obtaining individual permits prior to each installation or alteration of electrical wiring, plumbing, or mechanical equipment.

The holder of an annual maintenance permit shall report all work done under the permit on a form furnished for the purpose not more than fifteen (15) days following the end of each calendar

month, or as otherwise approved by the Building Official. Each such report shall be accompanied by required fees.

Annual Maintenance Permits shall only be applicable to commercial and industrial facilities.

Sec. 107 - FEES

107.1 GENERAL. Fees for permits and services rendered pursuant to this Code shall be assessed as set forth in this Code, and in accordance with the Ventura County Building Code Fee Schedule as established by the Board of Supervisors.

107.2 BUILDING PERMIT FEES. The fee for each building permit shall be as set forth in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.2.1 ELECTRICAL PERMIT FEES. The fee for each electrical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.2 MECHANICAL PERMIT FEES. The fee for each mechanical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.3 PLUMBING PERMIT FEES. The fee for each plumbing permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.4 OTHER FEES. Other fees charged for services by the Division of Building and Safety shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.3 PLAN REVIEW FEES. When a plan or other data are required to be submitted by Sec. 106.3.2, a plan review fee shall be paid at the time of submitting plans and data for plan review. Said plan review fee shall be 75 percent of the building permit fee as shown in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The plan review fees specified in this subsection are separate fees from the permit fees, and are in addition to the permit fees.

The amount of the plan review fee for the initial submittal of a "Standard Plan" as defined herein shall be the full plan review fee as specified above. The plan review fee for subsequent submittals of a plan which qualifies as a "Standard Plan" shall be one-half of the initial plan review fee. "Standard Plan is hereby defined as a prototype plan for a building or structure which is to be utilized at more than one site, and which incorporates the same essential structural features, design, dimensions and calculations as the original approved plan. A "Standard Plan" shall be void three years after its original approval or upon revision of the applicable codes under which it was initially reviewed, or at the discretion of the Building Official."

When plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged but such fee shall not exceed one-half the initial plan review fee. Corrected plans which are resubmitted to the Division of Building and Safety for approval subsequent to initial plan review shall not be subject to an additional plan review fee. The fee for

additional plan review may be waived by the Building Official when the time consumed in the performance of such service totals less than one-half hour.

107.4 EXPIRATION OF PLAN REVIEW. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When plans are resubmitted for checking after expiration of plan review and no changes have been made or will be made in the original plans and specifications for the work, and no code changes have occurred, the plan review may be renewed for 180 days and the plan review fee may be one-half the current plan review fee provided the re-submittal has not exceeded one year from the expiration date.

107.5 INVESTIGATION FEES: WORK WITHOUT PERMIT.

107.5.2 FEE. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the Ventura County Building and Safety Fee Schedule.

The payment of such investigation fee shall not exempt any person from compliance with all applicable provisions of this code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

107.6 FEE REFUNDS. The Building Official may authorize the refunding of fees upon written application by the original permittee, within the limitations set forth herein:

(a) Permit issuance fees shall be nonrefundable except as provided in subsection (c) below.

(b) Any fee totaling thirty-five dollars ($35) or less, exclusive of any issuance fee, if any, shall be nonrefundable except as specified in subsection (c) below.

(c) 100% of any fee erroneously paid or collected shall be refundable, except for that portion paid for State Seismic Fee (SMIP).

(d) 90% of any plan review fee, less a cancellation fee, shall be refundable when the permit application is withdrawn or canceled prior to commencement of plan review.

(e) 90% of any permit fee, less a cancellation fee and State of California Seismic Fee (SMIP), shall be refundable when none of the work covered by such permit has commenced.

(f) 90% of any Board of Appeals hearing fee, less a cancellation fee, shall be refundable when such hearing is canceled prior to the issuance of a Notice of Hearing pertaining to the case.

Failure of the permittee to make written application for a refund within 180 days of cancellation or expiration of a plan review, permit, hearing, or request for service for which a fee has been paid, shall constitute a waiver of entitlement to a refund. No partial refund shall be authorized nor credit be applied against other fees which may be payable to the Division of Building and Safety when a construction project is canceled or abandoned subsequent to partial completion of the building or work authorized by a permitted.

107.7 CANCELLATION FEE. Refunds of fees for permits and services associated with construction projects which are canceled or withdrawn prior to commencement of plan review, inspection, or performance of other service by the Division of Building and Safety shall be subject to a cancellation fee as set forth in the Ventura County Building and Safety Fee Schedule.

Sec. 108 - INSPECTIONS

108.1. GENERAL.

All construction or work for which a permit is required shall be subject to inspection by the building official to ensure compliance with the requirements of this Code and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701.5.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official by telephone, orally, or in writing when said work is ready for inspection. Such notification shall be given at least one working day before such inspection is desired.

No portion of any building, structure, wiring, plumbing, ductwork or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official. The Building Official shall have authority to remove, or to require the removal of, any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, ductwork, electrical, or mechanical equipment, as necessary to verify compliance with the approved drawing or codes.

108.4 APPROVALS REQUIRED. Work shall not be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required in subsection 108.5 in the UBC and by other applicable laws and ordinances.

There shall be a final inspection and approval on all buildings when completed and ready for occupancy. An approval for occupancy and the issuance of a clearance by the Building Official for the connection of utilities to any building or structure shall be contingent upon compliance with provisions of this Code and any other applicable laws and ordinances.

When, in the judgment of the Building Official, unusual conditions exist which justify the connection of utilities prior to completion of a building or structure, a temporary clearance may be issued for such connection.

SECTION 109 - CERTIFICATE OF OCCUPANCY

109.3 CERTIFICATE ISSUED. After the building official inspects the building or structure and finds no violations of the provisions of this code, including type of occupancy and use of the building, or other laws or regulations enforced by the code enforcement agency, the building official shall issue a Certificate of Occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and mailing address of the owner.
4. The name and mailing address of the tenant.
5. A description of that portion of the building, including floor area (in square feet) for which the certificate is issued.

6. A statement that the described portion of the building has been inspected for compliance with this code for the group and division of occupancy and the use for which the designated occupancy is classified.

7. The name of the building official.

8. The date that the Certificate of Occupancy was issued.

The Certificate of Occupancy shall run concurrently with the tenancy of the building. Subsequent tenants shall be required to obtain a Certificate of Occupancy in their name.

109.4 TEMPORARY OR PARTIAL CERTIFICATE. Upon application by the owner, and for reasonable cause, if the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the entire building is completed, a Temporary or Partial Certificate of Occupancy may be issued for a portion or portions of the building. Such Temporary or Partial Certificate must include compliance with this code for all required access and exiting systems, toilet facilities and fire protection equipment and systems.

Upon completion of the entire structure all Temporary or Partial Certificates shall be surrendered to the building official in exchange for a final Certificate of Occupancy, as specified in UBC Section 109.3.

ARTICLE 3 - AMENDMENTS TO THE CALIFORNIA BUILDING CODE (CBC)

CHAPTER 2 - DEFINITIONS

Sec. 200 - GENERAL AMENDMENTS

See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more specific shall apply.

Sec. 201 - DEFINITIONS

201.1.1 DEFINITIONS. Whenever in this Code, or in any of the codes herein adopted, the following names or terms are used, they shall have the meanings set out herein.

Section 202-A
"APARTMENT HOUSE" shall mean any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums and townhouses.
Section 203-B
"BUILDING OFFICIAL" or **"building official"** shall mean the person appointed by the Director of the Resource Management Agency charged with the administration of the Division of Building and Safety, or a duly authorized representative.
Exceptions: 1. For the purpose of administering APPENDIX Chapter 33 - of the Uniform Building Code as amended, Excavation and Grading, the term "Building Official" shall mean the Director of Public Works Agency, or a duly authorized representative. The Director of Public Works Agency or his duly authorized representative shall assume the power of citation for enforcement of APPENDIX Chapter 33 - as said Power of Citation is described in ARTICLE II - Chapter 1, Section 104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL, subsection 104.2.12 - POWER OF CITATION, in this ordinance.

2. For the purpose of administering those requirements of Chapter 7 and APPENDIX K of the Uniform Plumbing Code pertaining to the approval, permitting and inspection of private sewage disposal systems, the term "Building Official" shall mean the Environmental Health Officer or the Director of Building and Safety, or a duly authorized representative. The Environmental Health Official or his duly authorized representative shall assume the power of citation for the enforcement of Chapter 7 and APPENDIX K of the UPC as said Powers of Citation are described in ARTICLE 2 - Chapter 1, Section 104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL, Subsection 104.2.12 - POWER OF CITATION, in this ordinance.
3. For the purposes of administering provisions of the Uniform Housing Code pertaining to the abatement of health hazards, the term "Building Official" shall mean the manager of the Division of Building and Safety and/or the Environmental Health Officer, or a duly authorized representative.

"BUILDING SERVICE EQUIPMENT" Shall mean the plumbing, mechanical, electrical, and elevator equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of a building or structure for its designated use and occupancy.

Section 204-C
"CHIEF ELECTRICAL INSPECTOR," "ADMINISTRATIVE AUTHORITY" and all other terms and designations indicating the person authorized and directed to carry out, enforce and

exercise governmental rights, privileges and duties shall, unless expressly indicated otherwise, mean the Building Official and any duly authorized deputies, assistants, and inspectors.

"CITY," "COUNTY," and other terms designating the local governmental entity having jurisdiction, shall mean the County of Ventura or the area under its jurisdiction.

Section 205-D

"DIRECTOR OF PUBLIC WORKS" shall mean the Director of Public Works except that it shall mean the Building Official for purposes of directing work of repair or demolition having an estimated cost of $4,000 or less pursuant to Section 1401.3 in the Uniform Housing Code and Section 701.3 in the Dangerous Buildings Code.

Section 206-E

"ENVIRONMENTAL HEALTH OFFICER" or **"ENVIRONMENTAL HEALTH OFFICIAL"** shall mean the duly appointed Director of the Environmental Health Department of the County or a duly authorized representative.

Section 207-F

"FIRE DEPARTMENT" shall mean the Ventura County Fire Protection District or the fire service agency having jurisdiction.

207-F **"FLOOD HAZARD AREA"** is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Control Department of the Public Works Agency.

Section 208-G

GRADE (Adjacent Ground Elevation for Structures within FLOOD HAZARD AREAS) is the point of elevation 12 inches above the highest elevation of the paved portion of the roadway adjacent to the subject lot, or the minimum height above mean sea level, whichever is the highest, as determined by the Flood Control Division of the Public Works Agency. (The Flood Control minimum elevation relates to the lowest habitable floor elevation; therefore, "GRADE" shall be established as the lowest habitable floor minus 6 inches in determining Reference Datum for measuring the maximum height of a structure.)

209-H **HABITABLE SPACE** (room) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls storage or utility space, and similar areas, are not considered habitable space.

EXCEPTION: For structures located within Flood Hazard Areas, bathrooms, toilet compartments, closets and laundry areas shall be considered as Habitable Space.

Section 217-P

"PERSON," "FIRM," or **"CORPORATION"** shall mean any and all entities of whatsoever nature or kind, including but not limited to individuals, owners, tenants, lessees, unions or organizations, cooperatives and trusts, corporations, partnerships whether general or limited, and unincorporated associations and shall include the plural as well as the singular number, the male and female gender, and all governmental entities subject in whole or in part to this Code and the codes adopted by reference herein.

Section 220-S

STORY, FIRST, is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided that such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.

EXCEPTION: For structures located within Flood Hazard Areas, see Section UBC 208 for definition of "GRADE (adjacent Ground Elevations for Structures within FLOOD HAZARD AREAS).

CHAPTER 6 - TYPES OF CONSTRUCTION

SECTION 607 - HIGH FIRE HAZARD AREAS

Sec. UBC 607.1 HIGH FIRE HAZARD AREA DEFINED. For the purpose of this code, certain areas in the unincorporated territory of the County shall be classified as the High Fire Hazard Area by the Ventura County Fire Protection District. The High Fire Hazard Area is defined as any area within 500 feet of uncultivated brush, grass, or forest-covered land wherein an authorized representative of said District determines that a potential fire hazard exists due to the presence of such flammable growth.

Sec. UBC 607.2 CONSTRUCTION REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Buildings or structures hereafter erected, constructed or moved within or into designated high fire hazard areas, including mobilehomes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section. Although their installation is encouraged, neither manual nor automatic fire extinguishing systems or similar water spraying devices may be substituted for the fire protection set forth herein.

607.2.1 ROOFS. Roof coverings shall be fire retardant Class A. as specified in Section 1504 in the UBC.

607.2.2 EXTERIOR WALLS. Fire-resistive protection of exterior walls and openings, as determined by location on property, shall be as required by Section 503 in the UBC.

EXCEPTION: No exterior wall covering of a building shall provide less fire resistance than that afforded by: 7/8-inch exterior cement plaster; 1-inch nominal thickness solid wood siding; 1/2-inch textured plywood siding having a groove depth of 1/8-inch or less; 7/16-inch hardwood siding; 5/8-inch particleboard, exterior type 2-M; or 5/8-inch exterior plywood, T1-11, having a groove depth of 1/4-inch or less. Fire-retardant treated or untreated wood shingle or shake siding shall not be permitted.

607.2.3 UNDERFLOOR AREAS. Where underfloor areas are not enclosed by fire-resistive construction conforming to the requirements of subsection 607.2.2 above, the underside of the floor system shall be fire-protected as set forth in subsection 607.2.4.

607.2.4 PROJECTIONS AND OTHER BUILDING ELEMENTS EXPOSED TO FIRE. Architectural projections such as roof overhangs and soffits, balconies and decks, and other elements of building which have combustible structural elements in the horizontal plane, shall be protected with materials approved for 1-hour fire-resistive construction on the lower, fire-exposed side and shall have 1-hour fire-resistive supporting columns unless the details of construction conform to those for heavy timber as described in Section 605 in the UBC.

EXCEPTIONS: 1. Combustible structural members in horizontal projections may be unprotected timbers of size 4 x 6 or larger when used as rafters or as stair, balcony, or deck supports or for similar purposes.

2. Patios, carports, arbors and open latticework sunshades may be constructed of any materials allowed by this Code.

3. Balconies and decks 30 inches or more above grade may have flooring of not less than 2-inch nominal thickness lumber or material of equivalent fire resistance. Such flooring may be spaced not more than 1/4-inch apart and need not be fire protected on the underside.
   Balconies and decks less than 30 inches above grade shall be solidly floored without gaps and shall be fire-protected on the underside as required by this Section. In lieu of fire protection, such balconies and decks may be enclosed from floor surface to grade in the manner prescribed for exterior walls in subsection 607.2.2 of this Section.
4. Combustible exterior columns directly supporting roofs, stairs, balconies, and decks may be size 4 x 4 or larger. Columns and beams supporting interior floor loads may be size 6 x 6 or larger.

607.2.5 VENTILATION OPENINGS. Attic or foundation ventilation opening or louvers shall not be located at or within 18", measure vertically, of eaves or rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire in adjacent hazardous grass or brush areas.

607.3 WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of UBC 607.2.1 through 607.2.5 above, in whole or in part, for specific construction projects within the High Fire Hazard Area when such waiver is approved by an authorized representative of the Ventura County Fire Protection District, based upon site conditions which justify a reduction in fire resistance.

CHAPTER 16 - DIVISION I - STRUCTURAL FORCES

Sec. 1611 OTHER MINIMUM LOADS.

1611.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1803 SOIL CLASSIFICATION - EXPANSIVE SOIL.

1803.2 EXPANSIVE SOIL. The expansive characteristics of soil shall be determined by procedures in accordance with UBC Standard Number 18-1 and the soils shall be classified according to Table Number 18-1-B of this Code. Foundations for structures bearing on soils with an expansion index greater than 20, as determined by UBC Standard Number 18-2, shall require special design consideration. In the event the soil expansion index varies with depth, the weighted index shall be determined according to Table Number 18-1-C in the UBC. The Soil Expansion Index shall be listed in all soils investigation reports.

A test to determine the soil expansion index shall be conducted for each building site except that in subdivisions the frequency of testing need not exceed one test per five contiguous lots or one test per five acres, whichever are is smaller. Such tests shall be made after rough grading is completed. Tests shall include a determination of the expansion index for the most expansive soil encountered within the top four feet at each test location whether in cut or fill or a combination thereof.

The expansion index for soil on subdivision lots which have not been individually tested shall be assumed to correspond to the highest reading determined by tests on proximate lots.

Section 1804 FOUNDATION INVESTIGATION.

1804.1. GENERAL. The classification of the soil at each building site shall be determined when required by the Building Official. Such determination shall be made by a California-licensed civil engineer experienced in soil engineering.

1804.2 INVESTIGATION. The classification of soil shall be based on observation and necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be required to evaluate soil strength, the effect of moisture variation on soil bearing capacity, compressibility, liquefaction and expansiveness.

In Seismic Zones 3 and 4, when required by the building official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

EXCEPTIONS: 1. The building official may waive this evaluation upon receipt of written opinion of a qualified geotechnical engineer or geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy with or without attached garages and single-story accessory structures thereto.

3. Group U, Division 1 Occupancies.

4. Fences.

5. Detached single-story Group U, Division 3 occupancies.

Whenever, in the opinion of the Building Official, the adequacy and stability of a building site cannot be determined by the test borings or excavations required by this Section he may require a special geologic, geotechnical, hydrologic, seismic, or other investigation and report. Geologic investigations such as those for hillside stability or seismic hazards shall be conducted by a California-certified Engineering Geologist.

1804.7 DRAINAGE AND MOISTURE PROTECTION.

1804.7.1 GENERAL. Provisions shall be made for the control and drainage of surface water around buildings. Concentrated drainage such as rainwater from gutters and downspouts, scuppers, and roof valleys shall be diverted away from building foundations by means of concrete splash blocks and/or other approved non-erosive devices. Underfloor access crawl holes, vents, and similar

openings below grade shall be provided with curbs extending not less than six (6) inches above adjacent grade to prevent surface water from entering the underfloor area.

1804.7.2 ROOF GUTTERS AND DOWNSPOUTS. When buildings are located on expansive soil having an expansion index greater than 50, gutters, downspouts, piping, and/or other non-erosive devices shall be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.

1804.7.3 VAPOR BARRIER. An approved vapor barrier shall be installed below concrete slab-on-grade floors of all residential occupancies in such a manner as to form an effective barrier against the migration of moisture into the slab. When sheet plastic material is employed for this purpose it shall be not less than 6 mils (.006 inch) in thickness. The installation of a vapor barrier shall not impair the effectiveness of required anchor bolts or other structural parts of a building.

Foundations at the perimeter of concrete floor slabs shall form a continuous moisture barrier of portland cement concrete or solid grouted masonry to the depths required by Table UBC 18-1-D in the ordinance.

1804.7.4 GROUNDWATER. Where the probability of groundwater intrusion into underfloor areas is found to exist, foundations and crawl spaces shall be designed to mitigate ponding, excess moisture conditions, and settlement of footings. (Refer to APPENDIX CHAPTER 18 for waterproofing and dampproofing of foundations.)

1806 FOOTINGS.

Section 1806.1. GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with Chapter 18, Division II and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings, foundations, and concrete slab floors at or below grade shall be constructed to comply with Table UBC 18-1-D (Rev.) and footnotes thereto in this ordinance, except when an approved alternative design is provided based on a foundation investigation. UBC Table 18-1-D and footnotes thereto in the UBC is hereby deleted in its entirety, and is replaced by VCBC Table UBC 18-1-D (Rev.) and footnotes thereto, published herewith.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind or wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards. See Section 3302 for subsoil preparation and wood form removal.

1806.11 HOLD-DOWN CONNECTORS.

1. All bolt-holes shall be 1/16" (max) over-sized at the connection of hold-downs to posts.

2. Hold-down connection bolts/nuts shall be torqued ½ turn beyond finger tight or as required by manufacturer.

3. Approved plate washers, in-lieu of cut washers, shall be provided for all plywood shearwall sill plate anchor bolts. See Table "A" below.

4. Approved plate washers, in-lieu of cut washers, shall be provided for hold-down connector bolts at shearwall wood flanges. See Table "A" below.

TABLE - A

MINIMUM SIZE FOR SQUARE PLATE WASHERS

BOLT SIZE	PLATE SIZE
1/2"	3/16" x 2" x 2"
5/8"	1/4" x 2 1/2" x 2 1/2"
3/4"	5/16" x 2 3/4" x 2 3/4"
7/8"	5/16" x 3" x 3"
1"	3/8" x 3 1/2" x 3 1/2"

1806.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Where additional foundation plate anchor bolts are required after foundations are completed, drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

1806.13 GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table UBC 18-1-D (Rev.), whichever is deeper, reinforced as specified for continuous foundations in Table UBC 18-1-D, shall be provided at garage door openings.

1806.14 FIREPLACE FOOTINGS. Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table UBC 18-1-D (Rev.).

TABLE 18-1-D (REV.)
MINIMUM FOUNDATION REQUIREMENTS*

WEIGHTED EXPANSION INDEX	FOUNDATION FOR SLAB & RAISED FLOOR SYSTEM (4) (8)							CONCRETE SLABS (8)		PREMOISTENING OF SOILS UNDER FOOTINGS, PIERS AND SLABS (4) (5)	RESTRICTION ON PIERS UNDER RAISED FLOORS
	NUMBER OF STORIES	STEM THICKNESS	FOOTING WIDTH	FOOTING THICKNESS	ALL PERIMETER FOOTINGS (5)	INTERIOR FOOTINGS FOR SLAB AND RAISED FLOORS (5)	REINFORCEMENT FOR CONTINUOUS FOUNDATIONS (2) (6)	3-1/2" MINIMUM THICKNESS			
					DEPTH BELOW NATURAL SURFACE OF GROUND AND FINISH GRADE			REINFORCEMENT (3)	TOTAL THICKNESS OF SAND (10)		
		(INCHES)									
0 - 20 Very Low (non-expansive)	1 2 3	6 8 10	12 15 18	6 7 8	12 18 24	12 18 24	1-#4 top and bottom	#4 @ 48" o.c. each way, or #3 @ 36" o.c. each way	2"	Moistening of ground recommended prior to placing concrete	Piers allowed for single floor loads only
21-50 Low	1 2 3	6 8 10	12 15 18	6 7 8	15 18 24	12 18 24	1-#4 top and bottom	#4 @ 48" o.c. each way, or #3 @ 36" o.c. each way	4"	120% of optimum moisture required to a depth of 21" below lowest adjacent grade. Testing required.	Piers allowed for single floor loads only
51-90 Medium	1 2	6 8	12 12	6 8	21 21	12 18	1-#4 top and bottom	#3 @ 24" o.c. each way	4"	130% of optimum moisture required to a depth of 27" below lowest adjacent grade. Testing required	Piers not allowed
	3	10	15	8	24	24	#3 bars @ 24" in ext. footing Bend 3' into slab (7)				
91-130 High	1 2	6 8	12 12	8 8	27 27	12 18	2-#4 Top and Bottom	#3 @ 24" o.c. each way	4"	140% of optimum moisture required to a depth of 33" below lowest adjacent grade. Testing required.	Piers not allowed
	3	10	15	8	27	24	#3 bars @ 24" in ext. footing Bend 3' into slab (7)				
Above 130 Very High	Special design by licensed engineer/architect										

*Refer to next page for footnotes (1) through (11).

FOOTNOTES TO TABLE UBC 18-1-D (Rev)

1. Premoistening is required where specified in Table UBC 18-1-D in order to achieve maximum and uniform expansion of the soil prior to construction and thus limit structural distress caused by uneven expansion and shrinkage. Other systems which do not include premoistening may be approved by the Building Official when such alternatives are shown to provide equivalent safeguards against the adverse effects of expansive soil.

2. Reinforcement for continuous foundations shall be placed not less that 3" above the bottom of the footing and not less than 3" below the top of the stem.

3. Reinforcement shall be placed at mid-depth of slab.

4. After premoistening, the specified moisture content of soils shall be maintained until concrete is placed. Required moisture content shall be verified by an approved testing laboratory not more than 24 hours prior to placement of concrete.

5. Crawl spaces under raised floors need not be premoistened except under interior footings. Interior footings which are not enclosed by a continuous perimeter foundation system or equivalent concrete or masonry moisture barrier complying with UBC 1804.7.3 in this ordinance shall be designed and constructed as specified for perimeter footings in Table UBC 18-1-D (Rev.).

6. Foundation stem walls which exceed a height of three times the stem thickness above lowest adjacent grade shall be reinforced in accordance with Chapter 21 and Sec. 1914 in the UBC, or as required by engineering design, whichever is more restrictive.

7. Bent reinforcing bars between exterior footing and slab shall be omitted when floor is designed as an independent, "floating' slab.

8. Where frost conditions or unusual conditions beyond the scope of this table are found, design shall be in accordance with recommendations of a foundation investigation. Concrete slabs shall have a minimum thickness of 4 inches when the expansion index exceeds 50.

9. The ground under a raised floor system may be excavated to the elevation of the top of the perimeter footing, except where otherwise required by engineering design or to mitigate groundwater conditions.

10. When subsoil drainage is required by the building official, refer to Sec. UBC APPENDIX 18.

11. Where a post-tensioning slab system is used, the width and depth of the perimeter footings shall meet the requirements of this table.

CHAPTER 23 - WOOD

TABLE 23-II-G MAXIMUM DIAPHRAGM DIMENSION RATIOS

MATERIAL	HORIZONTAL DIAPHRAGMS	VERTICAL DIAPHRAGMS
	Maximum Span-Width Ratios	Maximum Height-Width Ratios
1. Diagonal sheathing, conventional	3:1	1:1
2. Diagonal sheathing, special	4:1	2:1
3. Wood structural panels and particleboard, nailed all edges	4:1	2:1
4. Wood structural panels and particleboard, blocking omitted at intermediate joints	4:1	NP

TABLE 23-II-1-1 — ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES IN POUNDS PER FOOT FOR WOOD STRUCTURAL PANEL SHEAR WALLS WITH FRAMING OF DOUGLAS FIR-LARCH OR SOUTHERN PINE.[1, 2, 3, 4]

PANEL GRADE	MINIMUM NOMINAL PANEL THICKNESS (INCHES)	MINIMUM NAIL PENETRATION IN FRAMING (INCHES)	PANELS APPLIED DIRECTLY TO FRAMING					PANELS APPLIED OVER ½-INCH (13 mm) OR ⅝-INCH (16 mm) GYPSUM SHEATHING				
			Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm				Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm			
				6	4	3	2		6	4	3	2
	x 25.4 for mm			x 0.0146 for N/mm					x 0.0146 for N/mm			
Structural I	5/16	1 1/4	6d	150	225	293	383	8d	150	225	293	383
	3/8	1 1/2	8d	173[5]	270[5]	345[5]	458[5]	10d[6]	210	323	413	548
	7/16			191[5]	296[5]	379[5]	503[5]					
	15/32			210	323	413	548					
	15/32	1⅝	10d[6]	255	383	499	653	–	–	–	–	–
C-D, C-C Sheathing, plywood panel siding and other grades covered in U.B.C. Standard 23-2 or 23-3	5/16	1¼	6d	135	203	263	338	8d	135	203	263	338
	3/8			150	225	293	383		150	225	293	383
	3/8	1½	8d	165[5]	240[5]	308[5]	398[5]	10d[6]	195	368	368	480
	7/16			180[5]	263[5]	338[5]	439[5]					
	15/32			195	285	368	480					
	15/32	1⅝	10d[6]	233	345	450	578	–	–	–	–	–
	19/32			255	383	499	653					
			Nail Size (Galvanized Casing)					Nail Size (Galvanized Casing)				
Plywood panel siding in grades covered in U.B.C. Standard 23-2	5/16	1¼	6d	105	158	206	270	8d	105	158	206	270
	3/8	1½	8d	120	180	233	308	10d[6]	120	180	233	308

1 All panel edges backed with 2-inch (51 mm) nominal or wider framing. Panels installed either horizontally or vertically. Space nails at 6 inches (152 mm) on center along framing members for ⅜-inch (9.5 mm) and 7/16-inch (11 mm) panels installed on studs spaced 24 inches (610 mm) on center and 12 inches (305 mm) on center for other conditions and panel thicknesses. These values are for short-time loads due to wind or earthquake and must be reduced 25 percent for normal loading.

Allowable shear values for nails in framing members of other species set forth in Table 23-III-FF of Division III shall be calculated for all other grades by multiplying the shear capacities for nails in Structural I by the following factors: 0.82 for species with specific gravity greater than or equal to 0.42 but less than 0.49, and 0.65 for species with a specific gravity less than 0.42.

2 Where panels are applied on both faces of a wall and nail spacing is less than 6 inches (152 mm) on center on either side, panels joints shall be offset to fall on different framing members or framing shall be 3-inch (76 mm) nominal or thicker and nails on each side shall be staggered.

3 Framing at boundary and panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered for all plywood shear walls with shear values exceeding 300#/ft. Nailing edge distance for 3x boundary and panel edge members shall be ½-inch minimum.

4 The maximum allowable shear for 3-ply plywood, less than ⅝-inch thickness, shall not exceed 200#/ft. when used in shearwalls and framing of Douglas Fir-Larch or Southern Pine.

5 The values for ⅜-inch (9.5 mm) and 7/16-inch (11 mm) panels applied direct to framing may be increased to values shown for 15/32-inch (12 mm) panels, provided studs are spaced a maximum of 16 inches (406 mm) on center or panels are applied with long dimension across studs.

6 Fr[illegible]g at adjoining panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered where 10d nails having penetration into framing of more than 1⅝ inches (4[illegible]) are spaced 3 inches (76 mm) or less on center.

CHAPTER 25 - GYPSUM BOARD AND PLASTER

Section 2513 - SHEAR-RESISTING CONSTRUCTION WITH WOOD FRAME.

2513.4 HEIGHT TO LENGTH RATIO. The maximum allowable height-to length ratio for the construction in this section shall be 1 to 1. Wall sections have height-to-length ratios in excess of 1½ to 1 shall be blocked.

TABLE 25-I - ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES
IN POUNDS PER FOOT FOR VERTICAL DIAPHRAGMS OF
LATH AND PLASTER OR GYPSUM BOARD FRAME WALL ASSEMBLIES[1]

	TYPE OF MATERIAL	THICKNESS OF MATERIAL	WALL CONSTRUCTION	NAIL SPACING[2] MAXIMUM (inches)	SHEAR VALUE	MINIMUM NAIL SIZE[3]
		x 25.4 for mm		x 25.4 for mm	x 14.6 for N/m	x 25.4 for mm
1.	Expanded metal, or woven wire lath and portland cement plaster	7/8"	Unblocked	7	90	No. 11 gage 1 1/2" long, 7/16" head[4]
2.	Gypsum lath	3/8" lath and 1/2" plaster	Unblocked	7	30	No. 13 gage, 1 1/8" long, 19/64" head, plasterboard blued nail
3.	Gypsum sheathing board[5]	1/2" x 2' x 8'	Unblocked	7	30	No. 11 gage, 1 3/4" long, 7/16" head, diamond-point, galvanized
		1/2" x 4' 1/2" x 4'	Blocked Unblocked	7 7	30 30	
4.	Gypsum wallboard or veneer base[5]	1/2"	Unblocked	7	30	5d cooler (0.086" dia., 1 5/8" long 15/64" head) or wallboard (0.086" dia., 1 5/8" long, 9/32" head)
				7	30	
			Blocked	7	30	
				7	30	
		5/8"	Unblocked	7	30	6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head)
				7	30	
			Blocked	7	30	
				7	30	
			Blocked Two ply	Base ply: 7 Face ply: 7	60	Base ply - 6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head) Face ply - 8d cooler (0.113" dia., 2 3/8 long, 9/32" head) or wallboard (0.113" dia., 2 3/8" long, 3/8" head

[1]These vertical diaphragms shall not be used to resist loads imposed by masonry or concrete construction. See Section 2513.2. Values shown are for short-term loading due to wind or due to seismic loading in Seismic Zones 0, 1, 2A and 2B. Values shown must be reduced 25 percent for normal loading. The values shown in Items 2, 3 and 4 shall be reduced 50 percent for lading due to earthquake in Seismic Zones 3 and 4.

[2]Applies to nailing at all studs, top and bottom plates and blocking.

[3]Alternate nails may be used if their dimensions are not less than the specified dimensions.

[4]Required minimum nailing shall be No. 11 gage x 1 1/2" long galvanized nails with lath burred to 1/4" from the face of the building paper. Staples and self-barring lath shall not be permitted.

[5]Frame wall assemblies constructed of Portland cement plaster, gypsum sheathing board or gypsum wall board are not permitted to carry shear loads at ground floor of multi-level buildings.

CHAPTER 40

RELOCATED BUILDINGS AND TEMPORARY STRUCTURES

Sec. 40.1. GENERAL REQUIREMENTS. Buildings or structures moved into or within the County shall comply with the provisions of this Code for new buildings or structures except when otherwise permitted by this Code or by State law.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Sec. 40.2. PERMIT(S) REQUIRED. It shall be unlawful for any person, firm, or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office, or similar structure which is relocated as construction requires, into or within the County without first obtaining a permit to do so from the Building Official.

EXCEPTION: Buildings moved to the business premises of a house mover for the purpose of temporary storage.

Sec. 40.2.1 NOTIFICATION OF RELOCATED BUILDING. Prior to issuance of relocation permit for any structure and as a part of the application therefor, a Notice of Relocated Building, on a form furnished by the Building Official, shall be posted at the site of the building proposed to be relocated and at the proposed new site location. This public notice shall be maintained for a minimum of 15 days from the date of the application for relocation permit. During this period, interested parties may submit written comments to the Building Official regarding said proposed relocation. (refer to Sec. 40.5 DENIAL OF PERMIT.)

Sec. 40.3. APPLICATION AND INVESTIGATION FEE. To obtain a permit to relocate a building or structure the applicant shall first file an application therefor as required by Section 106.3 in this ordinance. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by the required investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be non-refundable. If the building to be moved is located outside the County, the applicant shall pay an additional fee as set forth in the Ventura County Building and Safety Fee Schedule to cover increased costs of inspection and mileage.

40.3.1 The Building Official shall make the following findings prior to issuing the permit:

1. That there is evidence of full compliance with the zoning provisions of Ventura County Ordinance Code, Division 8 - PLANNING AND DEVELOPMENT.
2. That the building shall comply, or shall be altered to comply, with current building, electrical, heating and air conditioning, and plumbing code requirements.
3. That all necessary and required documentation has been submitted for review, including, but not limited to, plans and specifications for all required or proposed improvements at the new location, a soils investigation report, a current termite inspection report, a water "will serve" letter from a recognized water provider or an approved water well certificate, a sewer "will serve" letter from a recognized sanitation district or an approved septic system certificate, and a surety bond in the amount determined by the Building Official as set forth in Sec. 11-16 of this Code.

Sec. 40.4. INVESTIGATION AND REPORT. The Building Official shall cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report shall list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions, or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety, or welfare.

The investigation report shall remain valid for a period of 180 days after the building or structure has been inspected, after which time a new investigation and report may be required by the Building Official.

Sec. 40.5. DENIAL OF PERMIT. The Building Official may deny the issuance of a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous.
2. Is infested with pests or is insanitary.
3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair.
4. Is so dilapidated, defective, or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated.
5. Because of age, size design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

Sec. 40.6. SECURITY REQUIRED. The Building Official shall not issue a permit to relocate a building or structure unless the applicant therefor shall first post with the Building Official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the State as surety; a cash bond naming the County of Ventura as payee; or an assignment of certificates or shares issued by a lending institution doing business in this state and insured by the FDIC. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this Section shall:

1. Be in form joint and several.
2. Name the County of Ventura as obligee.
3. Guarantee that the required work will be completed or, when ordered by the Building Official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition.
4. Be in an amount equal to the estimated cost, plus 10 percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official.
5. State therein the legal description or address of the property to which the building or structure is to be relocated.

Sec. 40.7. CONDITIONS OF SECURITY. Every performance bond, cash bond, or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within 180 days from the date of issuance of the permit.

2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety.
3. The term of each bond posted pursuant to this Article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.
4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.
5. Upon default by the principal, the surety shall cause all required work to be performed as set forth in the conditions of the investigation report and relocation permit.
6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean, and restore the site.

Sec. 40.8. PERMIT ISSUANCE AND FEES. Before a permit is issued for the relocation of a building and its reconstruction, repair, and completion at a new site, all required plan review and permit fees shall be paid. The required permits, together with the investigation report, shall comprise the "relocation permit" for the purposes of this Article.
The value to be used in computing the relocation building permit and plan review fees shall be as set forth in Sec. 107.2 in this Code, based upon the estimated cost of all construction necessary to complete the structure.

Sec. 40.9. EXPIRATION OF PERMIT. Permits for the relocation, reconstruction, and repair of a building or structure shall be null and void in accordance with the provisions of Section 106.4.4 in this Code if the building or structure is not relocated to the proposed site and/or the required work commenced within 6 months of the date of issuance of such permits.

Sec. 40.10. PROCEDURE UPON DEFAULT.

40.10.1 PERFORMANCE BOND. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond.
The notice of default shall state the conditions of the bond which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work.
Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified.
The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned, and restored to the satisfaction of the Building Official.

EXCEPTION: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided:

1. A written agreement is executed between Surety and the Division of Building and Safety under which the Division assumes responsibility for causing completion of required work or demolition of the structure; and
2. A cash bond is posted by the Surety in the amount of the performance bond, payable to the County of Ventura, to enable the Building official to cause the required work of repair or demolition to be performed in accordance with Section 40.10.2 in this ordinance.

40.10.2 CASH BOND. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

40.10.3 ASSIGNMENT OF SHARES. When an assignment of share has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or shares or any portion thereof by the lending institution and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contract or otherwise.

Sec. 40.11 RELEASE OF SECURITY.

40.11.1 PERFORMANCE BOND. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.

40.11.2 CASH BOND. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successors or assigns, except any portion thereof that may have been used, cashed, or deducted as provided elsewhere in this Article.

40.11.3 ASSIGNMENT OF SHARES. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the Building Official shall notify the lending institution and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this Article.

CHAPTER 41 - SWIMMING POOLS, ORNAMENTAL POOLS, AND APPURTENANT FENCING

SECTION 41.1 - GENERAL

41.1.1 SCOPE. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

4.1.2 STANDARDS OF QUALITY. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard list below is a recognized standard. (See Section 3504.)

- ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

SECTION 41.1.3 - DEFINITIONS.

For the purpose of this Article certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "swimming pool."

Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346.

Barrier (enclosure) is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

Grade is the underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "spa, nonself-contained" and "spa, self-contained."

In-Ground Pool. See definition of "swimming pool."

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the rounds of a private single-family home.

Separation Fence is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually have a filter, heater and a motor-driven blower. It may be installed indoors or outdoors , on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Spa, Self-Contained, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Swimming Pool, is any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. The term "swimming pool," does not apply to plumbing fixtures such as bathtubs or hydro-therapy tubs; nor does it apply to man-made lakes, reservoirs or farm ponds used primarily for public park purposes, ornamentation, water conservation, irrigation, ground-water recharging basins, or watering of livestock. It shall apply to any water-filled excavation, lined or unlined, within three (3) feet of any structure or property line. (Public pools shall comply also with CCR Title 24).

Swimming Pool, Indoor, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor, is a swimming pool that is not an indoor pool.

Sec. 41.2. POOL DESIGN AND CONSTRUCTION

41.2.1 GENERAL. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, and mechanical codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.

41.2.2 EXPANSIVE SOIL DESIGN. Pools constructed below grade shall be designed on the assumption that their construction is to be in an area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 p.c.f.).

> EXCEPTION: Where tests indicate that soils at a pool site are non-expansive or have low expansion characteristics from the ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less that 30 p.c.f.

In highly expansive soils having an expansion index of 91-130, pools shall be designed for not less than 60 p.c.f. equivalent fluid pressure.

In very highly expansive soils having an expansion index over 130, pool design shall be subject to special requirements based on a site investigation, soil testing, and engineering analysis by a registered civil engineer to determine appropriate design parameters for the site.

41.2.3 HYDROSTATIC UPLIFT. In areas of anticipated high water table or moderate to highly expansive soil an approved hydrostatic relief system or device shall be installed.

41.2.4 THERMAL PROTECTION FOR PLASTIC PIPING. Between the inlet of pool water heating equipment and any plastic water piping connected thereto, a check valve shall be installed to prevent thermal damage to such piping due to backflow.

> EXCEPTION: When rapid or high-rate filters are employed a check valve may be omitted.

Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than five feet of approved metal pipe shall be installed for the purpose of dissipating heat.

41.2.5 SAFEGUARDING SUCTION DRAINS. Bottom drains and suction intakes in pools and spas shall be covered with grates or other protective devices which cannot be removed except with tools. The slots or openings in these covers shall be of such area, shape, and arrangement as to prevent bathers from being drawn thereto with such force as to constitute a safety hazard.

41.2.6 GRAB BARS. Wherever egress from a pool is restricted by the presence of a vertical wall or other barrier which extends more than 12" above the water surface at the pool edge, permanent continuous grab bars, handrails, or other approved equivalent devices shall be installed within 12 inches above the water surface. Such devices shall be capable of being securely grasped, and shall be adequate to support the weight of a user of the pool.

Sec. 41.3. DECKS

41.3.1 GENERAL. A deck shall be provided around below-grade swimming pools except when special engineering design is furnished which indicates that such deck is not necessary for the purpose of maintaining the structural integrity of the pool and/or for controlling surface water and moisture content in the soil adjacent to the pool. Decks shall not be required for spas and hot tubs.

41.3.2 DECK DESIGN AND CONSTRUCTION. Required decks shall be constructed of concrete or other approved impervious material and shall be sloped to provide positive drainage away from the perimeter of the pool. Except as provided below, decks shall have a minimum width of four feet and shall be at least 3-1/2 inches in thickness. Reinforcement shall be #3 bars spaced not over 24 inches o.c. each way, or equivalent reinforcing.

Approved joints shall be provided in the deck at corners, at maximum 10-foot intervals, and wherever necessary in order to control cracking, to allow for differential movement, and to minimize damage to the deck from such movement should it occur.

Joints in decks and coping shall be made watertight with an approved permanent resilient sealant.

41.3.3 CUTOFF WALLS. At the outer perimeter of pool decks a cutoff wall of approved material shall be installed below-grade to a depth of at least 15 inches so as to form a permanent and effective vertical moisture barrier.

EXCEPTIONS: 1. A cutoff wall may be omitted when a deck at least six feet wide is installed.

2. Decks less than four feet in width may be installed provided that the required cutoff wall is increased in depth beyond the minimum by an amount equal to the reduction in deck width.

41.3.4 PRE-SATURATION, HIGHLY EXPANSIVE SOILS. When the soil below a deck has an expansion index of 91 or greater it shall be saturated with water to a depth of at least 18 inches prior to installation of the deck.

41.3.5 DECK BONDING. When decks are to be installed, whether structurally required or not, the reinforcing installed therein shall be electrically bonded together with the pool shell reinforcing and metal parts of electrical equipment associated with the pool water recirculating system and with miscellaneous metal accessories, such as pool slides, diving boards and spring boards, in accordance with NEC Sec. 680-22.

Sec. 41.4. DRAINAGE AND DISPOSAL

41.4.1 SURFACE WATER. Surface water from pool decks shall be collected and conducted through non-erosive devices to a street, storm drain, or other approved watercourse or disposal area.

41.4.2 WASTE WATER. Pool waste water shall be disposed of in accordance with the requirements of the Environmental Health Officer.

41.4.3 DRYWELLS. Drywells shall not be employed for pool wastewater disposal except when specifically approved for the purpose and when it has been determined that such installation is not likely to have adverse effects on the structural stability of the pool or other structures on the site. The Building Official may require a percolation test, soils report, and/or geological report to make such a determination.

Sec. 41.5. SPECIAL INSPECTION. Special inspection as required by Section 1701.5.12 in the UBC shall be provided for pneumatically placed concrete (gunite) in swimming pools.

Sec. 41.6. BARRIER REQUIREMENTS.

41.6.1 OUTDOOR SWIMMING POOL. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch diameter sphere.

   Exceptions:

   1. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.

   2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3. Chain link fences used as the barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate barrier shall have no opening greater that ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 41.6.1 shall be provided.

   Exception: When approved by the building official, one of the following may be used:

   1. Self-closing and self-latching devices installed on all doors with direct access to the pool and the release mechanism located a minimum of 54 inches above the floor.

   2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

   3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 though 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. Outdoor Swimming Pools with an approved safety pool cover shall not be required to provide other barriers.

8. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 7, above, may be approved by the building official of the jurisdiction issuing the applicable building permit.

41.6.2 INDOOR SWIMMING POOL. For an indoor swimming pool, protection shall comply with the requirements of Section 41.6.1, Item 5.

41.6.3 SPAS AND HOT TUBS. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 41.6.1.

Exception: Spas or hot tubs equipped with a listed safety cover shall be exempt from the requirements of Section 41.6.1.

CHAPTER 42 - MOBILEHOMES AND COMMERCIAL COACHES

Sec. 42.1. DEFINITIONS. For the purposes of this Article the terms "mobilehome," "commercial coach," "mobilehome accessory structure," and "foundation system" shall have the meanings set forth in Title 25, California Code of Regulations, and shall also apply to "manufactured housing" and "factory-built housing".

Sec. 42.2. SCOPE. The provisions of this Article shall apply to mobilehomes and commercial coaches installed outside mobilehome parks in all locations where the County of Ventura is the primary enforcement authority for applicable provisions of the State Mobilehome Parks Act, Subchapter 1 of Chapter 2, California Code of Regulations, Title 25.

Sec. 42.3. INSTALLATION PERMIT REQUIRED. No person, firm, or corporation shall install, occupy, or use a mobilehome, mobilehome accessory structure, or commercial coach or cause the same to be done without first obtaining an installation permit therefor. Said installation permit shall be issued subject to compliance with applicable laws and ordinances, including but not limited to:

1. Terms and conditions of a zoning clearance, including time limits established thereby.
2. Requirements for an approved foundation system.
3. Requirements for approved electrical, plumbing, and sewage disposal facilities.
4. Payment of installation permit fees in addition to fees for permits, services or clearances which may otherwise be required.

Sec. 42.4. SPECIAL REQUIREMENTS, COMMERCIAL COACHES

42.4.1 ALLOWABLE AREA. The area of commercial coach units connected in multiple shall not exceed the allowable floor area for the occupancy housed therein and the Type of Construction, in accordance with Section 504 in the UBC.

42.4.2 LOCATION ON PROPERTY. Commercial coaches shall be positioned on a site with sufficient setback from property lines so as to comply with the requirements of Section 503 in the UBC for fire-resistive protection of exterior walls and openings without the necessity for altering the structure or finish materials of the exterior walls of the coach.

42.4.3 STAIRS AND EXITS. Stairs, ramps, handrails, guardrails, landings, and exits shall be provided for commercial coaches as specified in Chapter 10 in the UBC. Such coaches shall also conform to applicable standards of the State of California for making buildings accessible by physically handicapped persons.

42.4.4 SANITARY FACILITIES. Commercial coaches shall be provided with sanitary facilities in accordance with the requirements of this Code which are applicable to the particular occupancy housed therein. Sanitary facilities shall also conform to the applicable standards of the State of California for accessibility to physically handicapped persons.

Sec. 42.5. REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The requirements of Section UBC 607.2 in this ordinance shall be applicable to mobilehomes, mobilehome accessory structures, manufactured or factory-built housing, and commercial coaches installed within High Fire Hazard areas.

Sec. 42.6. SUBSTANDARD OR DANGEROUS MOBILEHOMES AND COMMERCIAL COACHES. All mobilehomes, commercial coaches, or portions thereof, whether permanently or temporarily installed, which are determined to be substandard or dangerous as defined in the Uniform Housing Code or the Dangerous Buildings Code as amended by this ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in such codes.

Sec. 42.7 RECREATIONAL VEHICLES

42.7.1 DEFINITION

See Section 18010 of the California Code of Regulations, Health and Safety Code which reads as follows:

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

(Amended by Stats. 1990, Ch. 765, Sec. 3.)

42.7.2 ALLOWABLE USE

Recreational vehicles may only be used as "temporary dwellings during construction", as long as a building permit for new residential construction or major remodeling is in full force and effect and subject to Zoning Clearance conditions.

Recreational vehicles cannot be used as permanent dwellings or permanent accessory structures on private property, except as specifically allowed under California State law.

CHAPTER 43 - POST-DISASTER RECOVERY AND RECONSTRUCTION

SECTION 43.1 POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

43.1.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Division of Building and Safety as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

43.1.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the County of Ventura following each natural or man-made disaster.

43.1.3 DEFINITIONS.

43.1.3.1 Building Official is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.1.3.2 Safety assessment is a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a natural or man-made disaster.

43.1.4 PLACARDS. The following official placards shall be used to designate the condition of buildings or structures following a disaster.

43.1.4.1 INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

43.1.4.2 RESTRICTED OR LIMITED ENTRY may be posed on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

43.1.4.3 UNSAFE - Do Not Enter or Occupy may be posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

43.1.4.5 SECURING OF UNSAFE BUILDINGS OR STRUCTURES - Buildings or structures that have been determined by the building official to pose a threat to life safety or to be unsafe due to damage may be required by the building official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures shall not be removed without authorization from the building official.

43.1.4.6 REMOVAL OF PLACARDS - Once the placard has been attached to a building or structure, it shall not be removed, altered or covered until authorized by the building official.

43.1.5 VIOLATION. Any violation of Article 3, Chapter 43 of this code is a misdemeanor and shall be subject to punishment according to the provisions of Article 2, Chapter 1, Section 103.

Section 43.2 POST DISASTER ABATEMENT

43.2.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors.

43.2.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura.

43.2.3 DEFINITIONS. For the purpose of the chapter, the following definitions apply:

43.2.3.1 EVENT shall mean any occurrence which results in the declaration of a disaster by the Board of Supervisors, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

43.2.3.2 HISTORIC BUILDING OR STRUCTURE shall be any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

43.2.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

43.2.4 ABATEMENT CRITERIA

43.2.4.1 NOTICE OF DETERMINATION. Except as provided in subsection 43.2.4.2 below, the Building Official shall serve a written Notice of Determination to each property owner as found on the latest available copy of the County Assessor's Role. Said Notice of Determination shall be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and shall also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice shall specify that within forty-eight (48) hours from the time of issuance of the Notice of Determination, the owner or other part of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by the Building Official.

43.2.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice shall be required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the County to give the owner notice prior to abatement, the Building Official may cause the nuisance to be abated by the County with County resources or County contractees.

43.2.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the Building Official within

48 hours of delivery of such notice of determination by the Building Official. Such appeal shall be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should and/or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official shall rescind in writing his former Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan, or should the Building Official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the General Board of Appeals.

43.2.4.4 GENERAL BOARD OF APPEALS HEARING. At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses, submit evidence and to cross-examine the witnesses of the County. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the General Board of Appeals shall act to either uphold, overrule or modify the determination and order of the Building Official . The determination and order of the Building Official shall be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within twenty-four (24) hours of the time the oral decision is rendered.

If the General Board of Appeals upholds the decision of the Building Official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order shall be vacated. The decision of the General Board of Appeals shall be final on the date it is rendered.

43.2.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record shall execute such plan within twenty-four (24) hours of obtaining approval of the plan from the Building Official, or his designee. Within twenty-four (24) hours of completion of the abatement work the owner or other interested party of record shall provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Hazard, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall be reviewed and approved by the Building Official before permanent repairs are performed.

43.2.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Hazard or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public

nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the Building Official.

43.2.4.7 PUBLIC NUISANCE. All structures or portions thereof which, after inspection by an unauthorized County Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be abated by the owner in accordance with the procedures specified in sections 43.2.4.4 and 43.2.4.5.

43.2.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any provisions herein to the contrary, the Building Official is authorized to suspend abatement work by the County, or the County's contractees, and to allow the property owner or other part of legal interest to complete the abatement work.

43.2.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this Chapter.

43.2.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

43.2.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

43.2.5.1 NOTIFICATION OF IMMINENT HAZARD. Within 10 days after the event, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

43.2.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right of way.

43.2.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code.

43.2.5.2 CONDEMNATION PROCEEDINGS. If, ten (10) days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code. The Building Official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

43.2.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building Official shall submit a request to demolish to the Federal Emergency Management Agency, in

accordance with the National Historic Preservation Act of 1986, as amended. Said request shall include all substantiating data.

Section 43.3 DISASTER REPAIR AND RECONSTRUCTION

43.3.1 INTENT. This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The Chapter does not allow exemptions from the Building, Fire Electrical, Mechanical, Plumbing, other codes, or County Ordinances.

43.3.2 APPLICATION OF PROVISIONS.

43.3.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura following each disaster after a local emergency has been declared by the Board of Supervisors.

43.3.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an engineering evaluation as defined in Section 43.3.3.

43.3.3 DEFINITIONS. For the purpose of this chapter, the following definitions apply:

43.3.3.1 ARCHITECT is a person licensed by the State of California to practice architecture as prescribed by the State of California Business and Professions Code.

43.3.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering as prescribed by the State of California Business and Professions Code.

43.3.3.3 CURRENT CODE shall mean the edition of the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County of Ventura in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the Board of Supervisors, County of Ventura.

43.3.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs. All engineering evaluations shall include the engineer's or architects's stamp, wet-signature and license expiration date.

43.3.3.5 ESSENTIAL SERVICE FACILITY shall mean those buildings or structures designated by the County of Ventura to house facilities necessary for emergency operations subsequent to a disaster.

43.3.3.6 REPLACEMENT VALUE is the dollar value, as determined by a Building Official, for replacing a damaged structure with a new structure of the same size, same type of construction and same occupancy, and located on the same site.

43.3.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

43.3.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

43.3.3.9 BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.3.4 REPAIR CRITERIA

43.3.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

43.3.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system shall be repaired with all bracing required by current code.

43.3.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements shall be repaired and/or brought into conformance with the structural requirements of the current codes.

43.3.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the fire and life safety and structural requirements of the current applicable codes.

43.3.4.5 CHIMNEY VALUE EXCLUSION. In group R, Division 3 occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 43.3.5.

43.3.5 REPAIR CRITERIA FOR CHIMNEYS.

43.3.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 31 of the Uniform Building Code. Damaged portions of chimneys shall be removed in accordance with the following criteria.

43.3.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney shall be braced to the roof structure using an approved method.

43.3.5.3 SINGLE STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the firebox.

43.3.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where anchorage is found.

43.3.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound

condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

43.3.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 31 of the Uniform Building Code, alternate systems may be used in accordance with the alternate methods and materials provisions of the Uniform Building Code when approved by the Building Official.

43.3.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure using an approved method.

43.3.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

43.3.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

43.3.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair shall be as included in Section 43.3.4 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code shall apply.

43.3.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

43.3.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the California Conservation Code as adopted by the County of Ventura.

APPENDIX CHAPTER 3, DIVISION II
AGRICULTURAL BUILDINGS

Section 327 - CONSTRUCTION, HEIGHT AND ALLOWABLE AREA

327.2 SPECIAL PROVISIONS FOR AGRICULTURAL BUILDINGS. The area of a Group U, Division 3 Occupancy in a one-story building shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width, regardless of the type of construction.

EXCEPTION: The area of a one-story Group U, Division 3 Occupancy which is used elusively for growing flowers, plants, fruits, vegetables, shrubs, trees, or similar horticultural products (horticultural structure) shall not be limited if the setback from all property lines to the building is not less than twenty (20) feet and if such setback area is maintained open and accessible for fire fighting purposes. In no case shall the distance from property lines be less than that required by zoning regulations. The maximum travel distance to an exit may be increased by 100 feet if the building or structure is provided with an approved fire sprinkler system.

The area of a two-story Group U, Division 3 Occupancy shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width and is provided with an approved automatic fire-extinguishing system throughout, conforming to UBC standard No. 9-1.

Buildings using plastics shall comply with Type V-N construction. Plastics shall be approved plastics as defined in Chapter 2 and regulated by Chapter 26. For foam plastic, see Section 2602.

EXCEPTIONS: 1. When used as skylights or roofs, the areas of plastic skylights shall not be limited.

2. Except where designs must consider snow loads, plastics less than 20 mil (0.51 mm) thick may be used without regard to structural considerations. The structural frame of the building, however, shall comply.

Refer to Section 106.1.1 in this ordinance for permit exceptions which apply to specified agricultural buildings.

APPENDIX CHAPTER 18 - WATERPROOFING AND DAMPPROOFING FOUNDATIONS

Section 1825 - OTHER DAMPPROOFING REQUIREMENTS

1825.1. SUBSOIL DRAINAGE. When required by the building official due to the requirements of Sec. UBC Appendix 1820 and 1821, a base material shall be installed under the floor slab and under-slab drain system shall be installed around the foundation perimeter in accordance with this section.

> EXCEPTION: When the finished ground level is below the floor slab level for more than 25 percent of the perimeter of the building, the base material required by Section 1825.2 need not be provided, and the foundation drain required by Sections 1825.1 - 1825.3 need be provided only around that portion of the building where the ground level is above the floor slab level.

1825.2 BASE MATERIAL. When subsoil drainage is required under Appendix Section 1824, the requirements of Table UBC Table 18-D-1 for a sand bed under slab-on-grade construction shall be superseded by the requirements of this subsection.

Concrete slab-on-grade floors shall be placed over base material not less than 4 inches (102 mm) in thickness consisting of gravel or crushed stone containing not more than 10 percent material that passes a No. 4 sieve, and no material that is retained on a 1½ inch sieve.

Over this base material, dampproofing material shall be installed in compliance with Section 1822. The dampproofing material shall be overlain with a protective layer of 2 inches of sand. Special care shall be taken to prevent damage to the damp proofing membrane. All punctures or tears in the membrane shall be immediately patched and sealed.

APPENDIX CHAPTER 30
ELEVATORS, DUMBWAITERS, ESCALATORS
AND MOVING WALKS

Section 3008 PURPOSE

3008.1 MINIMUM REQUIREMENTS. The purpose of this appendix is to safeguard life, limb, property and public welfare by establishing minimum requirements regulating the design, construction, alteration, operation and maintenance of elevators, dumbwaiters, escalators and moving walks, and by establishing procedures by which these requirements may be enforced.

3008.2 STATE STANDARDS This appendix is intended to supplement the State of California Elevator Codes and Standards, and is applicable only to those areas not superseded by mandate of the State Codes and Standards.

APPENDIX CHAPTER 33 EXCAVATION AND GRADING

SECTION 3305 SCOPE This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

For the purposes of this Chapter, the term **"Building Official"** shall mean the Director of Public Works, as defined in Article 3, Sec. 203-B of this ordinance.

The standards listed below are recognized standards and as such are not adopted as part of this code (see Sections 3502 and 3503).

1. Testing

1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures

1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method

1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method

1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method

1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

3305.1 MINISTERIAL AND DISCRETIONARY PERMITS. The issuance or denial of a grading permit pursuant to this Code is a ministerial act for the purposes of Section 21080, subdivision (b) (1), of the Public Resources Code except in the following four cases:

1. Where the average natural slope within the area to be graded exceeds 10% and the amount of excavation or fill exceeds 10,000 cubic yards (7645.5 m^3);
2. Where the average natural slope within the area to be graded exceeds 35% and the mount of excavation of fill exceeds 1,000 cubic yards (764.6 m^3);
3. Where the proposed graded slopes exceed 25 feet (7620 mm) in vertical height; or
4. Where the proposed grading is to occur within a waterway or wetland' within an area officially designated by the County as a Sensitive Ecological, Archaeological, Scenic, or Biologically Sensitive Area; or within a recognized severe geologically hazardous area.

In each of the four cases listed above, the issuance or denial of a grading permit is discretionary for the purposes of Section 21080, subdivision (a), of the Public Resources Code except in the following three cases in which such issuance or denial is a ministerial act:

1. Where the grading permit is required by a condition imposed upon a discretionary entitlement previously approved by the County of Ventura and the effects of the grading for which the grading permit is required were addressed in an environmental document prepared and certified with respect to that previously approved entitlement; or

2. Where the grading is related to oilfield operations, involving the exploration for or the development or production of oil, and all of the following conditions are satisfied;

(a) The grading will be restricted to an area on which such oilfield operations may lawfully take place pursuant to an outstanding use permit for such operations issued by the county;

(b) The proposed graded slopes will be less than 40 feet (12192 mm) in vertical height;

(c) Before the grading commences, grading bonds are submitted to the Building Official guaranteeing all erosion control facilities, slope planting and slope maintenance necessary to meet then existing county standards; and

(d) Within 60 days of completion of the grading, all slopes created or modified thereby are hydromulched with a native plant and an irrigation system sufficient to ensure establishment of such native plants is installed.

3. Where the grading is related to oilfield operations involving the exploration for or the development of production of oil, and is limited to one or more of the following:

(a) Routine maintenance or repair of existing drill sites or existing roads which does not materially alter the location, size or configuration of the original sites or roads;

(b) Routing dredging of waste materials for which a permit has been issued by the Environmental Health Division of Ventura County Resource Management Agency.

The only discretionary powers to be exercised in conjunction with the issuance or denial of discretionary grading permits shall be exercised by the Building Official, or by the Board of Supervisors on appeal. Those discretionary powers shall be limited to all of those discretionary powers, (i) to issue the permit subject to conditions or changes in the project needed to mitigate significant environmental effects which would otherwise result from the grading, (ii) to deny the permit in order to avoid such effects, or (iii) to issue the permit despite such effects, as are conferred upon the lead agency by the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code) and are generally described in Section 15040 through 15043 of the State CEQA Guidelines (Section 15000 et seq. of Title 14 of the California Administrative Code).

With respect to a discretionary grading permit, the Building Official shall issue or deny the permit only after holding a public hearing, considering the applicable environmental document, if any, and certifying that such document has been prepared in compliance with the California Environmental Quality Act. The Building Official shall give at least 15 days written notice of such hearing to the applicant for the permit and to any owner of real property in the vicinity of the proposed grading whose property interest might be substantially affected by issuance or denial of the permit. The notice shall specify the time, date and place of the hearing, shall give a general description of the grading to which the permit application pertains, shall give a general description of the property on which the grading would occur, and shall state that any interested person will be given an opportunity to present relevant evidence at the hearing. The hearing shall be limited to, and any decision of the Building Official shall be based upon, the environmental issues with respect to which the Building Official has been granted discretion by this section.

Any interested person may appeal the issuance or denial of a discretionary grading permit by filing with the Building Official the appeal fee prescribed by the Board of Supervisors together with a notice of appeal on a form satisfactory to the Building Official within 10 days after the issuance or denial. The hearing on appeal shall be noticed and conducted by the Board of Supervisors in the same manner as the original hearing before the Building Official, except that the notice shall also be given to the appellant. The decision of the Board of Supervisors on appeal shall be issued in writing after the hearing on appeal and shall be final and conclusive when issued. A copy of the decision shall be served upon the applicant for the permit and upon the appellant. If the decision is to order the issuance of a grading permit previously denied or to modify a grading permit previously issued by the Building Official, the written order shall constitute the permit and shall include appropriate conditions.

A ministerial grading permit shall be operative immediately upon issuance. A discretionary grading permit shall become operative on the 15th calendar day after its issuance or, in the case of an appeal, on the date the Board of Supervisors issues its decision upholding or ordering issuance.

SECTION 3306 - PERMITS REQUIRED

3306.1. PERMITS REQUIRED. Except as specified in Section 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the building official.

3306.2 EXEMPTED WORK. A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.

2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells or tunnels or utilities.

6. Mining, quarrying, excavating, processing, stockpiling of rock. sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. Exploratory excavations under the direction of soil engineers or engineering geologists. This shall not exempt grading of access roads or pads for exploration equipment.

8. An excavation which (1) is less than 2 feet (610 mm) in depth, or (2) which does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).

9. A fill less than 1 foot (305 mm)in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth not intended to support structures, which does not exceed 50 cubic yards ($38.3m^3$) on any one lot and does not obstruct a drainage course.

10. Grading under an approved hillside erosion control plan in compliance with the hillside erosion control ordinance.

11. When approved by the building official, sand and gravel backfill behind retaining walls.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

Sec. 3307 HAZARDS.

3307.1 HAZARDS DECLARED A PUBLIC NUISANCE. Any existing excavation, embankment or fill on private property which has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, or fails to comply with the provisions of this Code is hereby declared to be a public nuisance.

3307.2 NOTICE AND ORDER TO ABATE. Whenever the Building Official has determined that such a nuisance exists, he/she shall issue a notice and order to the record owner of the property upon which the nuisance is located. The notice and order shall contain:

(1) The street address, if any, and a legal description sufficient for identification of the property upon which the nuisance is located.;

(2) A statement that the Building Official has found the excavation, embankment or fill to be on a public nuisance and a concise description of the conditions which render it a public nuisance;

(3) An order requiring that all applicable permits be secured and that the nuisance be abated within a specified time determined by the Building Official to be reasonable in circumstances;

(4) A statement that, if the nuisance is not abated within the time specified, the County man cause the work to be done and charge the cost thereof against the property or its owner;

(5) A statement that any person having a legal interest in the property may appeal from the notice and order to the Board of Grading Appeals if the appeal is made in writing as provided in this Section and is filed with the Clerk of the Board of Supervisors within 30 days of service of the notice and order; and

(6) A statement that failure, neglect or refusal to abate the nuisance within the time set forth in the notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals is a misdemeanor.

3307.3 SERVICE OF NOTICE AND ORDER. The notice and order shall be served and posted by the Building Official in the manner and subject to conditions set forth in subdivisions 3307.3, 3307.4 and (e) 3307.5 of Section 401 of the Uniform Code for the Abatement of Dangerous Buildings ("DBC"), as adopted by Article VI of the Ventura County Building Code, with respect to notices and orders relating to dangerous buildings.

3307.4 RECORDATION OF CERTIFICATE RESPECTING NUISANCE. If compliance is not had with the notice and order within the time specified therein or, if an appeal has been filed pursuant to this Section, within the time specified by the Board of Grading Appeals, the Building Official shall file in the Office of the County Recorder for recordation a certificate describing the property and certifying (1) that the excavation, embankment or fill constitutes a public nuisance, and (2) that the owner has been so notified. Whenever the nuisance shall thereafter have been abated, the Building Official shall file in the office of the County Recorder for recordation a new certificate describing the property and certifying that the nuisance has been abated.

3307.5 APPEAL FROM NOTICE AND ORDER. Any person entitled to service under subdivision 3307.3 of this Section may, upon payment of the fee prescribed by the Board of Supervisors for such purposes, appeal from the notice and order to abate the filing with the Clerk of the Board of Supervisors a written appeal in the form prescribed by the Building Official. The appeal shall be filed within 30 days after the date of service of the notice and order. Upon receipt of an appeal, the Clerk shall present it at the next regular or special meeting of the Board of Supervisors which, at such meeting, shall fix a date, time and place for the hearing of the appeal by the Board of Grading Appeals. Notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Clerk either by causing a copy of such notice to be delivered personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his/her address shown on the appeal. Enforcement of a notice and order to abate shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. In connection with the hearing,

the Board of Grading Appeals, and any member thereof, may administer oaths and affirmations and issue subpoenas. The hearing shall be conducted by the Board of Grading Appeals in the manner set forth in DBC Section 604. If, after the hearing, the Board of Grading Appeals determines that the excavation, embankment or fill does not constitute a public nuisance, it shall allow the appeal and cancel the notice and order to abate. If, after the hearing, the Board of Grading Appeals determines otherwise, it shall deny the appeal and set a date by which the nuisance must be abated, which date shall be no earlier that the last day of the period set forth in original notice and order to abate. The decision of the Board of Grading Appeals is final when made.

3307.6 COMPLIANCE WITH NOTICE AND ORDER REQUIRED. It shall be unlawful for any person, firm or corporation to who or to which a notice and order to abate is directed pursuant to this Section to fail, neglect or refuse to obey such order within the time specified in such notice and order or, in the case of an appeal, within the time set by the Board of Grading Appeals.

3307.7 ABATEMENT BY COUNTY UPON FAILURE TO COMPLY WITH NOTICE AND ORDER TO ABATE. If the nuisance is not abated within the time set forth in the notice and order to abate or, in the case of an appeal. by the date set by the Board of Grading Appeals, the Board of Supervisors may, without further notice or hearing. direct that the nuisance be abated by the County. Such abatement by the County shall not excuse any prior failure, neglect or refusal to comply with the notice and order to abate and shall be in addition to whatever other remedies may be provided by this Code or other provisions of law.

3307.8 SUMMARY ABATEMENT BY COUNTY IN EMERGENCY. If the nuisance threatens substantial injury to persons or property which is, in the opinion of the Building Official, so imminent as to require immediate corrective measures, the County may summarily abate such nuisance without complying with the provisions of subdivisions 3307.2 through 3307.7 of this Section; provided, however, that the Building Official shall give such notice to the owner of the property as may be practicable in the circumstances.

3307.9 MANNER OF ABATEMENT BY COUNTY; RIGHT OF ENTRY. Abatement by the County may be done directly by County personnel or through contractors in the same manner and subject to the same restrictions as public works. The County and its contractors may enter upon private property to effect such abatement.

3307.10 DETERMINING COST OF ABATEMENT BY COUNTY. The Building Official shall keep an itemized account of the costs of abatement by the County pursuant to subdivision 3307.7 or 3307.8 of this Section and, upon completion of the abatement work, shall prepare an itemized written report showing such cost. The Building Official shall thereupon forward a copy of the report to the Clerk of the Board of Supervisors who shall set a date (at least 10 days after receipt of the report), time and place for a hearing before the Board of Supervisors respecting such report and any objections thereto. Notice of such hearing shall be served and posted at least 10 days prior to the hearing in the manner and subject to the conditions set forth in subdivision 3307.3 of this Section with respect to the notice and order to abate. Such notice of hearing shall contain:

(1) The street address, if any, an a legal description sufficient for identification of the property affected by the report;

(2) A statement that the report has been prepared and is available for inspection in the office of the Building Official;

(3) A statement that the Board of Supervisors will hold a hearing to consider the report and any timely objections thereto;

(4) The date, time and place of such hearing;

(5) A statement that any interested person wishing to object to such report must file, prior to the hearing, a written statement of the grounds for the objection.

Any interested person may file written objections prior to the hearing. Each such objection shall contain a statement of the grounds therefor. A contention that the condition abated did not constitute a public nuisance shall be a ground for objecting to the report only if the report relates to a summary abatement pursuant to subdivision 3307.8 of this Section. At the hearing, the Board of Supervisors shall receive and consider the report, any timely written objections thereto, and such other information as it may deem proper. At the conclusion of the hearing, the Board of Supervisors may make such corrections in the report as it may deem just and, when it is satisfied that the report (as submitted or corrected) is correct, it shall, by resolution, determine the total amount of such cost of abatement attributable to each parcel of land upon which the abatement attributable to each parcel of land upon which the abatement took place.

3307.11 REIMBURSEMENT OF COUNTY FOR COST OF ABATEMENT. At any time within 10 days after the Board of Supervisors has adopted a resolution pursuant to subdivision 3307.10 of this Section determining the cost of abatement by the County, the Building Official may receive payment of such amount and issue receipts therefor. If payment is not received within such period of time, the Building Official shall forward a copy of the resolution to the Auditor-Controller.

3307.11.1 SPECIAL ASSESSMENT FOR COST OF ABATEMENT BY COUNTY. For cost of abatement by the County, pursuant to subdivision 3307.7 or 3307.8 of this Section, for which payment is not made pursuant to subdivision 3307.11 of this Section, shall be a special assessment against the parcel on which the nuisance has been located. Such special assessment shall be levied for the fiscal year commencing on the July 1 next following receipt by the Auditor-Controller of the resolution of the Board of Supervisors determining the amount of such cost. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchases for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

SECTION 3308 - DEFINITIONS. Section 3308 in the Appendix is hereby amended to include in addition to all of the definitions contained therein, the definitions of "Engineering Geologist", and "Isolated and Self Contained Area" as follows:

ENGINEERING GEOLOGIST. Is a certified engineering geologist duly licensed by the state who applies the geological sciences to engineering practice for the purpose of assuring that the geological features affecting the location, design, construction, operation and maintenance of engineering works are recognized and adequately addressed.

ISOLATED, SELF-CONTAINED AREA is that portion of a parcel of land or of contiguous parcels of land under single ownership which meets any one of the following three criteria:

1. The portion is used for growing crops or raising livestock for sale, but not for building sites or for the construction of earthfills which will impound water to a depth of more than 5 feet (1524 mm).
2. The portion contains water impounding structures constructed under the direct control of the U.S. Department of Agriculture, Soil Conservation Service.
3. The portion contains oilfield operations, involving the exploration for or the development or production of oil, which are established under an existing land use entitlement and all of the following criteria are met:

(a) The portion is not visible from a publicly maintained street, road or highway within 1.0 horizontal mile (1.609 km) of such portion;

(b) The portion is not visible from a private residence located within 1.0 horizontal mile (1.609 km) of such portion unless the owner and the tenant or such residence have signed a written waiver of this criterion; and

(c) The portion is so located and configured that grading thereon cannot cause a significant increase in the volume of silt or debris deposited on downstream property owned by any person other than the owner of the portion.

SECTION 3309 - GRADING PERMIT REQUIREMENTS

3309.3 GRADING DESIGNATION. All grading in excess of 1,000 cubic yards (764.6m^3) shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 1,000 cubic yards (764.6 m^3) shall be designated "regular grading" unless the permittee, chooses to have the grading performed as engineered grading, or the Building Official determines that special conditions or unusual hazards exist in which case grading shall conform to the requirements for engineered grading.

3309.9 PERMIT ISSUANCE. The provisions of Section 106.4 as published in the UBC are applicable to grading permits, except that every grading permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the grading and other improvements authorized by such a permit are not completed within 1 year from the date of such permit. The Building Official may extend the time for completion of the grading and other improvements authorized by the grading permit in increments not exceeding 1 year if circumstances beyond the permittee's control have prevented the completion of the project, and necessary time extension fees have been paid.

The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

Sec. 3310 GRADING PERMIT FEES. Grading permits and grading plan review fees shall be as set forth in schedules enacted by the Board of Supervisors. Except as otherwise specified in such schedule, grading permit and grading plan review fees shall not be refundable.

SECTION 3314 - SETBACKS

3314.1 SETBACKS-GENERAL. Cut and fill slopes shall be set back from site boundaries in accordance with this Section. The setbacks and other restrictions specified by this Section are minimum standards and may be increased by the Building Official or by recommendation of a civil engineer, soils engineer, or engineering geologist where necessary to assure slope stability, prevent damage to adjacent properties from deposition or erosion, provide access for slope maintenance and drainage, or otherwise provide for safety of the public.

SECTION 3315 - DRAINAGE AND TERRACING

3315.1 DRAINAGE AND TERRACING-GENERAL. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this Section for cut or fill slopes steeper than 1 unit vertical in 4 units horizontal (25% slope).

ARTICLE 4 - AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE (CEC)

ARTICLE 90 - INTRODUCTION

Sec. 90.1 POWERS AND DUTIES OF THE BUILDING OFFICIAL

90.1.1 CONNECTION TO ELECTRICAL INSTALLATIONS. Except where work is done under an annual electrical maintenance permit, it shall be unlawful for any person, firm, or corporation to make connection from a source of electrical energy or to supply electrical service to any electrical wiring, device, appliance, or equipment which requires a permit for installation, or to cause or permit same to be done, or to continue or allow to continue any such connection unless such person, firm, or corporation shall have obtained evidence from the Building Official that such equipment is authorized to be energized.

90.1.2 AUTHORITY TO ABATE. Any electrical wiring or equipment regulated by this Code, which is unsafe or which constitutes a fire or health hazard or is otherwise dangerous to human life is, for the purpose of this Section, unsafe. Any use of equipment regulated by this Code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Any such unsafe electrical wiring or equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure set forth in the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedure as may be adopted by the County. As an alternative, the Building Official or an authorized representative may institute any other appropriate action to prevent, restrain, correct, or abate the violation.

90.1.3 AUTHORITY TO CONDEMN WIRING AND EQUIPMENT. Whenever the Building Official ascertains that any electrical wiring or equipment, or portion thereof, regulated by this Code has become hazardous to life, health or property, a written order shall be issued to cause such wiring or equipment to be either removed or restored to a safe condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective equipment after receiving such notice.

90.1.4 EXEMPTED WORK. An electrical permit will not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.
2. Repair or replacement of fixed motors, transformers or approved fixed appliances of same type and rating and in the same location.
3. Temporary decorative lighting energized by cord or cable having an attachment plug end to be connected to an approved receptacle.
4. Reinstallation of attachment plug receptacles but not the outlets therefor.
5. Replacement of an overcurrent device of the same capacity and in the same location.
6. Repair or replacement of electrodes or transformers of the same size and capacity for approved signs or gas tube systems.
7. Removal of abandoned electrical wiring.
8. Electrical wiring, devices, appliance or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
9. Low-energy power, control and signal circuits of Class II and III as defined in this code.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

90.1.5 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 1 - GENERAL

Sec. 110.5. CONDUCTORS. Conductors normally used to carry current shall be of copper unless otherwise provided in this Code. Where the conductor material is not specified, the sizes given in this Code shall apply to copper conductors. Where other materials are used, the size shall be changed accordingly.

For aluminum and copper-clad aluminum conductors, see Tables 310-16 through 310-84 and Notes thereto in the NEC. Aluminum wire used under the provisions of this Code shall be a minimum of #6 A.W.G. conductors.

Sec. 110.8. WIRING METHODS. Only wiring methods recognized as suitable are included in this Code. The recognized methods of wiring shall be permitted to be installed in any type of building or occupancy, except as otherwise provided in this Code.
Wiring installations and equipment in existence at the time of passage of this Code may have their existing use continued if such use was legal at the time of passage and provided such continued use is not unsafe.

CHAPTER 2 - WIRING AND PROTECTION

Sec. 250-50(e). "UFER" GROUND REQUIRED. Notwithstanding other provisions of Section 250-50 in the NEC, the electrical service grounding electrode for new construction where concrete footings in direct contact with earth are employed shall be a bare copper conductor installed as specified in Section 250-50(c) in the NEC.

CHAPTER 3 - WIRING METHODS AND MATERIALS

Sec. 336.4. USES PERMITTED. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in agricultural buildings, one-family and two-family dwellings and accessory structures, in multi-family dwellings, and other structures, except as prohibited in Section 336-5. Cables in such structures shall be protected from physical damage. Where installed in cable trays, cables shall be identified for the use.

(FPN): See Section 310-10 for temperature limitation of conductors.

(a) **Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

(b) **Type NMC.** Type NMC cable shall be permitted:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16-in. (1.59-mm) thick, and covered with plaster, adobe, or similar finish.

(c) **Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

CHAPTER 7 - SPECIAL CONDITIONS

ARTICLE 700. EMERGENCY SYSTEMS:

FPN No. 6: For additional requirements for emergency power systems, refer to NFPA-20 "REQUIREMENTS FOR FIRE PUMP WIRING."

ARTICLE 5 - AMENDMENTS TO THE
CALIFORNIA MECHANICAL CODE (CMC)

CHAPTER 1 - ADMINISTRATION

Section 102 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Section 115 - FEES

Sec. 115.1. GENERAL. Refer to Article 2, Chapter 1 Section 107 in this ordinance.

Sec. 115.6 FEE REFUNDS. Refer to Article 2, Chapter 1 Section 107.6 in this ordinance.

CHAPTER 8 - CHIMNEYS AND VENTS

SECTION 812 - TYPES OF CHIMNEYS

812.1 FACTORY-BUILT CHIMNEYS. Factory-built chimneys shall be installed in accordance with the terms of their listing, the manufacturer's installation instructions and the applicable requirements of this code. Factory-built chimneys shall terminate as required for unlisted single-wall metal chimneys in Table 8-4.

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators.

EXCEPTION: Factory built chimneys for residential-type appliances and fireplaces may terminate three (3) feet above the roof opening and two (2) feet above any point of the building within ten (10) feet.

ARTICLE 6 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE (CPC)

CHAPTER 1 - ADMINISTRATION

Section 101.15 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Sec. 102.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL.

102.2.7 AUTHORITY TO ABATE. Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined in this Code, is hereby declared to be a nuisance.
Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this Section, the Administrative Authority shall require the nuisance or violation to be abated. If such abatement is refused, the Administrative Authority shall have recourse to every remedy provided by law to secure abatement.

Sec. 102.3 VIOLATIONS AND PENALTIES

102.3.2 PENALTIES - See Article 2, Chapter 1, Section 103 in this ordinance.

Section 103.1 - PERMITS

103.1.2 EXEMPTED WORK. A plumbing permit will not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste or vent piping, provided that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace all or part thereof with new material, the same shall be considered as new work, and a permit shall be obtained and inspections made, as provided in this code.

103.1.2.2 The clearing of stoppages or the repair of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, or the installation of new water closets on existing drainage connections, providing such repairs or reinstallation do not involve or require the replacement or rearrangement of valves or pipes. If it becomes necessary to remove and replace or rearrange valves, water piping, traps, drainpipe, soil, waste or vent pipes, the same shall be considered as new work, and a permit shall be obtained and inspections made as provided in the code.

103.1.2.3 EXEMPTIONS WITHIN SANITARY DISTRICTS. The provisions of this Code relating to building sewers as defined herein and to permits and fees therefor shall not apply within the boundaries of a sanitary district when the Building Official has determined that such district has adopted and is enforcing ordinances or regulations which are equal to or more restrictive than those contained in this Code.

CHAPTER 2 - DEFINITIONS

Section 202.0 - DEFINITIONS

SEEPAGE PIT. A seepage pit is a rock-filled excavation which receives the effluent from a septic tank and is so designed as to permit such effluent to seep through the bottom and sides of the pit into the surrounding soil.

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Sec. 601.0 RUNNING WATER REQUIRED

Section 601.1.2 REQUIREMENTS FOR WATER WELLS

(a) When the potable water supply for a structure is to be provided by a well, the well must pass the applicable pump and recovery test specified in the Ventura County Water Works Manual, as amended from time to time, for the purpose of demonstrating that the well is likely to remain an adequate source of potable water throughout the expected useful life of the structure.

EXCEPTIONS: A well shall not be required to pass the pump and recovery test if the structure to be served by it:

1. Is connected to a public water system or a state small water system as defined in Section 4010.1 of the Health and Safety Code; or
2. Overlies an aquifer that has been determined by the administrative authority to be adequate to meet all existing and projected demands made upon it for potable water without experiencing overdraft; or
3. Overlies an aquifer that may experience overdrafting but that has nonetheless been determined by the administrative authority, based upon a study and report prepared pursuant to the Ventura County Water works Manual, to be adequate to meet all existing and projected demands made upon it for potable water throughout the expected useful life of the structure.

(b) This section does not preclude the adoption and imposition of additional or more stringent well test requirements and standards in connection with subdivision approvals, conditional use permits, or other discretionary (as opposed to ministerial) permits.

CHAPTER 7 - SANITARY DRAINAGE

Sec. 701.0 MATERIALS OF DRAINAGE SYSTEMS.

701.1 Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, schedule 40 ABS DWV, schedule 40 PVC DWV, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

701.1.1 No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

701.1.2 ABS and PVC DWV piping installations shall be limited to residential construction, not more than two (2) stories in height.

701.1.3 No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (.3m) below ground.

Sec. 713.0 SEWER REQUIRED

713.4 CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEMS. When the applicant seeks to install a conventional private sewage disposal system, the public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.

APPENDIX CHAPTER K - PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. K-1. PRIVATE SEWAGE DISPOSAL: GENERAL REQUIREMENTS. (a) Where permitted by Section 305.2 of the UPC, as adopted and amended by this Code, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The type of system shall be determined on the basis of information contained in the soil report concerning location, soil porosity, groundwater, depth of fractured rock or impervious formations, and hillside stability, and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits, into a combination of subsurface disposal field and seepage pits, into a mound system or into a subsurface sand filtration system.

(d). SEWAGE DISPOSAL EXPANSION AREA. All private sewage disposal systems shall be so designed that additional seepage pits, subsurface drain fields, mound systems or subsurface sand filtration systems, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the 100% expansion area.

(f). PRIVATE SEWAGE DISPOSAL RESTRICTIONS. When there is insufficient lot area or improper soil or geological conditions for adequate and safe sewage disposal for the building or land use proposed, and the Administrative Authority so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Administrative Authority have been submitted and approved. The Administrative Authority may grant exceptions to the requirements of the Code in case of practical difficulty or unnecessary hardship provided that the installation is equivalent to the standards established by this Code and is not inimical to the health, safety or welfare of the general public.

(i). APPROVAL OF ALTERNATE SYSTEMS. Alternate sewage disposal systems as defined in this Code may be installed only by special permission of the Administrative Authority which shall be given only if the Administrative Authority is satisfied that the systems will conform to the following requirements:

1. Treated or untreated effluent shall not be discharged onto the surface of the ground.

2. Wastewater shall be disposed of on the parcel where it is generated, except as provided for in Section 721.2 of the UPC.

3. The reliability of proposed designs for alternate private sewage disposal systems shall be well-documented.

4. The system shall be capable of easy maintenance.

5. Installation and repair shall not require the use of extraordinary materials, parts, or equipment.

6. The system shall require a minimum of mechanical components for its operation.

7. The system shall not be highly energy consumptive.

8. Operation of the system shall not create health hazards, water pollution, or nuisance conditions.

Sec. K-3. AREA OF DISPOSAL FIELDS AND SEEPAGE PITS. The minimum effective absorptive area of disposal fields in square feet of trench bottom, and of seepage pits in square feet of sidewall, shall be predicated on the required septic tank capacity in gallons. The required absorption area shall be as set forth in Table UPC Appendix K-6 in this ordinance for disposal fields, and as set forth in Table K-4 in the UPC for seepage pits. In addition, disposal fields and seepage pits shall conform to the following:

1. When disposal fields are installed, a minimum of one hundred fifty (150) square feet of trench bottom shall be provided for each system exclusive of any hardpan, rock, clay or other impervious formations. Sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption areas. Such increase shall be limited to 50% of the required absorption area.

2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least 50% greater than the requirement for trenches. Perimeter sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption area.

3. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formation. The minimum required area of porous formation shall be provided in one or more seepage pits.

4. No excavation for a leach line or leaching bed shall extend with five (5) feet of the water table nor to a depth where sewage may contaminate an underground water stratum which may be usable for domestic purposes. The applicant shall supply satisfactory evidence of groundwater depth when required by the Administrative Authority.

5. Plastic leaching chambers shall be sized on bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-6 in this code with a 0.70 multiplier.

Sec. K-4. PERCOLATION TESTS. (a) Disposal fields and seepage pits shall be sized in accordance with the percolation tests or analyses required by subsection (b) of this Section.
(b) In order to determine the absorption qualities of soils, the proposed site shall be subjected to percolation tests and/or hydrometer analyses performed under the supervision of a California-registered environmental health specialist, civil engineer, geologist or engineering geologist. Such tests or analyses shall be performed in accordance with standards established by the Administrative Authority.
(c) Each test shall be made with clear water in an excavation which has been thoroughly soaked prior to the test.
(d) No subsurface disposal field shall be permitted to serve a building if percolation test rates are greater than sixty (60) minutes per inch.
(e) No seepage pit shall be permitted to serve a building if the absorption capacity of the soil surrounding the pit is less than 0.83 gal./sq.ft./day.
(f) Test data shall be submitted on a form provided for that purpose and shall include such information as may reasonably be required by the Administrative Authority to determine the correctness and adequacy of the proposed disposal system.

Sec. K-7. SEEPAGE PITS. (a) The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereunto, and on the character and porosity of the surrounding soil as determined by such tests as may be required and shall comply with Sec. UPC Appendix K-3 in this ordinance.

(b) Seepage pits may be used where conditions are unsatisfactory for the installation of leach lines or beds. In no case shall seepage pits extend more than sixty (60) feet below the surface of the ground.
(c) Multiple seepage pit installations shall be connected through an approved distribution box or diversion valve and watertight piping laid on undisturbed or compacted soil.
(d) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet. Seepage pits shall be filled with clean rock 3/4 inches to 2½ inches in diameter, free from fines, except when otherwise approved by the Administrative Authority. Effluent shall be conducted to the bottom of the excavation by means of approved perforated pipe extending to the entire depth of the pit. Approval shall be obtained prior to construction for any pit having an excavation diameter greater than six (6) feet.
(e) Where groundwater is encountered, the bottom of the pit shall be backfilled with clean coarse sand at least ten (10) feet above the ground water encountered.
(f) Each seepage pit shall have a minimum sidewall of ten (10) feet below the inlet.
(g) Connections between a septic tank and seepage pits shall be made with approved watertight pipe. Such pipe shall be laid on natural ground or compacted fill.
(h) Rock fill in seepage pits shall be covered with asphalt-treated building paper, and backfilled with a minimum of eighteen (18) inches of earth.
(i) Subsection (i) of Appendix Section K7 in the UPC is hereby deleted in its entirety.

Sec. K-9. SUBSURFACE DISPOSAL OF INDUSTRIAL WASTE. The discharge of industrial waste into a soil absorption system shall be prohibited unless specifically approved by the Administrative Authority.
Subsections (a) through (g) of Appendix Sec. K9 in the UPC and the Recommended Design criteria for commercial/industrial waste disposal are hereby deleted in their entirety.

Sec. K-13. ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.
(a) DEFINITION. Alternate private sewage disposal systems are specially-designed, engineered, and approved private sewage disposal systems suitable for use in localities where the Administrative Authority has determined that the presence of shallow groundwater, rock, or adverse soil, geologic, or hydrologic conditions makes the use of conventional sewage disposal systems potentially hazardous to public health. Alternate private sewage disposal systems shall be limited to "mound" systems and "subsurface sand filtration" systems as regulated herein.

(b) GENERAL REQUIREMENTS. Designs for alternate private sewage disposal systems may be accepted for review by the Administrative Authority when it has been adequately demonstrated that the character of the soil, geology, or hydrology of the site is such that a conventional private sewage disposal system will not function in accordance with recognized health and sanitation standards. Such systems shall be designed by a California-registered civil engineer or a California-registered geologist, who shall submit written verification upon completion of an alternate private sewage disposal system that the installation is in conformance with the approved design.

Properties served by alternate private sewage disposal systems shall be located within an approved on-site wastewater management district or equivalent governmental agency capable of providing necessary maintenance and repair services for private sewage disposal systems within its boundaries. Such systems shall conform with all applicable rules and regulations adopted by said district or agency.

The design and construction of alternate private sewage disposal systems shall comply with the requirements of this Section and with other appropriate criteria established by the Administrative Authority.

Component parts of alternate private sewage disposal systems shall comply with the applicable setback requirements in Table UPC Appendix K-1 of this Code. The construction and capacity of septic tanks installed as components of alternate systems shall comply with Section K5 and Table K-2 in the UPC.

Leach lines, leaching beds, and seepage pits which are components of alternate systems shall comply with the applicable requirements of this Code. No portion of a distribution bed or related filter material which is a component of a mound or subsurface sand filtration system shall be installed under a walkway, parking area, driveway, or similar paved surface.

The sizing of mound or subsurface sand filtration systems shall be based upon the average percolation rate of the natural soil at the location and depth of the proposed system, and the number of bedrooms or plumbing fixture units, in accordance with this Code and other applicable standards for sizing conventional leachlines, leaching beds and seepage pits. No alternate private sewage disposal system shall be permitted where the percolation rate exceeds sixty (60) minutes per inch.

(c) MOUND SYSTEMS. A mound system is an alternate private sewage disposal system which utilizes pressurized piping to deliver effluent from a septic tank into an above-ground gravel distribution bed, from which the effluent percolates and is filtered through mounded sand fill into natural soil. Typical components of such systems include a septic tank, lift pump and wet well, pressurized effluent piping, a sand fill mound, a distribution bed composed of gravel filter material and perforated distribution piping, a cover of topsoil over the top and sloped sides of the mound.

The lift pump and wet well shall be designed to handle peak flow from the septic tank. In no case shall pump capacity be less than twenty (20) gallons per minute not shall the pump motor be rated at less than one-half horsepower. The pump shall be approved for use in a sewage environment. The liquid holding capacity of the wet well shall be at least 300 gallons for one or two-bedroom dwelling units. An additional 100 gallons capacity shall be provided for each bedroom in excess of two. Equivalent capacity shall be provided for occupancies other than dwellings based on fixture unit calculations as set forth in this Code.

The wet well shall be fitted with automatic high and low level pump controls. Operation of the lift pump shall not cause surges in the liquid level within the tank. An alarm device shall be installed which will provide audio and visual warning signals to occupants of the property in advance of any overflow from the wet well.

Mounds shall not be installed on a slope greater than 12%. The base of the mound shall be located at least two (2) feet above the highest known seasonal groundwater elevation at the site and two (2) feet above fractured bedrock, if any. Fill material comprising the mound shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the fill material onto the mound. The slope of the sides of the mound shall be not steeper than 3 horizontal to 1 vertical.

Distribution beds shall be level and shall be located a minimum of five (5) feet above the highest known seasonal groundwater elevation at the site. Filter material comprising the bed shall be clean gravel varying in size from .75 inch to 2.5 inches. The total thickness of the bed shall be sufficient to provide a minimum of twelve (12) inches of filter material below, and at least two (2) inches of such material above all distribution piping within the bed. Distribution piping shall uniformly distribute effluent over the entire area of the bed. Distribution beds shall be of sufficient size to limit the application rate for effluent to not more than 1.5 gallons per square foot per day.

After filter material has been placed over the piping, the distribution bed shall be covered with untreated building paper, straw, or similar porous material to prevent closure of voids when earth covering is added. Topsoil shall be placed to a depth of at least twelve (12) inches over the top of the distribution bed, and shall be placed on the sloping sides of the mound to a thickness of at least six (6) inches.

(d) SUBSURFACE SAND FILTRATION SYSTEMS. A subsurface sand filtration system is an alternate private sewage disposal system which utilizes gravity to deliver effluent from a septic tank to a subsurface gravel distribution bed, from which the effluent is filtered through a bed of sand to reduce organic matter and pathogenic organisms, and thence percolates into natural soil. Typical components of such systems include a septic tank, effluent piping, a subsurface distribution bed composed of gravel filter material and perforated distribution piping, a sand filtration bed, and a leaching bed, leach lines, or seepage pits.

Distribution beds shall be designed and constructed in a manner similar to that set forth for mound systems in subsection (c) above, using approved, perforated gravity-flow piping in lieu of pressurized piping. Sand filtration beds shall extend not less than five (5) feet vertically below and five (5) feet horizontally from the edges of any distribution bed. Filtration material shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the filtration material into the filter bed excavation.

Section K-14 NON-HAZARDOUS LIQUID WASTE TRANSFER FACILITIES

Definition: A Non-Hazardous Liquid Waste Transfer Facility is a temporary holding facility for non-hazardous liquid waste from recreational vehicle holding tanks and portable toilets. A Non-Hazardous Liquid Waste Transfer Facility consists of a holding tank, liquid waste loading area with washdown equipment, associated piping, and holding tank liquid level alarm system.

1. Holding tank construction shall be consistent with UPC section K5, with the exception that baffles are not required and only one access port is required.

2. All piping, including but not limited to materials, cleanouts, and venting, shall be consistent with UPC sections 715.0 through 720.0, inclusive.

3. Minimum setbacks for holding tanks shall be as follows:

Streams and Watercourses	50 feet
Wells	50 feet
Groundwater	5 feet
Structures	5 feet
Property Line	5 feet
On-Site Domestic Water Line	5 feet
Public Water Main	10 feet

4. Minimum holding tank capacity shall be not less than three times the anticipated daily loading to the holding tank and in no case shall be less than 1,000 gallons.

5. An alarm system constructed of durable, corrosion-resistant material shall be installed on each holding tank. This alarm shall give a conspicuous audio and visual indication whenever the tank becomes two-thirds full.

6. The liquid waste loading area shall consist of an impermeable, easily cleanable area designed and constructed in a manner which prevents the formation of insanitary conditions. A ¾ inch water hose connection shall be installed at the liquid waste loading area to allow connection of a hose for area washdown following holding tank pumping. An approved backflow prevention assembly shall be installed in the water service line to the hose connection. Provisions shall be made to store the washdown hose off the ground. A warning sign shall be posted at the water hose connection reading: DANGER - UNSAFE WATER.

7. Holding tanks shall be pumped by a licensed pumper as needed. Quarterly reports of holding tank pumping shall be submitted to the Ventura County Environmental Health Division by March 30, June 30, September 30, and December 31 of each year.

8. Offer to grant an easement to County Service Area 32 is required. A contractual maintenance agreement with a public utility may also be required.

Section K-15 CLUSTERED SYSTEMS

(a) DEFINITION. Clustered systems are comprised of three or more private sewage disposal systems with soil absorption components located in a common area on a single legal lot.

(b) GENERAL REQUIREMENTS. All components of clustered systems shall comply with all applicable requirements of this Code pertaining to private sewage disposal systems and the following additional requirements:

1. The primary (installed) soil absorption components of the clustered system shall provide 200% of the minimum area calculated for each structure connected to the clustered system pursuant to Section K-3 of this Code.

2. Land area providing for complete replacement of the primary soil absorption components of the clustered system shall be set aside for future expansion, and shall conform with Table UPC Appendix K-1 of this Code.

3. a. For residential structures, each private sewage disposal system comprising the clustered system shall be connected to not more than one dwelling unit within a structure.

b. For non-residential structures, each private sewage disposal system comprising a clustered system shall be connected to one or more structures with a combined daily wastewater discharge not to exceed 1,500 gallons.

4. The soil absorption component of each private sewage disposal system within the clustered system shall be located at least sixteen horizontal feet from the soil absorption component of any other private sewage disposal system within the same clustered system.

5. When a clustered system is (or can become) located on land jointly owned by more than one owner of the structures served (e.g., condominium projects), an easement and agreement approved by the Environmental Health Division providing for access to inspect, maintain, and repair/replace the clustered system shall be recorded in the Office of the County Recorder.

6. A monitoring well, constructed and maintained in conformance with procedures adopted by the Administrative Authority, shall be provided in an approved location.

7. All distribution boxes within the clustered system shall be fitted with risers extending to finish grade elevation.

8. The applicant for each clustered system shall provide a signed statement from a California-Certified Engineering Geologist, certifying the following:

a. The proposed clustered system site is free against the potential hazard from landslide, excessive settlement and slippage.

b. Incorporation of geotechnical and geologic recommendations in concert with safe construction practices is anticipated to result in a site which is considered geotechnically and geologically suitable for the intended use and will not adversely affect adjoining properties.

TABLE UPC APPENDIX K-1
(Superscript numbers refer to footnotes (1) through (8) on next page

LOCATION OF SEWAGE DISPOSAL SYSTEMS

Minimum Horizontal Distance in Feet From:	Building Sewer	Septic Tank	Disposal Field	Seepage Pit	Subsurface Sand Filtration System	Mound System
Building or Structures[1]	2	5	8	8	8	20[7]
Property line adjoining private property	Clear[2]	5	5	8	8	10
Water supply well on suction line	50[3]	50	100	150	100[8]	100
Streams, lakes, tidal waters or ocean waters	50	50	50	100	100	100
Large Trees	--	10	--	10	10	--
Seepage pits or cesspools	--	5	5	12	--	--
Disposal Field	--	5	4[4]	5	--	--
On site domestic water service line	1[5]	5	5	5	5	5
Distribution Box	--	--	5	5	--	--
Pressure public water main	10[6]	10	10	10	10	10

NOTE: When disposal fields or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

When facilities are located near tidal or ocean waters, the horizontal distance shall be measured from the historically most landward location of the beach at the mean high tide elevation. Structures or facilities shall be constructed in accordance with Federal, State and local laws to prevent erosion of the beaches and movement of the mean high tide closer than the horizontal distances specified above.

FOOTNOTES TO TABLE UPC APPENDIX K-1

(1) Including porches and steps, whether covered or uncovered, breezeways, roofed port-cocheres, roofed patios, carports, covered walks, covered driveways and similar appurtenances.

(2) See Section 313.3 of the UPC.

(3) The distance may be reduced to not less than twenty-five (25) feet when approved metallic piping is installed. Where special hazards are involved, the distance required shall be increased as may be directed by the County Health Officer or the Administrative Authority.

(4) Plus two (2) feet for each additional foot of depth in excess of one (1) foot below the bottom of the drain line (see Sec. K6(i) of the UPC).

(5) See Sec. 720.0 of the UPC.

(6) For parallel construction. For crossings, approval by the Administrative Authority is required.

(7) This distance shall be increased to 30 feet when the system is located upslope of the structure.

(8) This distance shall be increased to 150 feet when seepage pits are used as a component of the system.

TABLE UPC APPENDIX K-6
(Letters in parenthesis refer to footnotes below)

ABSORPTION AREA REQUIREMENTS

Percolation Rate (Time in minutes required for water to fall one inch)	Required Absorption Area (Sq. ft. per bedroom using standard leach lines. See notes (a) through (e) below.
1 or less	75
2	85
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
over 60 (e)	---

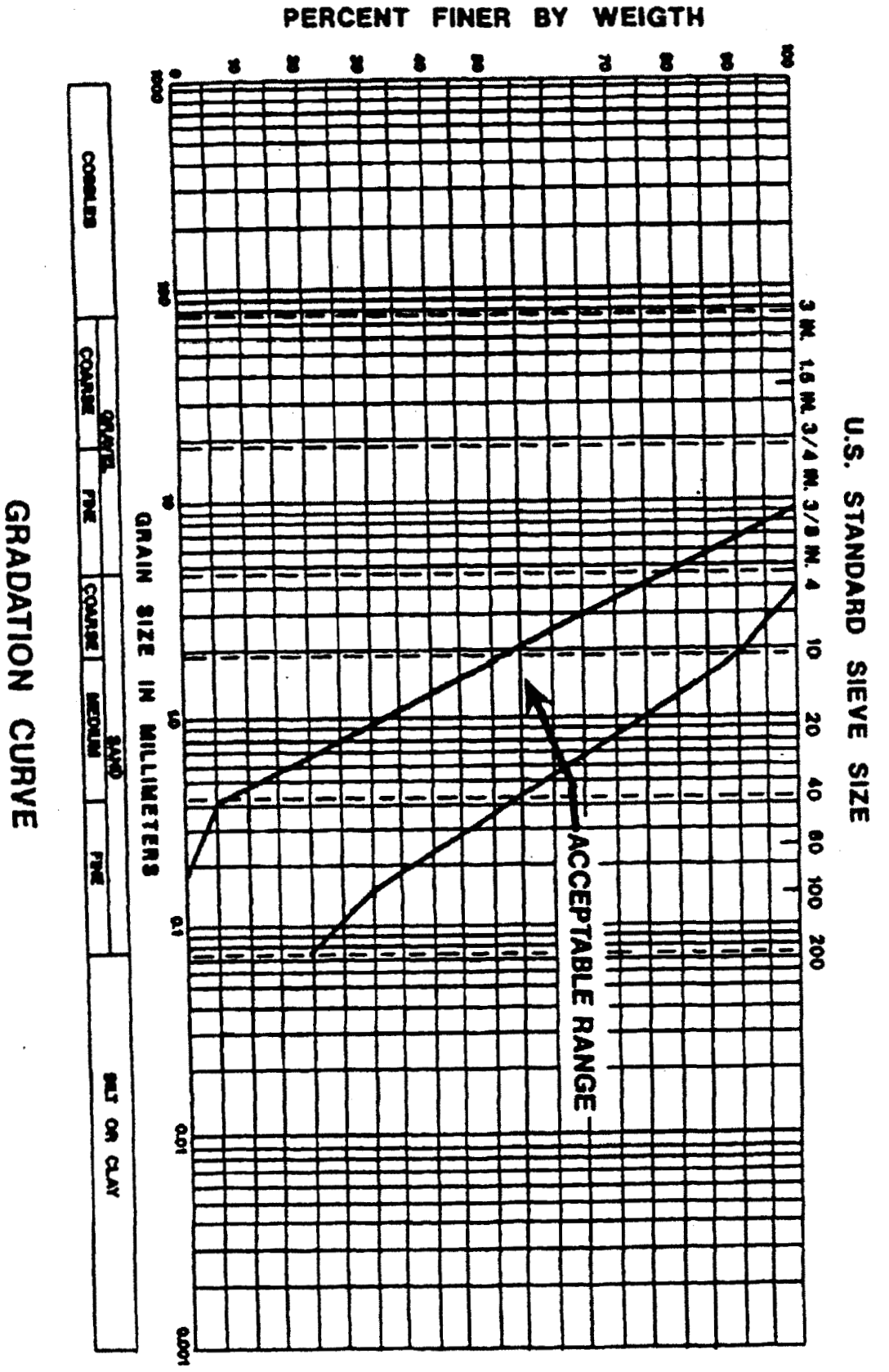
(a) Sufficient usable land area must be available to provide 100% expansion of required absorption area when/if necessary. See Sec. UPC APPENDIX K-1(d) in this Code.

(b) Absorption area should be sufficient to accommodate increased future use stemming from the addition of bedrooms or conversion of unfinished spaces to bedroom use, whenever such changes can be reasonably be anticipated.

(c) The absorption area for leach lines and leaching beds is calculated as trench bottom area only except as provide in Sec. UPC APPENDIX K-3 in this ordinance. Minimum required area for leaching trenches is 150 sq. ft.

(d) The above table allows for the connection of domestic food waste units and automatic clothes washing machines without further increase in absorption area.

(e) Soil having a percolation rate over 60 min/inch is unsuitable for installation of an absorption system.



GRADATION CURVE

TABLE UPC APPENDIX K-7

419-1.02

ARTICLE 7 - AMENDMENTS TO THE UNIFORM HOUSING CODE (UHC)

CHAPTER 1 - TITLE AND SCOPE

Section 104 - APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

104.2. RELOCATION. Buildings or structures moved into or within the County shall comply with the provisions of Article 2, Chapter 40 in this ordinance.

Section 105 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. APPEALS BOARD.

203.1 - GENERAL The Housing Advisory and Appeals Board, for the purposes of this housing code, shall be the General Board of Appeals as set forth in Article 2, Chapter 1, Section 105 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 in the UHC.

Sec. 204. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

CHAPTER 3 - PERMITS AND INSPECTIONS

Sec. 302 FEES. Refer to Article 2, Chapter 1, Section 107 in this ordinance.

CHAPTER 12 - APPEAL

Section 1201 - GENERAL

1201.2. PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 1201 in the UHC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.
The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a substandard building or the premises on which it is located.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 1401 - COMPLIANCE

1401.1. GENERAL. After any order of the Building Official or a Board of Appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor or infraction.

ARTICLE 8 - AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

CHAPTER 1 - TITLE AND SCOPE

Sec. 104 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

Sec. 205. APPEALS BOARD. The appeals Board for the purposes of the Dangerous Buildings Code shall be the General Board of Appeals as set forth in Article 2 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 501 in the DBC.

CHAPTER 5 - APPEAL

Section 501 - GENERAL

501.2 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 501 in the DBC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals. The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a dangerous building or the premises on which it is located.

CHAPTER 7 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 701 - COMPLIANCE

701.1 GENERAL. After any order of the Building Official or a board of appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor/infraction.

ARTICLE 9 - AMENDMENTS TO APPENDIX CHAPTER 1 OF THE CALIFORNIA CONSERVATION CODE (CCC)

APPENDIX CHAPTER 1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

Section A100 - GENERAL

A100.1 PURPOSE. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

A100.2 SCOPE. The provisions of this Chapter shall apply to all existing buildings in Seismic Zones 3 and 4 which were constructed or under construction, or for which a building permit was issued, prior to May 10, 1962, having at least one unreinforced masonry wall. Except as provided herein, all other provisions of the Uniform Building Code shall apply.

EXCEPTIONS: This code shall not apply to:

1. Detached one or two story family dwellings, detached apartment houses containing less than 5 dwelling units and used solely for residential purposes, and hotels/motels containing less than 5 guest rooms.

2. Essential Facilities as defined in Table 16K of the Uniform Building Code.

3. Hazardous Facilities as defined in Table 16K of the Uniform Building Code.

This does not require alteration of existing electrical, plumbing, mechanical or fire safety systems.

A100.3 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

A100.4 COUNTY ORDINANCE HISTORY. This article together with Article 1, Chapter 8 is a restatement of Ventura County Ordinance No. 3948 which it hereby supersedes. The section numbering has been revised to be consistent with the current numbering sequence found in the U.C.B.C.

Section A101 ADMINISTRATIVE PROVISIONS

A101.1 DEFINITIONS. For the purposes of this Division, the applicable definitions in the Uniform Building Code shall also apply.

HIGH RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of 100 occupants or more as determined by Section 1002.1 and Table 10-A of the Uniform Building Code.

EXCEPTIONS: A high risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum height of 1-1/2 times the story height.

2. Any building used for its intended purpose, as determined by the Building Official for less than 20 hours per week.

LOW RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of less than 20 occupants as determined by Section 1002.1, Table 10-A, of the Uniform Building Code.

MEDIUM RISK BUILDING is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load of 20 occupants or more as determined by Section 1002.1, Table 10-A of the Uniform Building Code.

A101.2 **Rating Classifications.** The rating classifications identified in Table A-9-A are hereby established and each building within the scope of this Division shall be placed in one such rating classification by the Building Official. The total occupant load of the entire building as determined by Section 1002.1, Table 10-A of the Uniform Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this Division, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

A101.3 **Compliance Requirements.** 1. The owner of each building within the scope of this Division shall, upon service of an order and within the time limits set forth in this Division, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this Division, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within scope of this Division shall comply with the requirements set forth above by submitting to the Building Official for review within the stated time limits:

A. Within 270 days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this Division; or

B. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Division; or

C. Within 120 days after service of the order, plans for installation of wall anchors in accordance with the requirements specified in Section A113 of the UCBC; or

D. Within 270 days after service of the order, plans for the demolition of the building.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-9-B. These time limits shall begin to run from the date the order is served in accordance with Section A101.4.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners electing to comply with A101.3 of this subsection are also required to comply with Items A101.2 or A101.4 of this subsection provided, however, that the 270-day period provided for in Items A101.2 or A101.4 and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A-9-B shall be extended in accordance with Table No. A-9-C. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A101.4 except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

A101.4 **Administration.**

A101.4.1 Order - Service. A. The Building Official shall, in accordance with the priorities set forth in Table No. A-9-C, issue an order as provided in this section of other owner of each buildings within the scope of this Division.

B. Prior to the service of an order as set forth in Table No. A-9-C, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this Division. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

A101.4.2 Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Division shall be in accordance with the rating classification as shown on Table No. A-9-C. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A-9-C shall be measured from the effective date of this Division. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Division prior to the normal service date for such building set forth in this Division.

A101.4.3 Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Division and, therefore, is required to meet the minimum seismic standards of this Division. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A101.3, which sets forth the owner's alternatives and time limits for compliance.

A101.4.4 Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Division to the Board of Appeals established by Section 105 of the Ventura County Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A101.4 Any such appeal shall be decided by the Board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Division shall be made in accordance with the procedures established in Sections 104.2.7 and 104.2.8 of the Uniform Building Code.

A101.4.5 Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this Division and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Division has not been demonstrated.

If the building is either demolished, found not to be within the scope of this Division or is structurally capable of resisting minimum seismic forces required by this Division as a result of structural alterations or an analysis, the Building Official shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this Division.

A101.4.6 Enforcement. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section A101.3, the Building Official shall verify that the owner of record of this building has been properly served. If the order has been served on the owner of record, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the Uniform Building Code.

Section A102 GENERAL REQUIREMENTS

A102.1 **GENERAL.** All buildings shall have a seismic resisting system conforming with Section 1603.3 of the Uniform Building Code, except as modified by this Division.

A102.2 **Alterations and Repairs.** Alterations and repairs required to meet the provisions of this Division shall comply with all other applicable requirements of the Uniform Building Code unless specifically provided for in this Division.

(c) A102.3 **Requirements for Plans.** The following construction information shall be included in the plans required by this Division.

1. Accurately dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing material. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned and drawn to scale on the plans.

2. Accurately dimensioned wall elevations showing openings, piers, wall classes as defined in Section A106.3, thicknesses, and heights, wall shear test locations, cracks or damaged portions requiring repairs, the general condition of the mortar joints, and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.

5. The extent and type of parapet corrections which were previously perform, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this Division.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section A113.

TABLE NO. A-9-A RATING CLASSIFICATIONS	
TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A-9-B TIME LIMITS FOR COMPLIANCE			
Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year[1]	180 days[2]	3 years[2]
Wall Anchors	180 days[1]	270 days[2]	1 year[2]

[1]Measured from date of service of order.

[2]Measured from date of building permit issuance.

TABLE A-9-C EXTENSIONS OF TIME AND SERVICE PRIORITIES			
Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ADOPTED this 5th day of November, 2002 by the following vote:

AYES: Supervisors Bennett, Schultz, Long, Mikels + Flynn

NOES: None

ABSENT: None

John K. Flynn
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Paula R Placencia
Deputy Clerk of the Board

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RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

September 25, 2002

Architects, Engineers, Builders and Other Interested Parties

Re: Your Review and Comments on the 2001 Ventura County Building Code

I have prepared the draft of the 2001 edition of the Ventura County Building Code (V.C.B.C.) and would like you or your organization to review it. Please forward your comments to me. The new draft contains some new amendments to the previously adopted 1998 edition of the VCBC, although the number of amendments is small. I have included a copy of the draft for your review and comments.

In general, the Ventura County amendments have been minimized to follow the State adopted code language more closely. Many of the amendments from prior editions have simply been carried forward with no changes. Overall, the number of changes in this edition is very small compared to years past. One of the reasons for this is that the 1997 Uniform Building Code is being re-adopted by the State. Therefore, there is no change in the building code this time. Consequently, the same amendments still apply.

Most of the administrative amendments deal with local County issues such as the County organization and the division of responsibilities between the Building and Safety Division (for most of the code), the Public Works Agency for grading and flood control requirements, and the Environmental Health Division for housing issues and private sewage disposal systems.

For technical matters, changes have been made to address local seismicity issues, a lessening of permit requirements for agricultural buildings and other structures, and refinements in the requirements for swimming pools.

I am planning to present the ordinance to the Board of Supervisors for adoption soon. I would, therefore, appreciate your written comments as soon as is convenient for you. That will allow me time to analyze and incorporate your comments, if needed.

MAIN OFFICE, L #1720
800 South Victoria Avenue, Ventura, CA 93009 (805) 654-2771 FAX (805) 648-9212
BRANCH OFFICES
East County: 3855-F Alamo Street, L #5915, Room 2019-A, Simi Valley, CA 93065 (805) 582-8064 FAX (805) 582-8085

ATTACHMENT "C"

Thanks for your continued assistance by providing input on the adoption of the code. If you have any questions or would like to discuss any matters with me, feel free to call me at (805) 654-2787.

Sincerely,

Jack Phillips,
Building Official,
County of Ventura

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RESOLUTION NO. 206

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ADOPTING EXPRESS FINDINGS REGARDING MODIFICATION OF UNIFORM CODES WHICH REGULATE BUILDINGS SUBJECT TO THE STATE HOUSING LAW

WHEREAS, pursuant to Health and Safety Code Sections 17958.5 and 17958.7, a County may make such modifications in the requirements of the regulations adopted pursuant to Health and Safety Code Section 17922 as it determines to be reasonably necessary because of local conditions if it makes express findings that such modifications are needed and if such findings, together with the modifications, are made public records on file with the Division of Building and Safety, and filed with the California Building Standards Commission pursuant to Health and Safety Section 17958.7; and

WHEREAS, pursuant to the decision in the case of Baum Electric Co. v. City of Huntington Beach (1973), 33 Cal. App. 3rd 573, a County may make such modifications in the requirements of the regulations adopted pursuant to Health and Safety Code Section 17922 as it deems to be reasonably necessary in order to safeguard life and property if it makes express findings that such modifications are needed and if such findings, together with the modifications, are made public records on file with the Division of Building and Safety;

NOW, THEREFORE, BE IT RESOLVED that it is reasonably necessary because of local conditions to modify certain sections of the uniform codes as shown in the attached "Analysis of Revisions and Statement of Findings for the 2001 Ventura County Building Code."

Upon motion of Supervisor Schultz, seconded by Supervisor Mikels, and duly carried, the foregoing resolution was approved on October 8, 2002.

John K. Flynn
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Laura L. Placencia
Deputy Clerk of the Board

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ATTACHMENT "D"

September 26, 2002

Analysis of Revisions and Statement of Findings for the 2001 Ventura County Building Code

The following analysis discusses the changes included in the Ventura County Building Code as proposed by the Resource Management Agency, Division of Building and Safety.

In the legislative edition of the Ventura County Building Code, newly added words or phrases are shown as underlined. Words or phrases deleted are shown as being stricken out.

This analysis will provide a concise report for the purpose of facilitating the adoption of the proposed code revisions.

This revision adopts the most current editions of the State adopted codes and other "model" codes as follows:

California Building Code - 2001 Edition
California Electric Code - 2001 Edition
California Mechanical Code - 2001 Edition
California Plumbing Code - 2001 Edition
Uniform Housing Code - 1997 Edition
Uniform Code for the Abatement of Dangerous Buildings - 1997 Edition
Appendix Chapter 1 of the California Conservation Code - 2001 Edition

Amendments discussed below are those that have been made since the last adoption of the VCBC. Former amendments that are merely carried forward without change are not addressed as new changes in this analysis.

The amendments to the above-adopted codes are as follows:

REVISIONS THROUGHOUT THE VENTURA COUNTY BUILDING CODE (VCBC):

All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other adopted model codes.

Section numbers have been changed where they have either changed themselves in the adopted codes or were required to be changed because of other changes in the adopted codes.

Titles of chapters or sections have been changed where changes have occurred in the adopted codes.

Various other editorial changes such as re-titling of sections and highlighting defined words in bold occur throughout the code. These changes are editorial only.

REVISIONS BY ARTICLE AND SECTION NUMBER

ARTICLE 1 - ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND OTHER MODEL CODES BY REFERENCE

ATTACHMENT "E"

CHAPTER 1 - ADOPTION INTO THE VENTURA COUNTY BUILDING CODE

Section 104. COPIES OF CODE FOR SALE TO THE PUBLIC. Copies of the Ventura County Building Code shall be made available in the office of the Division of Building and Safety for examination. ~~and~~ pPurchase ~~of the codes~~ by the public at a price not to exceed the actual cost thereof to the County plus a reasonable handling charge as established by the Building Official is ~~may be available depending on the stock on hand~~.

ANALYSIS:

This is an editorial change that has been made to clarify that code books may not always be available for sale.

CHAPTER 2 - ADOPTION OF THE CALIFORNIA BUILDING CODE

Section 101. ADOPTION. That building code known as the "California Building Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 2 - a portion of the "California Building Standards Code", which incorporates by reference the 1997 edition of the Uniform Building Code with adopted California amendments, together with Appendices Chapter 3, Division I; Chapter 3, Division II; Chapter 4, Division II; Chapter 12, Division I; Chapter 12, Division IIA; Chapter 15; Chapter 16, Division IV; Chapter 18; Chapter 29; Chapter 30; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33 promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose and subject matter of which, among other things, is to protect the public health and safety as set out in Section 101.2 of the Uniform Building Code, is hereby adopted and enacted as the primary building code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein subject to the following amendments.

ANALYSIS:

The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.

CHAPTER 3 - ADOPTION OF THE CALIFORNIA ELECTRICAL CODE (CEC)

Section 101. ADOPTION - That Electrical Code known as the "California Electrical Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 3 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1996~~ 1999 edition of the National Electrical Code with necessary California amendments, promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269; the purpose of which, among other things is to provide minimum standards for the design, installation, maintenance, and use of electrical wiring and electrical apparatus in order to safeguard persons and property from electrical hazards, is hereby adopted and enacted as the primary Electrical Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein, with specific modifications as indicated in Article 4:

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the

amendments. Ventura County amendments to the California Electrical Code are found in Article 4 of this code.

ANALYSIS:

The California Electrical Code is adopted with amendments as shown in Article 2 and Article 4.

CHAPTER 4 - ADOPTION OF THE CALIFORNIA MECHANICAL CODE (CMC)

Section 101. ADOPTION. That mechanical code known as the California Mechanical Code, "~~1998~~ 2001 Edition and also known as the California Code of Regulations (C.C.R.), Title 24, Part 4 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1997~~ 2000 edition of the Uniform Mechanical Code with necessary California amendments, and Appendices A, B, C, and D promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, and as amended herein, the purpose and subject matter of which, among other things, is to protect public health and safety as stated in Section 102 of said code, is hereby adopted and enacted as the primary mechanical code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments which follow. Ventura County amendments to the California Mechanical Code are found in Article 5 of this code.

ANALYSIS:

The California Mechanical Code and certain appendices are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code edition is now that version published by the International Association of Plumbing and Mechanical Officials.

CHAPTER 5 - ADOPTION OF THE CALIFORNIA PLUMBING CODE (CPC)

Sec. 101 ADOPTION. That plumbing code known as the "California Plumbing Code," ~~1998~~ 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 5 - a portion of the "California Building Standards Code", which incorporates by reference the ~~1997~~ 2000 edition of the Uniform Plumbing Code with necessary California amendments, together with Uniform Plumbing Code Appendices A, B, C, D, E, G-A, H, I, J, K and L promulgated and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825, the purpose and subject matter of which is to protect public health and safety by establishing minimum regulations for the installation, alteration, or repair or plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the County and made a part of this Code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Section 102 AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the California Plumbing Code are found in Article 6 of this code.

ANALYSIS:

The California Plumbing Code and certain appendices are adopted with amendments as shown in Article 2 and Article 6.

CHAPTER 6 - ADOPTION OF THE UNIFORM HOUSING CODE (UHC)

Section 101. ADOPTION - That Housing Code known as the "Uniform Housing Code," 1997 Edition which was promulgated and published by the International Conference of Building Officials, 5360 South Workingman Mill Road, Whittier, California 90601, the purposes and subject matter of which among other things is to protect the public health and safety as set out in Section 102 of said Code, is hereby adopted and enacted as the primary Housing Code of the County and is made a part of this Code by reference with the same force and effect as if fully set forth herewith with specific modifications as indicated below.

Section 102. AMENDMENTS. Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to the Uniform Housing Code are found in Article 7 of this code.

ANALYSIS:

The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.

CHAPTER 7 - ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

Section 101 ADOPTION. That code known as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, the purpose of which, among other things, is to protect the public health and safety as set out in Section 102 of this Code, is hereby adopted and enacted as the Code for Abatement of Dangerous Buildings in the County and is made a part of this Code by reference with the same force and effect as if fully set forth herein with specific modifications as indicated below. This Code will be referred to herein as the Dangerous Buildings Code.

Sec. 102 AMENDMENTS. Refer to Article 2, Chapter 1, Sec. 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments Ventura County amendments to the Dangerous Buildings Code are found in Article 8 of this code.

ANALYSIS:

The Uniform Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.

CHAPTER 8 - ADOPTION OF APPENDIX CHAPTER 1 OF THE ~~UNIFORM CALIFORNIA CONSERVATION CODE~~ (U CCC)

Sec. 101 ADOPTION: ~~Appendix Chapter 1 of that code known as the Uniform Code for Building Conservation, 1997 Edition,~~ That building conservation code known as the "California Conservation Code," 2001 Edition, and also known as the California Code of Regulations (C.C.R.), Title 24, Part 10 - a portion of the "California Building Standards Code" which incorporates by reference Appendix Chapter 1 of the 1997 Edition of the Uniform Code for Building Conservation, promulgated and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as amended herein, the purpose and subject matter of which, among other things, is to promote public safety and welfare by reducing the risk of death or injury from the effects of earthquakes on existing unreinforced masonry bearing wall buildings as stated in Section A101 of said code, is hereby adopted as the primary unreinforced masonry building conservation code of the County and made a part of this code by reference with the same force and effect as if fully set forth herein, subject to the following amendments.

Sec. 102 AMENDMENTS: Refer to Article 2, Chapter 1, Section 101.23 in this ordinance for an explanation of the section numbering and cross-referencing system used for the amendments. Ventura County amendments to Appendix Chapter 1 of the Uniform Code for Building Conservation are found in Article 9 of this code.

ANALYSIS:

Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation (UCBC) because of its adoption by the State. The model code it references (the 1997 UCBC) has not changed, however.

ARTICLE 2 - AMENDMENTS OF GENERAL APPLICATION TO ALL OF THE ADOPTED STATE AND MODEL CODES

CHAPTER 1 - ADMINISTRATION

Sec. 103 VIOLATIONS.

103.1 GENERAL. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, building service equipment, machine or equipment or cause or permit the same to be done in violation of this Code or to violate any provision of this Code.

103.3 INFRACTIONS. It shall be an infraction of law for any person to remove, deface, or alter a posted notice of the Building Official or duly appointed representative when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this code.

103.4 MISDEMEANORS. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, misdemeanor/infraction, or infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion

such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Each and every violation of any provision of this Code is a misdemeanor unless designated by this Code to be an infraction or a misdemeanor/infraction.

103.5 MISDEMEANORS/INFRACTIONS. Every violation of this Code designated a misdemeanor/infraction shall be a misdemeanor; provided that, where the District Attorney has determined that such action would be in the best interests of justice, the District Attorney may specify in the accusatory pleading that the violation shall be an infraction and the violation shall then be prosecuted as an infraction.

103.6 PUNISHMENTS. Any person convicted of a misdemeanor, the penalty for which is not otherwise prescribed, shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months or both such fine and imprisonment. Any person convicted of an infraction, the penalty for which is not otherwise prescribed, shall be punished by (a) a fine not exceeding one hundred dollars ($100) for the first violation; (b) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance provision within one year; and (c) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance provision within one year.

ANALYSIS:

This section has been amended to provide specific definitions and penalties for violations of the codes. This is an administrative change.

104.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

104.2.1 ENFORCEMENT OF CODES. The Building Official is hereby authorized and directed to enforce all the provisions of this Code and of the codes adopted by reference hereby. The decision of the Building Official in enforcing the provisions of this Code or of the codes adopted by reference, or in interpreting the provisions thereof, or in exercising the authority delegated thereby shall be final, subject to appeal as provided in this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

Whenever in this Code or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards, or rules or regulations as part of this Code or of any of the codes adopted by reference hereby unless set out in full herein, but they shall be considered and may be used by the Building Official as guides to assist in determining whether or not there has been compliance with the provisions of this Code. The Building Official shall not be bound by the provisions of any such other codes, standards, interpretations, or rules or regulations not expressly adopted by reference in this Code in determining such compliance.

104.2.2 DEPUTIES. In accordance with the prescribed procedures and with the approval of the appointing authority of the County, the Building Official may, from time to time, appoint such number of officers, inspectors, assistants and other employees as shall be necessary to carry out the functions of the Division of Building and Safety and act as duly authorized representatives of the Building Official.

104.2.3 RIGHT OF ENTRY. Whenever it is necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, hazardous, or insanitary, the Building Official or his authorized representative may enter such building, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons having charge or control of the building, structure, or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

104.2.4 STOP ORDERS. Whenever any building work is being done contrary to the provisions of this Code, or in violation of applicable ordinances of other County agencies, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

Whenever the Building Official finds that a building or structure for which a permit has been issued may be flooded or is subject to erosion hazard if the work is completed in the manner proposed, or that the completion of such work will cause the flooding of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of the Ventura County Flood Control District (P.W.A.), or other qualified County officer for a determination as to such danger. If the Director of the aforementioned District or other qualified County officer reports that substantial danger exists, the Building Official shall order work stopped until plans to alleviate such danger have been reviewed and approved by said Director or County officer.

Failure to order work stopped or to make such referral or both shall not be construed as a representation that danger of flooding or erosion does not or will not exist if the work is completed in the manner proposed.

104.2.5 OCCUPANCY VIOLATIONS. Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that in the event of an unsafe building Section 102 in the Uniform Building Code shall apply.

104.2.6 LIABILITY. The Building Official or his authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or

property as a result of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by the legal department of the County until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this code.

104.2.11 REPORTS AND RECORDS. The Building Official shall submit a report to the proper County official not less than once a year covering the work of the department during the preceding period. He shall incorporate in said report a summary of his recommendations as to desirable amendments to this Code.

The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

104.2.12 POWER OF CITATION. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code section 836.5, the Building Official and certain of his authorized subordinates as hereinafter provided shall have the power of arrest without warrant whenever they have reasonable cause to believe that the person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a violation of the provisions of this Code or any other ordinance or statute which the Building Official has a duty to enforce.

The persons who are authorized to make arrests as herein provided shall consist of the Building Official and those of his subordinates as he may from time to time designate, whose duties include inspection and enforcement activities for Ventura County.

In any case in which a person is arrested pursuant to this section and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C (commencing with section 853.6) of the California Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this section.

104.2.13 NOTICE OF INTENT TO RECORD NOTICE OF NONCOMPLIANCE AND RECORDATION OF NOTICE OF NONCOMPLIANCE. Whenever the Building Official determines that work has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Building Official shall post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall described the property, shall set forth the noncomplying conditions, and shall inform the owner(s) that the Building Official shall record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeal.

A. If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeal, the Building Official shall record a Notice of Noncompliance.

B. If a timely appeal is filed with the Board of Appeal and the Board finds that the noncomplying conditions have not been corrected and need to be corrected, the Building Official shall record a Notice of Noncompliance.

Under either A or B above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall described the property, shall set forth the noncomplying conditions, and shall state that the property owner(s) have been notified.

If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Building Official that the noncomplying conditions have been corrected or removed, the Building Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the noncomplying conditions have been corrected or removed. A fee as set forth in the Ventura County Building Code Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

104.2.14 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT. Whenever the Building Official ascertains that any building service equipment regulated in the referenced technical codes has become hazardous to life, health or property, or becomes insanitary, he shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written order itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When any building service equipment is maintained in violation of this code and in a violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

104.2.15 AUTHORITY TO DISCONNECT UTILITIES. The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to a building, structure or building service therein regulated by this code, or the referenced technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupants of the building or structure of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupants of the building or structure, in writing, of such disconnection immediately thereafter.

104.2.16 RECONNECTION AFTER ORDER OF DISCONNECTION. No person shall make connections from any energy, power or fuel supply, nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

ANALYSIS:

This section has been modified and expanded to address several issues related to the enforcement of the codes. These include the appointment of deputies, right of entry, stop orders, occupancy violations, liability, reports, power of citation, the recordation of Notices of Non-Compliance, and the authority to condemn service equipment and to disconnect utilities. These are all administrative changes.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24 (CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

ANALYSIS:

This section has been amended to identify the specific Boards of Appeal for Ventura County and to provide clarification about their scope of authority and their operating procedures. This is an administrative change.

106.1.1 STREAMLINED PERMITS FOR CERTAIN AGRICULTURAL BUILDINGS, GREENHOUSES AND SHADE STRUCTURES. The provisions of this code with respect to plan review and inspection shall not apply to certain agricultural buildings, greenhouses and shade structures as specified herein, provided that all of the following conditions are met:

1. The building or structure is used exclusively as an agricultural building as defined in the Uniform Building Code (U.B.C.), and is not designed, equipped or intended for human occupancy or any use other than as an agricultural building, and

2. The building or structure is detached, single story, not over 15 feet in height as defined in the U.B.C., and is of conventional wood frame (Type V-N) construction, and

3. The floor area of the building or structure does not exceed the following limits:

    a. On sites of 10 acres or more in size: 3,000 square feet.

    b. On sites 2 acres or more but less than 10 acres in size: 1,500 square feet, except for nurseries.

    c. On sites 2 acres or more but less than 10 acres in size: 3,000 square feet for nurseries licensed by the Agricultural Commissioner.

    d. On sites less than 2 acres in size: none.

    e. Shade cloth structures without permanently affixed sides: 12,000 square feet, and

4. The building is determined to be exempt from requirements for preparation of plans by a professional engineer or architect as set forth in the California Professional Engineer's or Architect Act, and

5. A Zoning Clearance as an agricultural building, greenhouse or shade structure for the building or structure is approved by the Planning Division, and

6. Approval from the Environmental Health Division is obtained for properties with septic systems, and

7. Approval from the Flood Control Department of the Public Works Agency is obtained as required, and

8. Approval from the Ventura County Fire Department is obtained relative to access, water supply, fire sprinkler, brush clearance and high fire hazard area requirements for any barn or storage structure designed and constructed to house farm implements, hay, grain, poultry or livestock in excess of 1,500 square feet in area; and where a review for other types of agricultural buildings up to 3,000 square feet in area in not required; and

9. Approval from the Development and Inspection Services Division of the Public Works Agency is obtained when a grading permit is required, and

10. A code complying exit is provided from the building or structure, and

11. There is no plumbing, mechanical or electrical work proposed for the building or structure.

106.1.1.1 FEES FOR STREAMLINED AGRICULTURAL BUILDING PERMITS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to agricultural buildings, greenhouses and shade structures qualifying for the above procedure under the provisions of that subsection.

106.1.1.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.1.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

Analysis:

This entire section and the following subsections have been revised to streamline building permits for certain types of agricultural buildings. This new language was developed in conjunction with the Agricultural Policy Advisory Committee and has received their support. This change is an administrative change only.

106.1.2.1 FEES FOR SMALL AGRICULTURAL PRODUCE STANDS. Except for the required permit issuance fee, no plan review or building permit fee shall be applicable to produce stands qualifying for exemption under the provisions of this subsection.

106.1.2.2 OTHER PERMITS. Plumbing, mechanical and electrical permits shall be required when applicable.

106.1.2.3 APPLICABILITY TO OTHER AGENCIES. Nothing herein shall be construed as providing exemption from the requirements of any agency other than the Division of Building and Safety.

Analysis:

This language has been divided from a single paragraph format to a three subsection format to agree in layout with the previous section dealing with agricultural buildings. There is no change to the content of the former language except for the new layout. This is an editorial change only.

106.1.4 EMERGENCY BUILDING PERMITS. The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

Emergency repairs to plumbing, electrical, and mechanical installations may be initiated prior to obtaining the required permits, provided that such work was urgently necessary and it was impractical to obtain the permits prior to commencement of the work. Permits for all such work shall be obtained as soon as it is practical to do so.

ANALYSIS:

This section has been added to allow for feasibility in dealing with emergency situations outside of the normal routine. It provides for the capability to act in a timely manner to stabilize or correct emergency situations. This is an administrative change.

Sec. 106.2 EXEMPTED WORK. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, patio covers, playhouses, playground or athletic equipment and similar uses provided the floor area does not exceed 120 square feet.

2. Fences not over 6 feet high measured from highest point of grade, unless supporting a surcharge or structural element.

3. Oil derricks.

4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

5. Retaining walls which are not over 4 feet in height measuresd from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and wood decks not more than 30 inches above grade at any point and not over any basement or story below, nor supporting any structure above.

8. Painting, papering, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported completely by an exterior wall of Group R, Division 3 or Group U, Division 1 Occupancies when projecting not more than 54 inches nor encroaching into required yards.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

13. Freestanding signs not more than 10 feet in height and not more than 72 square feet in area and wall signs not more than 200 square feet in area.

14. Residential television and radio antennas and dish antennas not more than 3 feet in diameter with an approved zone clearance.

15. Commercial antennas not over 15 feet in height when in compliance with the County Zoning Ordinance.

16. Electrolier standards, and flag poles not over 35 feet in height when in compliance with the County Zoning Ordinance.

17. Readily removable plastic covered hoop structures without in-ground footings or foundations that are not more than 8' in height.

18. Agricultural wind generating machines except that an electrical or gas permit is required if they are connected to a commercial utility.

~~19. Detached one story shade covers for animals when the covers are not over 12 feet in height above grade and not more than 1,000 square feet of roof area.~~

Unless otherwise exempted, separate plumbing, mechanical and electrical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Analysis:

Item 1 has been changed to exempt detached patio covers when sized less than 120 square feet and playground or athletic equipment from building permit requirements.

Item 14 has been modified to refer to residential television and radio antennas only.

Item 15 has been added to exempt commercial antennas less than 15 feet in height.

Item 16 has been modified to refer to electrolier standards and flagpoles only.

Item 17 has been added to exempt plastic hoop structures less than 8 feet in height.

Item 18 has been added to exempt certain agricultural wind generating machines.

Item 19 has been added to exempt certain animal shade covers.

All of these changes are administrative.

106.3.2 SUBMITTAL DOCUMENTS. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Computations, diagrams, schedules, soil reports, geological or geotechnical reports, and other data sufficient to show the correctness and adequacy of the plans shall be submitted when required by the Building Official.

A Survey of a lot may be required by the Building Official to assure that a structure is located in accordance with requirements, and/or is situated with respect to Mean Sea Level such that it complies with regulations governing construction in flood-prone areas.

Analysis:

This section has been revised to use the language of the 1997 UBC, except for the paragraphs about geological reports and lot surveys. This is an editorial change only.

Sec. 106.4 - PERMITS ISSUANCE

106.4.1 PERMIT ISSUANCE AND DENIAL. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees have been paid, he shall issue a permit therefor to the applicant.

Except where special building designs or other mitigating measures have been approved by the Building Official and cooperating officials of other County agencies, a building permit may be

denied where physical features of a building site are such that a denial of the building permit is deemed necessary to safeguard life or limb, health, property, or public welfare. Physical features which justify the denial of a permit shall include but shall not be limited to:

1. Precipitous cliffs or other nearby vertical land masses of unknown stability.
2. Unstable soils or geologic conditions.
3. Terrain which is subject to flooding, inundation, or sever soil erosion.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been found complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his/her own risk without assurance that the permit for the entire building or structure will be granted.

106.4.1.1 PERMIT ISSUANCE: RESTRICTIONS. The issuance of permits shall be restricted to those applicants or their authorized representatives who are entitled by the regulations and the exemptions in the State Contractor's License Law, Business and Professions Code, and other applicable statutes to perform work regulated by this Code.

1. Owner-Builder permits may be issued to a property owner building or improving his/her principal place of residence or appurtenances thereto, provided that all of the following conditions exist:

   (a) The residence is not intended or offered for sale.

   (b) The homeowner has actually resided in the residence for the 12 month period prior to the completion of the work for which the permits is issued.

2. Owner-Builder permits may be issued to a property owner building or improving structures thereon who contract for such projects with licensed contractors pursuant to Division 3, Chapter 9, of the California Business and Professions Code.

3. Tenant Improvement permits may be issued to tenants when authorized by the building owner for work within the tenant space.

ANALYSIS:

This section has been modified by adding language allowing the denial of a permit because of unstable land masses or soil conditions, precipitous cliffs or terrain subject to flooding, inundation or severe erosion. These changes are administrative but based on geologic and topographical conditions.

106.4.4 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or

work authorized by such permit is not commenced within 180 days after the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the work authorized by such permit does not receive final inspection approval within 3 years from the issuance date of the permit. Before such work may be recommenced, a new or renewed permit shall first be obtained to do so. The fee therefor shall be based upon the valuation and extent of work remaining to complete the project, but such fee shall not exceed one-half the current permit fee providing no changes have been made or will be made in the original plan and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may perform work under that permit when he is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may, without requiring payment of an additional permit fee, extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Demolition permits issued for the correction of violations shall expire after 30 days.

For the purpose of this Section "suspended or abandoned" shall be measured as elapsed time between approved REQUIRED INSPECTIONS as delineated in UBC Sections 108.5 through 108.7.

ANALYSIS:

The time limits for permit expiration have been changed to conform to the language of the 1997 UBC. This was done to be consistent with a new computerized tracking system. In addition, a 30-day time limit for demolition permits issued to abate violations has been added. These are editorial and administrative changes.

107.2 BUILDING PERMIT FEES. The fee for each building permit shall be as set forth in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

107.2.1 ELECTRICAL PERMIT FEES. The fee for each electrical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.2 MECHANICAL PERMIT FEES. The fee for each mechanical permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.3 PLUMBING PERMIT FEES. The fee for each plumbing permit shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.2.4 OTHER FEES. Other fees charged for services by the Division of Building and Safety shall be in accordance with the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

107.3 PLAN REVIEW FEES. When a plan or other data are required to be submitted by Sec. 106.3.2, a plan review fee shall be paid at the time of submitting plans and data for plan review. Said plan review fee shall be ~~65~~ 75 percent of the building permit fee as shown in the Ventura County Building and Safety Fee Schedule as established by the Board of Supervisors.

The plan review fees specified in this subsection are separate fees from the permit fees ~~and are in addition to the permit fees~~.

The amount of the plan review fee for the initial submittal of a "Standard Plan" as defined herein shall be the full plan review fee as specified above. The plan review fee for subsequent submittals of a plan which qualifies as a "Standard Plan" shall be one-half of the initial plan review fee. "Standard Plan is hereby defined as a prototype plan for a building or structure which is to be utilized at more than one site, and which incorporates the same essential structural features, design, dimensions and calculations as the original approved plan. A "Standard Plan" shall be void three years after its original approval or upon revision of the applicable codes under which it was initially reviewed, or at the discretion of the Building Official."

When plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged but such fee shall not exceed one-half the initial plan review fee. Corrected plans which are resubmitted to the Division of Building and Safety for approval subsequent to initial plan review shall not be subject to an additional plan review fee. The fee for additional plan review may be waived by the Building Official when the time consumed in the performance of such service totals less than one-half hour.

ANALYSIS:

The plan review fee has been increased from 65% to 75% to cover the costs of additional plan review items such as storm water drainage, mobile home regulation, flood control design requirements, and data collection and distribution.

107.4 EXPIRATION OF PLAN REVIEW. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When plans are resubmitted for checking after expiration of plan review and no changes have been made or will be made in the original plans and specifications for the work, and no code changes have occurred, the plan review may be

renewed for 180 days and the plan review fee may be one-half the current plan review fee provided the re-submittal has not exceeded one year from the expiration date.

ANALYSIS:

This section revises the current code language to include an allowance for a renewal of the plan review after it has expired under certain conditions. This is an administrative change.

107.5 INVESTIGATION FEES: WORK WITHOUT PERMIT.

107.5.2 FEE. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the Ventura County Building and Safety Fee Schedule.

The payment of such investigation fee shall not exempt any person from compliance with all applicable provisions of this code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

Analysis:

This is an editorial change to refer to the proper title of the fee schedule.

107.6 FEE REFUNDS. The Building Official may authorize the refunding of fees upon written application by the original permittee, within the limitations set forth herein:

(a) Permit issuance fees shall be nonrefundable except as provided in subsection (c) below.

(b) Any fee totaling thirty-five dollars ($35) or less, exclusive of any issuance fee, if any, shall be nonrefundable except as specified in subsection (c) below.

(c) 100% of any fee erroneously paid or collected shall be refundable, except for that portion paid for State Seismic Fee (SMIP).

(d) 90% of any plan review fee, less a cancellation fee, shall be refundable when the permit application is withdrawn or canceled prior to commencement of plan review.

(e) 90% of any permit fee, less a cancellation fee and State of California Seismic Fee (SMIP), shall be refundable when none of the work covered by such permit has commenced.

(f) 90% of any Board of Appeals hearing fee, less a cancellation fee, shall be refundable when such hearing is canceled prior to the issuance of a Notice of Hearing pertaining to the case.

Failure of the permittee to make written application for a refund within ~~6 months~~ 180 days of cancellation or expiration of a plan review, permit, hearing, or request for service for which a fee has been paid, shall constitute a waiver of entitlement to a refund. No partial refund shall be authorized nor credit be applied against other fees which may be payable to the Division of Building and Safety when a construction project is canceled or abandoned subsequent to partial completion of the building or work authorized by a permitted.

107.7 CANCELLATION FEE. Refunds of fees for permits and services associated with construction projects which are canceled or withdrawn prior to commencement of plan review, inspection, or performance of other service by the Division of Building and Safety shall be subject to a cancellation fee as set forth in the Ventura County Building and Safety Fee Schedule.

ANALYSIS:

This section has been expanded to handle many different cases of fee refunds. It is an administrative change.

Sec. 108 - INSPECTIONS

108.1. GENERAL. All construction or work for which a permit is required shall be subject to inspection by the building official to ensure compliance with the requirements of this Code and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701.5.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official by telephone, orally, or in writing when said work is ready for inspection. Such notification shall be given at least one working day before such inspection is desired.

No portion of any building, structure, wiring, plumbing, ductwork or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official. The Building Official shall have authority to remove, or to require the removal of, any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, ductwork, electrical, or mechanical equipment, as necessary to verify compliance with the approved drawing or codes.

Analysis:

This section has been changed to include language from the 1997 UBC and to include a paragraph addressing when lot surveys may be required. This is an administrative change.

SECTION 109 - CERTIFICATE OF OCCUPANCY

109.4 TEMPORARY OR PARTIAL CERTIFICATE. Upon application by the owner, and for reasonable cause, if the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the entire building is completed, a Temporary or Partial Certificate of Occupancy may be issued for a portion or portions of the building. Such Temporary or Partial Certificate must include compliance with this code for all required access and exiting systems, toilet facilities and fire protection equipment and systems.

Upon completion of the entire structure all Temporary or Partial Certificates shall be surrendered to the building official in exchange for a final Certificate of Occupancy, as specified in UBC Section 109.3.

Analysis:

Minor editorial changes have been made to this section to improve the readability.

~~**TABLE UBC 1-A BUILDING PERMIT FEES**~~

~~TOTAL VALUATION~~	~~FEE~~
~~$1.00 to $500.00~~	~~$23.00~~
~~$501.00 to $2,000.00~~	~~$23.00 for the first $500.00 plus~~ ~~$3.00 for each additional $100.00 or fraction thereof, to and including $2,000.~~
~~$2,001.00 to $25,000.00~~	~~$68.00 for the first $2,000.00 plus $13.25 for each additional $1,000.00 or fraction thereof, to and including $25,000.00.~~
~~$25,001.00 to $50,000.00~~	~~$372.75 for the first $25,000.00 plus $9.50 for each additional $1,000.00 or fraction thereof, to and including $50,000.00.~~
~~$50,001.00 to $100,000.00~~	~~$610.25 for the first $50,000.00 plus $6.75 for each additional $1,000.00 or fraction thereof, to and including $100,000.00.~~
~~$100,001.00 to $500,000.00~~	~~$947.75 for the first $100,000.00 plus $5.25 for each additional $1,000.00 or fraction thereof, to and including $500,000.00.~~
~~$500,001.00 to $1,000,000.00~~	~~$3,047.75 for the first $500,000.00 plus $4.50 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00.~~
~~$1,000,001.00 and up~~	~~$5,297.75 for the first $1,000,000.00 plus $3.00 for each additional $1,000.00 or fraction thereof.~~
~~**Other Inspections and Fees:**~~ ~~Refer to current Ventura County Building Code Fee Schedule.~~	

Analysis:

This table has been deleted from the VCBC as it has been included in the Ventura County Building and Safety Fee Schedule which is adopted as a separate resolution by the Board of Supervisors.

CHAPTER 2 - DEFINITIONS

Section 202-A:

~~"Apartment house"~~ **"APARTMENT HOUSE"** shall mean any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums and townhouses.

Analysis:

Words being defined are now printed in bold type to improve the readability and to make them easier to find. This occurs in various places throughout the code. This is an editorial change.

Section 203-B: "Building Official"

3. For the purposes of administering provisions of the Uniform Housing Code pertaining to the abatement of health hazards ~~associated with private sewage disposal systems~~, the term "Building Official" shall mean the manager of the Division of Building and Safety and/or the Environmental Health Officer, or a duly authorized representative.

Analysis:

In paragraph 3, a reference to "private sewage disposal system" has been deleted which removes the limit on the abatement of health hazards to that item only. This is an administrative change.

Section 207-F:

207-F ~~FLOOD HAZARD AREA~~ **"FLOOD HAZARD AREA"** is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Control ~~Section~~ Division of the Public Works Agency.

Analysis:

Several references to different Public Works Agency "Sections" have been corrected to refer to "Divisions". This is an editorial change.

CHAPTER 6 - TYPES OF CONSTRUCTION

SECTION 607 - HIGH FIRE HAZARD AREAS

Sec. UBC 607.1 HIGH FIRE HAZARD AREA DEFINED. For the purpose of this code, certain areas in the unincorporated territory of the County shall be classified as the High Fire Hazard

Area by the Ventura County Fire Protection District. The High Fire Hazard Area is defined as any area within 500 feet of uncultivated brush, grass, or forest-covered land wherein an authorized representative of said District determines that a potential fire hazard exists due to the presence of such flammable growth.

Sec. UBC 607.2 CONSTRUCTION REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Buildings or structures hereafter erected, constructed or moved within or into designated high fire hazard areas, including mobilehomes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Section. Although their installation is encouraged, neither manual nor automatic fire extinguishing systems or similar water spraying devices may be substituted for the fire protection set forth herein.

607.2.1 ROOFS. Roof coverings shall be fire retardant Class A. as specified in Section 1504 in the UBC.

607.2.2 EXTERIOR WALLS. Fire-resistive protection of exterior walls and openings, as determined by location on property, shall be as required by Section 503 in the UBC.

EXCEPTION: No exterior wall covering of a building shall provide less fire resistance than that afforded by: 7/8-inch exterior cement plaster; 1-inch nominal thickness solid wood siding; 1/2-inch textured plywood siding having a groove depth of 1/8-inch or less; 7/16-inch hardwood siding; 5/8-inch particleboard, exterior type 2-M; or 5/8-inch exterior plywood, T1-11, having a groove depth of 1/4-inch or less. Fire-retardant treated or untreated wood shingle or shake siding shall not be permitted.

607.2.3 UNDERFLOOR AREAS. Where underfloor areas are not enclosed by fire-resistive construction conforming to the requirements of subsection 607.2.2 above, the underside of the floor system shall be fire-protected as set forth in subsection 607.2.4.

607.2.4 PROJECTIONS AND OTHER BUILDING ELEMENTS EXPOSED TO FIRE. Architectural projections such as roof overhangs and soffits, balconies and decks, and other elements of building which have combustible structural elements in the horizontal plane, shall be protected with materials approved for 1-hour fire-resistive construction on the lower, fire-exposed side and shall have 1-hour fire-resistive supporting columns unless the details of construction conform to those for heavy timber as described in Section 605 in the UBC.

EXCEPTIONS: 1. Combustible structural members in horizontal projections may be unprotected timbers of size 4 x 6 or larger when used as rafters or as stair, balcony, or deck supports or for similar purposes.

2. Patios, carports, arbors and open latticework sunshades may be constructed of any materials allowed by this Code.

3. Balconies and decks 30 inches or more above grade may have flooring of not less than 2-inch nominal thickness lumber or material of equivalent fire

resistance. Such flooring may be spaced not more than 1/4-inch apart and need not be fire protected on the underside.

Balconies and decks less than 30 inches above grade shall be solidly floored without gaps and shall be fire-protected on the underside as required by this Section. In lieu of fire protection, such balconies and decks may be enclosed from floor surface to grade in the manner prescribed for exterior walls in subsection 607.2.2 of this Section.

4. Combustible exterior columns directly supporting roofs, stairs, balconies, and decks may be size 4 x 4 or larger. Columns and beams supporting interior floor loads may be size 6 x 6 or larger.

607.2.5 VENTILATION OPENINGS. Attic or foundation ventilation opening or louvers shall not be located at or within 18", measure vertically, of eaves or rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire in adjacent hazardous grass or brush areas.

607.3 WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of UBC 607.2.1 through 607.2.5 above, in whole or in part, for specific construction projects within the High Fire Hazard Area when such waiver is approved by an authorized representative of the Ventura County Fire Protection District, based upon site conditions which justify a reduction in fire resistance.

ANALYSIS:

This section has been added to address the special construction requirements for buildings constructed in high fire hazard areas. Theses amendments are necessary because of local climatic and topographical conditions.

CHAPTER 16 - DIVISION I - STRUCTURAL FORCES

Sec. 1611 OTHER MINIMUM LOADS.

1611.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

ANALYSIS:

This section has been added to deal with the testing and acceptance requirements for drilled-in expansion bolt anchors and epoxy-type anchors. This is an administrative change.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1803 SOIL CLASSIFICATION - EXPANSIVE SOIL.

1803.2 EXPANSIVE SOIL. The expansive characteristics of soil shall be determined by procedures in accordance with UBC Standard Number 18-1 and the soils shall be classified according to Table Number 18-1-B of this Code. Foundations for structures bearing on soils with an expansion index greater than 20, as determined by UBC Standard Number 18-2, shall require special design consideration. In the event the soil expansion index varies with depth, the weighted index shall be determined according to Table Number 18-1-C in the UBC. The Soil Expansion Index shall be listed in all soils investigation reports.

A test to determine the soil expansion index shall be conducted for each building site except that in subdivisions the frequency of testing need not exceed one test per five contiguous lots or one test per five acres, whichever are is smaller. Such tests shall be made after rough grading is completed. Tests shall include a determination of the expansion index for the most expansive soil encountered within the top four feet at each test location whether in cut or fill or a combination thereof.

The expansion index for soil on subdivision lots which have not been individually tested shall be assumed to correspond to the highest reading determined by tests on proximate lots.

ANALYSIS:

This section has been modified to clarify the requirements for testing for expansive soils and to provide standards to which to design foundations in areas of moderate to high expansivity. This change is due to the special geologic conditions found in areas of highly expansive soils.

CHAPTER 18 - FOUNDATION AND RETAINING WALLS

Section 1804 FOUNDATION INVESTIGATION.

1804.2 INVESTIGATION. The classification of soil shall be based on observation and necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be required to evaluate soil strength, the effect of moisture variation on soil bearing capacity, compressibility, liquefaction and expansiveness.

In Seismic Zones 3 and 4, when required by the building official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

EXCEPTIONS: 1. The building official may waive this evaluation upon receipt of written opinion of a qualified geotechnical engineer or geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy with or without attached garages ~~and single-story accessory structures thereto~~.

3. Group U, Division 1 Occupancies.

4. Fences.

5. ~~Detached single-story Group U, Division 3 occupancies.~~

Whenever, in the opinion of the Building Official, the adequacy and stability of a building site cannot be determined by the test borings or excavations required by this section, he may require a special geologic, geotechnical, hydrologic, seismic, or other investigation and report. Geologic investigations such as those for hillside stability or seismic hazards shall be conducted by a California-certified Engineering Geologist.

Analysis:

Exception 2 has been modified to exempt single story structures accessory to single family dwellings. Exception 5 has been added to exempt single story agricultural buildings. These changes are administrative.

1806 FOOTINGS.

Section 1806.1. GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with Chapter 18, Division II and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings, foundations, and concrete slab floors at or below grade shall be constructed to comply with Table UBC 18-1-D (Rev.) and footnotes thereto in this ordinance, except when an approved alternative design is provided based on a foundation investigation. UBC Table 18-1-D and footnotes thereto in the UBC is hereby deleted in its entirety, and is replaced by VCBC Table UBC 18-1-D (Rev.) and footnotes thereto, published herewith.

The provisions of this section do not apply to building and foundation systems in those areas subject to scour and water pressure by wind or wave action. Buildings and foundations subject to such loads shall be designed in accordance with approved national standards. See Section 3302 for subsoil preparation and wood form removal.

1806.11 HOLD-DOWN CONNECTORS.

1. All bolt-holes shall be 1/16" (max) over-sized at the connection of hold-downs to posts.

2. Hold-down connection bolts/nuts shall be torqued ½ turn beyond finger tight or as required by manufacturer.

3. Approved plate washers, in-lieu of cut washers, shall be provided for all plywood shearwall sill plate anchor bolts. See Table "A" below.

4. Approved plate washers, in-lieu of cut washers, shall be provided for hold-down connector bolts at shearwall wood flanges. See Table "A" below.

TABLE - A

MINIMUM SIZE FOR SQUARE PLATE WASHERS

BOLT SIZE	PLATE SIZE
1/2"	3/16" x 2" x 2"
5/8"	1/4" x 2 1/2" x 2 1/2"
3/4"	5/16" x 2 3/4" x 2 3/4"
7/8"	5/16" x 3" x 3"
1"	3/8" x 3 1/2" x 3 1/2"

1806.12 DRILLED-IN EXPANSION BOLT ANCHORS OR EPOXY-TYPE ANCHORS. Where additional foundation plate anchor bolts are required after foundations are completed, drilled-in expansion bolts, cinch bolts, or epoxy-type anchors may be used when approved by the building official. When used, these bolts shall be sized and installed in accordance with an approval from a recognized approval agency or the manufacturer's design criteria and installation specifications. Drilled-in expansion bolts and cinch bolts shall be tested by an independent testing laboratory to a minimum of 1,000 pounds or to twice the allowable design value for the same size bolt, whichever is greater.

Frequency of testing shall be:

One to five bolts per site - two bolts, selected at random shall be tested and certified.

More than five bolts - 25 percent of such bolt with a minimum of two shall be selected at random to be tested and certified.

Failing bolts shall be reinstalled and retested to the same criteria.

Additional bolts may be required to be tested by the Building Official.

1806.13 GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table UBC 18-1-D (Rev.), whichever is deeper, reinforced as specified for continuous foundations in Table UBC 18-1-D, shall be provided at garage door openings.

1806.14 FIREPLACE FOOTINGS. Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table UBC 18-1-D (Rev.).

ANALYSIS:

This section has been modified by changes found in Table 18-D due to specific geologic conditions found in Ventura County. These changes are geologically based.

CHAPTER 23 - WOOD

TABLE 23-II-~~I~~G MAXIMUM DIAPHRAGM DIMENSION RATIOS

MATERIAL	HORIZONTAL DIAPHRAGMS	VERTICAL DIAPHRAGMS
	Maximum Span-Width Ratios	Maximum Height-Width Ratios
1. Diagonal sheathing, conventional 2. Diagonal sheathing, special 3. Wood structural panels and particleboard, nailed all edges	3:1 4:1 4:1	~~2:1~~ ~~1:1~~ 2:1 2:1
4. Wood structural panels and particleboard, blocking omitted at intermediate joints	4:1	~~2:1~~ ~~NP~~

Analysis:

This table has been revised to reflect changes made in the 1997 UBC. Footnote 3 in the code has been dropped out due to the high level of seismcity (i.e., Northridge Earthquake) in this region. This is a change based on local geology.

TABLE 23-II-1-1 — ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES IN POUNDS PER FOOT FOR WOOD STRUCTURAL PANEL SHEAR WALLS WITH FRAMING OF DOUGLAS FIR-LARCH OR SOUTHERN PINE.[1, 2, 3, 4]

PANEL GRADE	MINIMUM NOMINAL PANEL THICKNESS (INCHES) x 25.4 for mm	MINIMUM NAIL PENETRATION IN FRAMING (INCHES) x 25.4 for mm	PANELS APPLIED DIRECTLY TO FRAMING: Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (In.) x 25.4 for mm: 6	4	3	2 (x 0.0146 for N/mm)	PANELS APPLIED OVER 1/2-INCH (13 mm) OR 5/8-INCH (16 mm) GYPSUM SHEATHING: Nail Size (Common or Galvanized Box)	Nail Spacing at Panel Edges (in.) x 25.4 for mm: 6	4	3	2 (x 0.0146 for N/mm)
Structural I	5/16	1 1/4	6d	150	225	293	383	8d	150	225	293	383
	3/8	1 1/2	8d	173[5]	270[5]	345[5]	458[5]	10d[6]	210	323	413	548
	7/16			191[5]	296[5]	379[5]	503[5]					
	15/32			210	323	413	548					
	15/32	1 5/8	10d[6]	255	383	499	653	–	–	–	–	–
C-D, C-C Sheathing, plywood panel siding and other grades covered in U.B.C. Standard 23-2 or 23-3	5/16	1 1/4	6d	135	203	263	338	8d	135	203	263	338
	3/8			150	225	293	383		150	225	293	383
	3/8	1 1/2	8d	165[5]	240[5]	308[5]	398[5]	10d[6]	195	368	368	480
	7/16			180[5]	263[5]	338[5]	439[5]					
	15/32			195	285	368	480					
	15/32	1 5/8	10d[6]	233	345	450	578	–	–	–	–	–
	19/32			255	383	499	653					
			Nail Size (Galvanized Casing)					Nail Size (Galvanized Casing)				
Plywood panel siding in grades covered in U.B.C. Standard 23-2	5/16	1 1/4	6d	105	158	206	270	8d	105	158	206	270
	3/8	1 1/2	8d	120	180	233	308	10d[6]	120	180	233	308

[1] All panel edges backed with 2-inch (51 mm) nominal or wider framing. Panels installed either horizontally or vertically. Space nails at 6 inches (152 mm) on center along framing members for 3/8-inch (9.5 mm) and 7/16-inch (11 mm) panels installed on studs spaced 24 inches (610 mm) on center and 12 inches (305 mm) on center for other conditions and panel thicknesses. These values are for short-time loads due to wind or earthquake and must be reduced 25 percent for normal loading.
Allowable shear values for nails in framing members of other species set forth in Table 23-III-FF of Division III shall be calculated for all other grades by multiplying the shear capacities for nails in Structural I by the following factors: 0.82 for species with specific gravity greater than or equal to 0.42 but less than 0.49, and 0.65 for species with a specific gravity less than 0.42.

[2] Where panels are applied on both faces of a wall and nail spacing is less than 6 inches (152 mm) on center on either side, panels joints shall be offset to fall on different framing members or framing shall be 3-inch (76 mm) nominal or thicker and nails on each side shall be staggered.

[3] Framing at boundary and panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered for all plywood shear walls with shear values exceeding 300#/ft. Nailing edge distance for 3x boundary and panel edge members shall be 1/2-inch minimum.

[4] The maximum allowable shear for 3-ply plywood, less than 5/8-inch thickness, shall not exceed 200#/ft. when used in shearwalls and framing of Douglas Fir-Larch or Southern Pine.

[5] The values for 3/8-inch (9.5 mm) and 7/16-inch (11 mm) panels applied direct to framing may be increased to values shown for 15/32-inch (12 mm) panels, provided studs are spaced a maximum of 16 inches (406 mm) on center or panels are applied with long dimension across studs.

[6] Framing at adjoining panel edges shall be 3-inch (76 mm) nominal or wider and nails shall be staggered where 10d nails having penetration into framing of more than 1 5/8 inches (41 mm) are spaced 3 inches (76 mm) or less on center.

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ANALYSIS:

The allowable shear values in this table have been reduced by 25% following the Northridge Earthquake due to actual performance experience. These changes are based on local geologic conditions.

CHAPTER 25 - GYPSUM BOARD AND PLASTER

Section 2513 - SHEAR-RESISTING CONSTRUCTION WITH WOOD FRAME.

2513.4 HEIGHT TO LENGTH RATIO. The maximum allowable height-to length ratio for the construction in this section shall be 1 to 1. Wall sections have height-to-length ratios in excess of 1½ to 1 shall be blocked.

ANALYSIS:

Changes to this section are based on the performance evidence of this type of construction from the Northridge Earthquake. These changes are based on local geologic conditions.

TABLE 25-I - ALLOWABLE SHEAR FOR WIND OR SEISMIC FORCES
IN POUNDS PER FOOT FOR VERTICAL DIAPHRAGMS OF
LATH AND PLASTER OR GYPSUM BOARD FRAME WALL ASSEMBLIES[1]

TYPE OF MATERIAL	THICKNESS OF MATERIAL	WALL CONSTRUCTION	NAIL SPACING[2] MAXIMUM (inches)	SHEAR VALUE	MINIMUM NAIL SIZE[3]
	x 25.4 for mm		x 25.4 for mm	x 14.6 for N/m	x 25.4 for mm
1. Expanded metal, or woven wire lath and portland cement plaster	7/8"	Unblocked	7	90	No. 11 gage 1 1/2" long, 7/16" head[4]
2. Gypsum lath	3/8" lath and 1/2" plaster	Unblocked	7	30	No. 13 gage, 1 1/8" long, 19/64" head, plasterboard blued nail
3. Gypsum sheathing board[5]	1/2" x 2' x 8'	Unblocked	7	30	No. 11 gage, 1 3/4" long, 7/16" head, diamond-point, galvanized
	1/2" x 4' 1/2" x 4'	Blocked Unblocked	7 7	30 30	
4. Gypsum wallboard or veneer base[5]	1/2"	Unblocked	7	30	5d cooler (0.086" dia., 1 5/8" long 15/64" head) or wallboard (0.086" dia., 1 5/8" long, 9/32" head)
			7	30	
		Blocked	7	30	
			7	30	
	5/8"	Unblocked	7	30	6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head)
			7	30	
		Blocked	7	30	
			7	30	
		Blocked Two ply	Base ply: 7 Face ply: 7	60	Base ply - 6d cooler (0.092" dia., 1 7/8" long, 1/4" head) or wallboard (0.0915" dia., 1 7/8" long, 19/64" head) Face ply - 8d cooler (0.113" dia., 2 3/8 long, 9/32" head) or wallboard (0.113" dia., 2 3/8" long, 3/8" head

[1]These vertical diaphragms shall not be used to resist loads imposed by masonry or concrete construction. See Section 2513.2. Values shown are for short-term loading due to wind or due to seismic loading in Seismic Zones 0, 1, 2A and 2B. Values shown must be reduced 25 percent for normal loading. The values shown in Items 2, 3 and 4 shall be reduced 50 percent for lading due to earthquake in Seismic Zones 3 and 4.
[2]Applies to nailing at all studs, top and bottom plates and blocking.
[3]Alternate nails may be used if their dimensions are not less than the specified dimensions.
[4]Required minimum nailing shall be No. 11 gage x 1 1/2" long galvanized nails with lath burred to 1/4" from the face of the building paper. Staples and self-barring lath shall not be permitted.
[5]Frame wall assemblies constructed of Portland cement plaster, gypsum sheathing board or gypsum wall board are not permitted to carry shear loads at ground floor of multi-level buildings.

ANALYSIS:

The allowable shear values in this table have been reduced by 25% following the Northridge Earthquake due to actual performance experience. These changes are based on local geologic conditions.

CHAPTER 40 RELOCATED BUILDINGS AND TEMPORARY STRUCTURES

Sec. 40.1. GENERAL REQUIREMENTS. Buildings or structures moved into or within the County shall comply with the provisions of this Code for new buildings or structures except when otherwise permitted by this Code or by State law.

Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Sec. 40.2. PERMIT(S) REQUIRED. It shall be unlawful for any person, firm, or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office, or similar structure which is relocated as construction requires, into or within the County without first obtaining a permit to do so from the Building Official.

EXCEPTION: Buildings moved to the business premises of a house mover for the purpose of temporary storage.

Sec. 40.2.1 NOTIFICATION OF RELOCATED BUILDING. Prior to issuance of relocation permit for any structure and as a part of the application therefor, a Notice of Relocated Building, on a form furnished by the Building Official, shall be posted at the site of the building proposed to be relocated and at the proposed new site location. This public notice shall be maintained for a minimum of 15 days from the date of the application for relocation permit. During this period, interested parties may submit written comments to the Building Official regarding said proposed relocation. (refer to Sec. 40.5 DENIAL OF PERMIT.)

Sec. 40.3. APPLICATION AND INVESTIGATION FEE. To obtain a permit to relocate a building or structure the applicant shall first file an application therefor as required by Section 106.3 in this ordinance. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by the required investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be non-refundable. If the building to be moved is located outside the County, the applicant shall pay an additional fee as set forth in the Ventura County Building and Safety Fee Schedule to cover increased costs of inspection and mileage.

40.3.1 The Building Official shall make the following findings prior to issuing the permit:

1. That there is evidence of full compliance with the zoning provisions of Ventura County Ordinance Code, Division 8 - PLANNING AND DEVELOPMENT.

2. That the building shall comply, or shall be altered to comply, with current building, electrical, heating and air conditioning, and plumbing code requirements.

3. That all necessary and required documentation has been submitted for review, including, but not limited to, plans and specifications for all required or proposed improvements at the new location, a soils investigation report, a current termite inspection report, a water "will serve" letter from a recognized water provider or an approved water well certificate, a sewer "will serve" letter from a recognized sanitation district or an approved septic system certificate, and a surety bond in the amount determined by the Building Official as set forth in Sec. 11-16 of this Code.

Sec. 40.4. INVESTIGATION AND REPORT. The Building Official shall cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report shall list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions, or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety, or welfare.

The investigation report shall remain valid for a period of 180 days after the building or structure has been inspected, after which time a new investigation and report may be required by the Building Official.

Sec. 40.5. DENIAL OF PERMIT. The Building Official may deny the issuance of a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous.

2. Is infested with pests or is insanitary.

3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair.

4. Is so dilapidated, defective, or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated.

5. Because of age, size design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

Sec. 40.6. SECURITY REQUIRED. The Building Official shall not issue a permit to relocate a building or structure unless the applicant therefor shall first post with the Building Official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the State as surety; a cash bond naming the County of Ventura as payee; or an assignment of certificates or shares issued by a lending institution doing business in this state and insured by the FDIC. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this Section shall:

1. Be in form joint and several.

2. Name the County of Ventura as obligee.

3. Guarantee that the required work will be completed or, when ordered by the Building Official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition.

4. Be in an amount equal to the estimated cost, plus 10 percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official.

5. State therein the legal description or address of the property to which the building or structure is to be relocated.

Sec. 40.7. CONDITIONS OF SECURITY. Every performance bond, cash bond, or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within 180 days from the date of issuance of the permit.

2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety.

3. The term of each bond posted pursuant to this Article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit.

4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.

5. Upon default by the principal, the surety shall cause all required work to be performed as set forth in the conditions of the investigation report and relocation permit.

6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean, and restore the site.

Sec. 40.8. PERMIT ISSUANCE AND FEES. Before a permit is issued for the relocation of a building and its reconstruction, repair, and completion at a new site, all required plan review and permit fees shall be paid. The required permits, together with the investigation report, shall comprise the "relocation permit" for the purposes of this Article.

The value to be used in computing the relocation building permit and plan review fees shall be as set forth in Sec. 107.2 in this Code, based upon the estimated cost of all construction necessary to complete the structure.

Sec. 40.9. EXPIRATION OF PERMIT. Permits for the relocation, reconstruction, and repair of a building or structure shall be null and void in accordance with the provisions of Section 106.4.4 in this Code if the building or structure is not relocated to the proposed site and/or the required work commenced within 6 months of the date of issuance of such permits.

Sec. 40.10. PROCEDURE UPON DEFAULT.

40.10.1 PERFORMANCE BOND. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond.

The notice of default shall state the conditions of the bond which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work.

Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified.

The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned, and restored to the satisfaction of the Building Official.

EXCEPTION: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided:

1. A written agreement is executed between Surety and the Division of Building and Safety under which the Division assumes responsibility for causing completion of required work or demolition of the structure; and

2. A cash bond is posted by the Surety in the amount of the performance bond, payable to the County of Ventura, to enable the Building official to cause the required work of repair or demolition to be performed in accordance with Section 40.10.2 in this ordinance.

40.10.2 CASH BOND. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

40.10.3 ASSIGNMENT OF SHARES. When an assignment of share has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or shares or any portion thereof by the lending institution and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contract or otherwise.

Sec. 40.11 RELEASE OF SECURITY.

40.11.1 PERFORMANCE BOND. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.

40.11.2 CASH BOND. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successors or assigns, except any portion thereof that may have been used, cashed, or deducted as provided elsewhere in this Article.

40.11.3 ASSIGNMENT OF SHARES. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the Building Official shall notify the lending institution and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this Article.

ANALYSIS:

This entire chapter has been added to deal with moved buildings and to provide the procedures necessary for their proper permitting and installation. This is an administrative change.

CHAPTER 41 SWIMMING POOLS, ORNAMENTAL POOLS, AND APPURTENANT FENCING

SECTION 41.1 - GENERAL

41.1.1 SCOPE. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

4.1.2 STANDARDS OF QUALITY. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard list below is a recognized standard. (See Section 3504.)

ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

SECTION 41.1.3 - DEFINITIONS.

For the purpose of this Article certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "swimming pool."

Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346.

Barrier (enclosure) is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

Grade is the underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "spa, nonself-contained" and "spa, self-contained."

In-Ground Pool. See definition of "swimming pool."

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the rounds of a private single-family home.

Separation Fence is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually have a filter, heater and a motor-driven blower. It may be installed indoors or outdoors , on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Spa, Self-Contained, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

Swimming Pool, is any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. The term "swimming pool," does not apply to plumbing fixtures such as bathtubs or hydro-therapy tubs; nor does it apply to man-made lakes,

reservoirs or farm ponds used primarily for public park purposes, ornamentation, water conservation, irrigation, ground-water recharging basins, or watering of livestock. It shall apply to any water-filled excavation, lined or unlined, within three (3) feet of any structure or property line. (Public pools shall comply also with CCR Title 24).

Swimming Pool, Indoor, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor, is a swimming pool that is not an indoor pool.

Sec. 41.2. POOL DESIGN AND CONSTRUCTION

41.2.1 GENERAL. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, and mechanical codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.

41.2.2 EXPANSIVE SOIL DESIGN. Pools constructed below grade shall be designed on the assumption that their construction is to be in an area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 p.c.f.).

> EXCEPTION: Where tests indicate that soils at a pool site are non-expansive or have low expansion characteristics from the ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less that 30 p.c.f.

In highly expansive soils having an expansion index of 91-130, pools shall be designed for not less than 60 p.c.f. equivalent fluid pressure.

In very highly expansive soils having an expansion index over 130, pool design shall be subject to special requirements based on a site investigation, soil testing, and engineering analysis by a registered civil engineer to determine appropriate design parameters for the site.

41.2.3 HYDROSTATIC UPLIFT. In areas of anticipated high water table ~~or moderate or highly expansive soil~~ an approved hydrostatic relief system or device shall be installed.

41.2.4 THERMAL PROTECTION FOR PLASTIC PIPING. Between the inlet of pool water heating equipment and any plastic water piping connected thereto, a check valve shall be installed to prevent thermal damage to such piping due to backflow.

> EXCEPTION: When rapid or high-rate filters are employed a check valve may be omitted.

Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than five feet of approved metal pipe shall be installed for the purpose of dissipating heat.

41.2.5 SAFEGUARDING SUCTION DRAINS. Bottom drains and suction intakes in pools and spas shall be covered with grates or other protective devices which cannot be removed except with tools. The slots or openings in these covers shall be of such area, shape, and

arrangement as to prevent bathers from being drawn thereto with such force as to constitute a safety hazard.

41.2.6 GRAB BARS. Wherever egress from a pool is restricted by the presence of a vertical wall or other barrier which extends more than 12" above the water surface at the pool edge, permanent continuous grab bars, handrails, or other approved equivalent devices shall be installed within 12 inches above of the water surface. Such devices shall be capable of being securely grasped, and shall be adequate to support the weight of a user of the pool.

Sec. 41.3. DECKS

41.3.1 GENERAL. A deck shall be provided around below-grade swimming pools except when special engineering design is furnished which indicates that such deck is not necessary for the purpose of maintaining the structural integrity of the pool and/or for controlling surface water and moisture content in the soil adjacent to the pool. Decks shall not be required for spas and hot tubs.

41.3.2 DECK DESIGN AND CONSTRUCTION. Required decks shall be constructed of concrete or other approved impervious material and shall be sloped to provide positive drainage away from the perimeter of the pool. Except as provided below, decks shall have a minimum width of four feet and shall be at least 3-1/2 inches in thickness. Reinforcement shall be #3 bars spaced not over 24 inches o.c. each way, or equivalent reinforcing.

Approved joints shall be provided in the deck at corners, at maximum 10-foot intervals, and wherever necessary in order to control cracking, to allow for differential movement, and to minimize damage to the deck from such movement should it occur.

Joints in decks and coping shall be made watertight with an approved permanent resilient sealant.

41.3.3 CUTOFF WALLS. At the outer perimeter of pool decks a cutoff wall of approved material shall be installed below-grade to a depth of at least 15 inches so as to form a permanent and effective vertical moisture barrier.

EXCEPTIONS: 1. A cutoff wall may be omitted when a deck at least six feet wide is installed.

2. Decks less than four feet in width may be installed provided that the required cutoff wall is increased in depth beyond the minimum by an amount equal to the reduction in deck width.

41.3.4 PRE-SATURATION, HIGHLY EXPANSIVE SOILS. When the soil below a deck has an expansion index of 91 or greater it shall be saturated with water to a depth of at least 18 inches prior to installation of the deck.

41.3.5 DECK BONDING. When decks are to be installed, whether structurally required or not, the reinforcing installed therein shall be electrically bonded together with the pool shell reinforcing and metal parts of electrical equipment associated with the pool water recirculating system and with miscellaneous metal accessories, such as pool slides, diving boards and spring boards, in accordance with NEC Sec. 680-22.

Sec. 41.4. DRAINAGE AND DISPOSAL

41.4.1 SURFACE WATER. Surface water from pool decks shall be collected and conducted through non-erosive devices to a street, storm drain, or other approved watercourse or disposal area.

41.4.2 WASTE WATER. Pool waste water shall be disposed of in accordance with the requirements of the Environmental Health Officer.

41.4.3 DRYWELLS. Drywells shall not be employed for pool wastewater disposal except when specifically approved for the purpose and when it has been determined that such installation is not likely to have adverse effects on the structural stability of the pool or other structures on the site. The Building Official may require a percolation test, soils report, and/or geological report to make such a determination.

Sec. 41.5. SPECIAL INSPECTION. Special inspection as required by Section 1701.5.12 in the UBC shall be provided for pneumatically placed concrete (gunite) in swimming pools.

Sec. 41.6. BARRIER REQUIREMENTS.

41.6.1 OUTDOOR SWIMMING POOL. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch diameter sphere.

   Exceptions:

   1. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.

   2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3. Chain link fences used as the barrier shall not be less than 11 gauge.

4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate barrier shall have no opening greater that ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. ~~Pedestrian gates shall swing away from the pool.~~ Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

5. Where a wall of Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 41.6.1 shall be provided.

   Exception: When approved by the building official, one of the following may be used:

   1. Self-closing and self-latching devices installed on all doors with direct access to the pool and the release mechanism located a minimum of 54 inches above the floor.

   2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.

   3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 though 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

7. Outdoor Swimming Pools with an approved safety pool cover shall not be required to provide other barriers.

8. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1 through 7, above, may be approved by the building official of the jurisdiction issuing the applicable building permit.

41.6.2 INDOOR SWIMMING POOL. For an indoor swimming pool, protection shall comply with the requirements of Section 41.6.1, Item 5.

41.6.3 SPAS AND HOT TUBS. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 41.6.1.

Exception: Spas or hot tubs equipped with a listed safety cover shall be exempt from the requirements of Section 41.6.1.

Analysis:

ENTIRE CHAPTER: This chapter has been rewritten entirely incorporating the requirements of the "Pool Safety Act" passed by the California State Legislature together with requirements from the 1997 UBC Appendix Chapter 4, Division I (Titled "Barriers for Swimming Pools, Spas and Hot Tubs") and local amendments to the chapter carried forward from prior adoptions.

CHAPTER 42 - MOBILEHOMES AND COMMERCIAL COACHES

Sec. 42.1. DEFINITIONS. For the purposes of this Article the terms "mobilehome," "commercial coach," "mobilehome accessory structure," and "foundation system" shall have the meanings set forth in Title 25, California Code of Regulations, and shall also apply to "manufactured housing" and "factory-built housing".

Sec. 42.2. SCOPE. The provisions of this Article shall apply to mobilehomes and commercial coaches installed outside mobilehome parks in all locations where the County of Ventura is the primary enforcement authority for applicable provisions of the State Mobilehome Parks Act, Subchapter 1 of Chapter 2, California Code of Regulations, Title 25.

Sec. 42.3. INSTALLATION PERMIT REQUIRED. No person, firm, or corporation shall install, occupy, or use a mobilehome, mobilehome accessory structure, or commercial coach or cause the same to be done without first obtaining an installation permit therefor. Said installation permit shall be issued subject to compliance with applicable laws and ordinances, including but not limited to:

1. Terms and conditions of a zoning clearance, including time limits established thereby.

2. Requirements for an approved foundation system.

3. Requirements for approved electrical, plumbing, and sewage disposal facilities.

4. Payment of installation permit fees in addition to fees for permits, services or clearances which may otherwise be required.

Sec. 42.4. SPECIAL REQUIREMENTS, COMMERCIAL COACHES

42.4.1 ALLOWABLE AREA. The area of commercial coach units connected in multiple shall not exceed the allowable floor area for the occupancy housed therein and the Type of Construction, in accordance with Section 504 in the UBC.

42.4.2 LOCATION ON PROPERTY. Commercial coaches shall be positioned on a site with sufficient setback from property lines so as to comply with the requirements of Section 503 in the UBC for fire-resistive protection of exterior walls and openings without the necessity for altering the structure or finish materials of the exterior walls of the coach.

42.4.3 STAIRS AND EXITS. Stairs, ramps, handrails, guardrails, landings, and exits shall be provided for commercial coaches as specified in Chapter 10 in the UBC. Such coaches shall also conform to applicable standards of the State of California for making buildings accessible by physically handicapped persons.

42.4.4 SANITARY FACILITIES. Commercial coaches shall be provided with sanitary facilities in accordance with the requirements of this Code which are applicable to the particular occupancy housed therein. Sanitary facilities shall also conform to the applicable standards of the State of California for accessibility to physically handicapped persons.

Sec. 42.5. REQUIREMENTS IN HIGH FIRE HAZARD AREAS. The requirements of Section UBC 607.2 in this ordinance shall be applicable to mobilehomes, mobilehome accessory structures, manufactured or factory-built housing, and commercial coaches installed within High Fire Hazard areas.

Sec. 42.6. SUBSTANDARD OR DANGEROUS MOBILEHOMES AND COMMERCIAL COACHES. All mobilehomes, commercial coaches, or portions thereof, whether permanently or temporarily installed, which are determined to be substandard or dangerous as defined in the Uniform Housing Code or the Dangerous Buildings Code as amended by this ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures specified in such codes.

Sec. 42.7 RECREATIONAL VEHICLES

42.7.1 DEFINITION

See Section 18010 of the California Code of Regulations, Health and Safety Code which reads as follows:

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

(Amended by Stats. 1990, Ch. 765, Sec. 3.)

42.7.2 ALLOWABLE USE

Recreational vehicles may only be used as "temporary dwellings during construction", as long as a building permit for new residential construction or major remodeling is in full force and effect and subject to Zoning Clearance conditions.

Recreational vehicles cannot be used as permanent dwellings or permanent accessory structures on private property, except as specifically allowed under California State law.

ANALYSIS:

This entire chapter has been written identify the requirements for placing mobile homes and commercial coaches on private property. They also coordinate with regulations found in Title 25 of the California Code of Regulations for mobile homes and commercial coaches. These are administrative changes.

CHAPTER 43 - POST-DISASTER RECOVERY AND RECONSTRUCTION

SECTION 43.1 POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

43.1.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Division of Building and Safety as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

43.1.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the County of Ventura following each natural or man-made disaster.

43.1.3 DEFINITIONS.

43.1.3.1 Building Official is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.1.3.2 Safety assessment is a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a natural or man-made disaster.

43.1.4 PLACARDS. The following official placards shall be used to designate the condition of buildings or structures following a disaster.

43.1.4.1 INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

43.1.4.2 RESTRICTED OR LIMITED ENTRY may be posed on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

43.1.4.3 UNSAFE - Do Not Enter or Occupy may be posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

43.1.4.5 SECURING OF UNSAFE BUILDINGS OR STRUCTURES - Buildings or structures that have been determined by the building official to pose a threat to life safety or to be unsafe due to damage may be required by the building official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures shall not be removed without authorization from the building official.

43.1.4.6 REMOVAL OF PLACARDS - Once the placard has been attached to a building or structure, it shall not be removed, altered or covered until authorized by the building official.

43.1.5 VIOLATION. Any violation of Article 3, Chapter 43 of this code is a misdemeanor and shall be subject to punishment according to the provisions of Article 2, Chapter 1, Section 103.

Section 43.2 POST DISASTER ABATEMENT

43.2.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors.

43.2.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura.

43.2.3 DEFINITIONS. For the purpose of the chapter, the following definitions apply:

43.2.3.1 EVENT shall mean any occurrence which results in the declaration of a disaster by the Board of Supervisors, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

43.2.3.2 HISTORIC BUILDING OR STRUCTURE shall be any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

43.2.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

43.2.4 ABATEMENT CRITERIA

43.2.4.1 NOTICE OF DETERMINATION. Except as provided in subsection 43.2.4.2 below, the Building Official shall serve a written Notice of Determination to each property owner as found on the latest available copy of the County Assessor's Role. Said Notice of Determination shall be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and shall also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice shall specify that within forty-eight (48) hours from the time of issuance of the Notice of Determination, the owner or other part of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by the Building Official.

43.2.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice shall be required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the County to give the owner notice prior to abatement, the Building Official may cause the nuisance to be abated by the County with County resources or County contractees.

43.2.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the Building Official within 48 hours of delivery of such notice of determination by the Building Official. Such appeal shall be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should and/or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance

by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official shall rescind in writing his former Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan, or should the Building Official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the General Board of Appeals.

43.2.4.4 GENERAL BOARD OF APPEALS HEARING. At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses, submit evidence and to cross-examine the witnesses of the County. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the General Board of Appeals shall act to either uphold, overrule or modify the determination and order of the Building Official . The determination and order of the Building Official shall be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within twenty-four (24) hours of the time the oral decision is rendered.

If the General Board of Appeals upholds the decision of the Building Official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order shall be vacated. The decision of the General Board of Appeals shall be final on the date it is rendered.

43.2.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record shall execute such plan within twenty-four (24) hours of obtaining approval of the plan from the Building Official, or his designee. Within twenty-four (24) hours of completion of the abatement work the owner or other interested party of record shall provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Hazard, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall be reviewed and approved by the Building Official before permanent repairs are performed.

43.2.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Hazard or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the Building Official.

43.2.4.7 PUBLIC NUISANCE. All structures or portions thereof which, after inspection by an unauthorized County Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be abated by the owner in accordance with the procedures specified in sections 43.2.4.4 and 43.2.4.5.

43.2.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any provisions herein to the contrary, the Building Official is authorized to suspend abatement work by the County, or the County's contractees, and to allow the property owner or other part of legal interest to complete the abatement work.

43.2.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this Chapter.

43.2.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

43.2.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

43.2.5.1 NOTIFICATION OF IMMINENT HAZARD. Within 10 days after the event, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

43.2.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right of way.

43.2.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code.

43.2.5.2 CONDEMNATION PROCEEDINGS. If, ten (10) days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in Article 1, Chapter 7, and as amended by Article 8 of this Code. The Building Official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

43.2.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building

Official shall submit a request to demolish to the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1986, as amended. Said request shall include all substantiating data.

Section 43.3 DISASTER REPAIR AND RECONSTRUCTION

43.3.1 INTENT. This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The Chapter does not allow exemptions from the Building, Fire Electrical, Mechanical, Plumbing, other codes, or County Ordinances.

43.3.2 APPLICATION OF PROVISIONS.

43.3.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the County of Ventura following each disaster after a local emergency has been declared by the Board of Supervisors.

43.3.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an engineering evaluation as defined in Section 43.3.3.

43.3.3 DEFINITIONS. For the purpose of this chapter, the following definitions apply:

43.3.3.1 ARCHITECT is a person licensed by the State of California to practice architecture as prescribed by the State of California Business and Professions Code.

43.3.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering as prescribed by the State of California Business and Professions Code.

43.3.3.3 CURRENT CODE shall mean the edition of the Uniform Building Code published by the International Conference of Building Officials, as adopted by the County of Ventura in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the Board of Supervisors, County of Ventura.

43.3.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs. All engineering evaluations shall include the engineer's or architects's stamp, wet-signature and license expiration date.

43.3.3.5 ESSENTIAL SERVICE FACILITY shall mean those buildings or structures designated by the County of Ventura to house facilities necessary for emergency operations subsequent to a disaster.

43.3.3.6 REPLACEMENT VALUE is the dollar value, as determined by a Building Official, for replacing a damaged structure with a new structure of the same size, same type of construction and same occupancy, and located on the same site.

43.3.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

43.3.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

43.3.3.9 BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

43.3.4 REPAIR CRITERIA

43.3.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

43.3.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system shall be repaired with all bracing required by current code.

43.3.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements shall be repaired and/or brought into conformance with the structural requirements of the current codes.

43.3.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the fire and life safety and structural requirements of the current applicable codes.

43.3.4.5 CHIMNEY VALUE EXCLUSION. In group R, Division 3 occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 43.3.5.

43.3.5 REPAIR CRITERIA FOR CHIMNEYS.

43.3.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 31 of the Uniform Building Code. Damaged portions of chimneys shall be removed in accordance with the following criteria.

43.3.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney shall be braced to the roof structure using an approved method.

43.3.5.3 SINGLE STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged

portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the firebox.

43.3.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where anchorage is found.

43.3.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

43.3.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 31 of the Uniform Building Code, alternate systems may be used in accordance with the alternate methods and materials provisions of the Uniform Building Code when approved by the Building Official.

43.3.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure using an approved method.

43.3.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

43.3.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

43.3.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair shall be as included in Section 43.3.4 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code shall apply.

43.3.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

43.3.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the ~~Uniform~~ ~~California Conservation Code~~ as adopted by the County of Ventura.

ANALYSIS:

This entire chapter has been written to address the inspections of damaged property and the placarding of damaged structures, and the permitting requirements for the repair and reconstruction of structures danged by disasters. These changes are administrative and also based on local geologic hazards.

ARTICLE 4 - AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE (CEC)

CHAPTER 2 - WIRING METHODS AND MATERIALS

Sec. 336.4. USES PERMITTED. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in agricultural buildings, one-family and two-family dwellings, and accessory structures, and in multi-family dwellings, and other structures, except as prohibited in Section 336-5. Cables in such structures shall be protected from physical damage. Where installed in cable trays, cables shall be identified for this use.

(FPN): See Section 310-10 for temperature limitation of conductors.

(a) **Type NM.** Type NM cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

(b) **Type NMC.** Type NMC cable shall be permitted:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16-in. (1.59-mm) thick, and covered with plaster, adobe, or similar finish.

(c) **Type NMS.** Type NMS cable shall be permitted for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish Type NMS cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness. Type NMS cable shall be used as permitted in Article 780.

Analysis:

This section has been modified to allow the use of Type NM, NMC, and NMS cables in one and two family dwelling accessory structures. This is an administrative change to clarify which structures may be included as "other" structures already allowed under the code.

ARTICLE 5 - AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE (CMC)

CHAPTER 1 - ADMINISTRATION

Section 102 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Section 115 - FEES

Sec. 115.1. GENERAL. Refer to Article 2, Chapter 1 Section 107 in this ordinance.

Sec. 115.6 FEE REFUNDS. Refer to Article 2, Chapter 1 Section 107.6 in this ordinance.

CHAPTER 8 - CHIMNEYS AND VENTS

SECTION 812 - TYPES OF CHIMNEYS

812.1 FACTORY-BUILT CHIMNEYS. Factory-built chimneys shall be installed in accordance with the terms of their listing, the manufacturer's installation instructions and the applicable requirements of this code. Factory-built chimneys shall terminate as required for unlisted single-wall metal chimneys in Table 8-~~D~~ 4.

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators.

EXCEPTION: Factory built chimneys for residential-type appliances and fireplaces may terminate three (3) feet above the roof opening and two (2) feet above any point of the building within ten (10) feet.

ANALYSIS:

This section has been modified to deal with specific chimney requirements in areas of high fire risk. This is a change based on local topographic conditions.

ARTICLE 6 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE (CPC)

CHAPTER 1 - ADMINISTRATION

Section 101.15 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

Sec. 102.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL.

102.2.7 AUTHORITY TO ABATE. Any portion of a plumbing system found by the Administrative Authority to be insanitary as defined in this Code, is hereby declared to be a nuisance.

Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this Section, the Administrative Authority shall require the nuisance or violation to be abated. If such abatement is refused, the Administrative Authority shall have recourse to every remedy provided by law to secure abatement.

Sec. 102.3 VIOLATIONS AND PENALTIES

102.3.2 PENALTIES - See Article 2, Chapter 1, Section 103 in this ordinance.

Section 103.1 - PERMITS

103.1.2 EXEMPTED WORK. A plumbing permit will not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste or vent piping, provided that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace all or part thereof with new material, the same shall be considered as new work, and a permit shall be obtained and inspections made, as provided in this code.

103.1.2.2 The clearing of stoppages or the repair of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, or the installation of new water closets on existing drainage connections, providing such repairs or reinstallation do not involve or require the replacement or rearrangement of valves or pipes. If it becomes necessary to remove and replace or rearrange valves, water piping, traps, drainpipe, soil, waste or vent pipes, the same shall be considered as new work, and a permit shall be obtained and inspections made as provided in the code.

103.1.2.3 EXEMPTIONS WITHIN SANITARY DISTRICTS. The provisions of this Code relating to building sewers as defined herein and to permits and fees therefor shall not apply within the boundaries of a sanitary district when the Building Official has determined that such district has adopted and is enforcing ordinances or regulations which are equal to or more restrictive than those contained in this Code.

CHAPTER 2 - DEFINITIONS

Section 202.0 - DEFINITIONS

SEEPAGE PIT. A seepage pit is a rock-filled excavation which receives the effluent from a septic tank and is so designed as to permit such effluent to seep through the bottom and sides of the pit into the surrounding soil.

CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

Sec. 601.0 RUNNING WATER REQUIRED

Section 601.1.2 REQUIREMENTS FOR WATER WELLS

(a) When the potable water supply for a structure is to be provided by a well, the well must pass the applicable pump and recovery test specified in the Ventura County Water Works Manual, as amended from time to time, for the purpose of demonstrating that the well is likely to remain an adequate source of potable water throughout the expected useful life of the structure.

EXCEPTIONS: A well shall not be required to pass the pump and recovery test if the structure to be served by it:

1. Is connected to a public water system or a state small water system as defined in Section 4010.1 of the Health and Safety Code; or

2. Overlies an aquifer that has been determined by the administrative authority to be adequate to meet all existing and projected demands made upon it for potable water without experiencing overdraft; or

3. Overlies an aquifer that may experience overdrafting but that has nonetheless been determined by the administrative authority, based upon a study and report prepared pursuant to the Ventura County Water works Manual, to be adequate to meet all existing and projected demands made upon it for potable water throughout the expected useful life of the structure.

(b) This section does not preclude the adoption and imposition of additional or more stringent well test requirements and standards in connection with subdivision approvals, conditional use permits, or other discretionary (as opposed to ministerial) permits.

CHAPTER 7 - SANITARY DRAINAGE

Sec. 701.0 MATERIALS OF DRAINAGE SYSTEMS.

701.1 Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, schedule 40 ABS DWV, schedule 40 PVC DWV, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

701.1.1 No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

701.1.2 ABS and PVC DWV piping installations shall be limited to residential construction, not more than two (2) stories in height.

701.1.3 No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept at least twelve (12) inches (.3m) below ground.

Sec. 713.0 SEWER REQUIRED

713.4 CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEMS. When the applicant seeks to install a conventional private sewage disposal system, the public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.

APPENDIX CHAPTER K - PRIVATE SEWAGE DISPOSAL SYSTEM

Sec. K-1. PRIVATE SEWAGE DISPOSAL: GENERAL REQUIREMENTS. (a) Where permitted by Section 305.2 of the UPC, as adopted and amended by this Code, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The type of system shall be determined on the basis of information contained in the soil report concerning location, soil porosity, groundwater, depth of fractured rock or impervious formations, and hillside stability, and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one or more seepage pits, into a combination of subsurface disposal field and seepage pits, into a mound system or into a subsurface sand filtration system.

(d). SEWAGE DISPOSAL EXPANSION AREA. All private sewage disposal systems shall be so designed that additional seepage pits, subsurface drain fields, mound systems or subsurface sand filtration systems, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the 100% expansion area.

(f). PRIVATE SEWAGE DISPOSAL RESTRICTIONS. When there is insufficient lot area or improper soil or geological conditions for adequate and safe sewage disposal for the building or land use proposed, and the Administrative Authority so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Administrative Authority have been submitted and approved. The Administrative Authority may grant exceptions to the requirements of the Code in case of practical difficulty or unnecessary hardship provided that the installation is equivalent to the standards established by this Code and is not inimical to the health, safety or welfare of the general public.

(i). APPROVAL OF ALTERNATE SYSTEMS. Alternate sewage disposal systems as defined in this Code may be installed only by special permission of the Administrative Authority which shall be given only if the Administrative Authority is satisfied that the systems will conform to the following requirements:

1. Treated or untreated effluent shall not be discharged onto the surface of the ground.

2. Wastewater shall be disposed of on the parcel where it is generated, except as provided for in Section 721.2 of the UPC.

3. The reliability of proposed designs for alternate private sewage disposal systems shall be well-documented.

4. The system shall be capable of easy maintenance.

5. Installation and repair shall not require the use of extraordinary materials, parts, or equipment.

6. The system shall require a minimum of mechanical components for its operation.

7. The system shall not be highly energy consumptive.

8. Operation of the system shall not create health hazards, water pollution, or nuisance conditions.

Sec. K-3. AREA OF DISPOSAL FIELDS AND SEEPAGE PITS. The minimum effective absorptive area of disposal fields in square feet of trench bottom, and of seepage pits in square feet of sidewall, shall be predicated on the required septic tank capacity in gallons. The required absorption area shall be as set forth in Table UPC Appendix K-6 in this ordinance for disposal fields, and as set forth in Table K-4 in the UPC for seepage pits. In addition, disposal fields and seepage pits shall conform to the following:

1. When disposal fields are installed, a minimum of one hundred fifty (150) square feet of trench bottom shall be provided for each system exclusive of any hardpan, rock, clay or other impervious formations. Sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption areas. Such increase shall be limited to 50% of the required absorption area.

2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be at least 50% greater than the requirement for trenches. Perimeter sidewall area in excess of the required twelve (12) inches and not to exceed thirty-six (36) inches below the leach line may be added to the trench bottom area when computing absorption area.

3. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formation. The minimum required area of porous formation shall be provided in one or more seepage pits.

4. No excavation for a leach line or leaching bed shall extend with five (5) feet of the water table nor to a depth where sewage may contaminate an underground water stratum which may be usable for domestic purposes. The applicant shall supply satisfactory evidence of groundwater depth when required by the Administrative Authority.

5. Plastic leaching chambers shall be sized on bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-6 in this code with a 0.70 multiplier.

Sec. K-4. PERCOLATION TESTS. (a) Disposal fields and seepage pits shall be sized in accordance with the percolation tests or analyses required by subsection (b) of this Section.

(b) In order to determine the absorption qualities of soils, the proposed site shall be subjected to percolation tests and/or hydrometer analyses performed under the supervision of a California-registered environmental health specialist, civil engineer, geologist or engineering geologist. Such tests or analyses shall be performed in accordance with standards established by the Administrative Authority.

(c) Each test shall be made with clear water in an excavation which has been thoroughly soaked prior to the test.

(d) No subsurface disposal field shall be permitted to serve a building if percolation test rates are greater than sixty (60) minutes per inch.

(e) No seepage pit shall be permitted to serve a building if the absorption capacity of the soil surrounding the pit is less than 0.83 gal./sq.ft./day.

(f) Test data shall be submitted on a form provided for that purpose and shall include such information as may reasonably be required by the Administrative Authority to determine the correctness and adequacy of the proposed disposal system.

Sec. K-7. SEEPAGE PITS. (a) The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereunto, and on the character and porosity of the surrounding soil as determined by such tests as may be required and shall comply with Sec. UPC Appendix K-3 in this ordinance.

(b) Seepage pits may be used where conditions are unsatisfactory for the installation of leach lines or beds. In no case shall seepage pits extend more than sixty (60) feet below the surface of the ground.

(c) Multiple seepage pit installations shall be connected through an approved distribution box or diversion valve and watertight piping laid on undisturbed or compacted soil.

(d) Each seepage pit shall be circular in shape and shall have an excavated diameter of not less than four (4) feet. Seepage pits shall be filled with clean rock 3/4 inches to 2½ inches in diameter, free from fines, except when otherwise approved by the Administrative Authority. Effluent shall be conducted to the bottom of the excavation by means of approved perforated pipe extending to the entire depth of the pit. Approval shall be obtained prior to construction for any pit having an excavation diameter greater than six (6) feet.

(e) Where groundwater is encountered, the bottom of the pit shall be backfilled with clean coarse sand at least ten (10) feet above the ground water encountered.

(f) Each seepage pit shall have a minimum sidewall of ten (10) feet below the inlet.

(g) Connections between a septic tank and seepage pits shall be made with approved watertight pipe. Such pipe shall be laid on natural ground or compacted fill.

(h) Rock fill in seepage pits shall be covered with asphalt-treated building paper, and backfilled with a minimum of eighteen (18) inches of earth.

(i) Subsection (i) of Appendix Section K7 in the UPC is hereby deleted in its entirety.

Sec. K-9. SUBSURFACE DISPOSAL OF INDUSTRIAL WASTE. The discharge of industrial waste into a soil absorption system shall be prohibited unless specifically approved by the Administrative Authority.

Subsections (a) through (g) of Appendix Sec. K9 in the UPC and the Recommended Design criteria for commercial/industrial waste disposal are hereby deleted in their entirety.

Sec. K-13. ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) DEFINITION. Alternate private sewage disposal systems are specially-designed, engineered, and approved private sewage disposal systems suitable for use in localities where the Administrative Authority has determined that the presence of shallow groundwater, rock, or adverse soil, geologic, or hydrologic conditions makes the use of conventional sewage disposal systems potentially hazardous to public health. Alternate private sewage disposal systems shall be limited to "mound" systems and "subsurface sand filtration" systems as regulated herein.

(b) GENERAL REQUIREMENTS. Designs for alternate private sewage disposal systems may be accepted for review by the Administrative Authority when it has been adequately demonstrated that the character of the soil, geology, or hydrology of the site is such that a conventional private sewage disposal system will not function in accordance with recognized health and sanitation standards. Such systems shall be designed by a California- registered civil engineer or a California-registered geologist, who shall submit written verification upon completion of an alternate private sewage disposal system that the installation is in conformance with the approved design.

Properties served by alternate private sewage disposal systems shall be located within an approved on-site wastewater management district or equivalent governmental agency capable of providing necessary maintenance and repair services for private sewage disposal systems within its boundaries. Such systems shall conform with all applicable rules and regulations adopted by said district or agency.

The design and construction of alternate private sewage disposal systems shall comply with the requirements of this Section and with other appropriate criteria established by the Administrative Authority.

Component parts of alternate private sewage disposal systems shall comply with the applicable setback requirements in Table UPC Appendix K-1 of this Code. The construction and capacity of septic tanks installed as components of alternate systems shall comply with Section K-5 and Table K-2 in the UPC.

Leach lines, leaching beds, and seepage pits which are components of alternate systems shall comply with the applicable requirements of this Code. No portion of a distribution bed or related filter material which is a component of a mound or subsurface sand filtration system shall be installed under a walkway, parking area, driveway, or similar paved surface.

The sizing of mound or subsurface sand filtration systems shall be based upon the average percolation rate of the natural soil at the location and depth of the proposed system, and the number of bedrooms or plumbing fixture units, in accordance with this Code and other applicable standards for sizing conventional leachlines, leaching beds and seepage pits. No alternate private sewage disposal system shall be permitted where the percolation rate exceeds sixty (60) minutes per inch.

(c) MOUND SYSTEMS. A mound system is an alternate private sewage disposal system which utilizes pressurized piping to deliver effluent from a septic tank into an above-ground gravel distribution bed, from which the effluent percolates and is filtered through mounded sand fill into natural soil. Typical components of such systems include a septic tank, lift pump and wet well, pressurized effluent piping, a sand fill mound, a distribution bed composed of gravel filter material and perforated distribution piping, a cover of topsoil over the top and sloped sides of the mound.

The lift pump and wet well shall be designed to handle peak flow from the septic tank. In no case shall pump capacity be less than twenty (20) gallons per minute not shall the pump motor be rated at less than one-half horsepower. The pump shall be approved for use in a sewage environment. The liquid holding capacity of the wet well shall be at least 300 gallons for one or two-bedroom dwelling units. An additional 100 gallons capacity shall be provided for each bedroom in excess of two. Equivalent capacity shall be provided for occupancies other than dwellings based on fixture unit calculations as set forth in this Code.

The wet well shall be fitted with automatic high and low level pump controls. Operation of the lift pump shall not cause surges in the liquid level within the tank. An alarm device shall be installed which will provide audio and visual warning signals to occupants of the property in advance of any overflow from the wet well.

Mounds shall not be installed on a slope greater than 12%. The base of the mound shall be located at least two (2) feet above the highest known seasonal groundwater elevation at the

site and two (2) feet above fractured bedrock, if any. Fill material comprising the mound shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the fill material onto the mound. The slope of the sides of the mound shall be not steeper than 3 horizontal to 1 vertical.

Distribution beds shall be level and shall be located a minimum of five (5) feet above the highest known seasonal groundwater elevation at the site. Filter material comprising the bed shall be clean gravel varying in size from .75 inch to 2.5 inches. The total thickness of the bed shall be sufficient to provide a minimum of twelve (12) inches of filter material below, and at least two (2) inches of such material above all distribution piping within the bed. Distribution piping shall uniformly distribute effluent over the entire area of the bed. Distribution beds shall be of sufficient size to limit the application rate for effluent to not more than 1.5 gallons per square foot per day.

After filter material has been placed over the piping, the distribution bed shall be covered with untreated building paper, straw, or similar porous material to prevent closure of voids when earth covering is added. Topsoil shall be placed to a depth of at least twelve (12) inches over the top of the distribution bed, and shall be placed on the sloping sides of the mound to a thickness of at least six (6) inches.

(d) SUBSURFACE SAND FILTRATION SYSTEMS. A subsurface sand filtration system is an alternate private sewage disposal system which utilizes gravity to deliver effluent from a septic tank to a subsurface gravel distribution bed, from which the effluent is filtered through a bed of sand to reduce organic matter and pathogenic organisms, and thence percolates into natural soil. Typical components of such systems include a septic tank, effluent piping, a subsurface distribution bed composed of gravel filter material and perforated distribution piping, a sand filtration bed, and a leaching bed, leach lines, or seepage pits.

Distribution beds shall be designed and constructed in a manner similar to that set forth for mound systems in subsection (c) above, using approved, perforated gravity-flow piping in lieu of pressurized piping. Sand filtration beds shall extend not less than five (5) feet vertically below and five (5) feet horizontally from the edges of any distribution bed. Filtration material shall be clean sand having a uniform grain size distribution within the acceptable range indicated on Table UPC Appendix K-7 of this Code. Conformance with this grain size standard shall be determined by sieve analysis performed on representative samples taken prior to placement of the filtration material into the filter bed excavation.

Section K-14 NON-HAZARDOUS LIQUID WASTE TRANSFER FACILITIES

Definition: A Non-Hazardous Liquid Waste Transfer Facility is a temporary holding facility for non-hazardous liquid waste from recreational vehicle holding tanks and portable toilets. A Non-Hazardous Liquid Waste Transfer Facility consists of a holding tank, liquid waste loading area with washdown equipment, associated piping, and holding tank liquid level alarm system.

1. Holding tank construction shall be consistent with UPC section K-5, with the exception that baffles are not required and only one access port is required.

2. All piping, including but not limited to materials, cleanouts, and venting, shall be consistent with UPC sections 715.0 through 720.0, inclusive.

3. Minimum setbacks for holding tanks shall be as follows:

Streams and Watercourses	50 feet
Wells	50 feet
Groundwater	5 feet
Structures	5 feet
Property Line	5 feet
On-Site Domestic Water Line	5 feet
Public Water Main	10 feet

4. Minimum holding tank capacity shall be not less than three times the anticipated daily loading to the holding tank and in no case shall be less than 1,000 gallons.

5. An alarm system constructed of durable, corrosion-resistant material shall be installed on each holding tank. This alarm shall give a conspicuous audio and visual indication whenever the tank becomes two-thirds full.

6. The liquid waste loading area shall consist of an impermeable, easily cleanable area designed and constructed in a manner which prevents the formation of insanitary conditions. A ¾ inch water hose connection shall be installed at the liquid waste loading area to allow connection of a hose for area washdown following holding tank pumping. An approved backflow prevention assembly shall be installed in the water service line to the hose connection. Provisions shall be made to store the washdown hose off the ground. A warning sign shall be posted at the water hose connection reading: DANGER - UNSAFE WATER.

7. Holding tanks shall be pumped by a licensed pumper as needed. Quarterly reports of holding tank pumping shall be submitted to the Ventura County Environmental Health Division by March 30, June 30, September 30, and December 31 of each year.

8. Offer to grant an easement to County Service Area 32 is required. A contractual maintenance agreement with a public utility may also be required.

Section K-15 CLUSTERED SYSTEMS

(a) DEFINITION. Clustered systems are comprised of three or more private sewage disposal systems with soil absorption components located in a common area on a single legal lot.

(b) GENERAL REQUIREMENTS. All components of clustered systems shall comply with all applicable requirements of this Code pertaining to private sewage disposal systems and the following additional requirements:

1. The primary (installed) soil absorption components of the clustered system shall provide 200% of the minimum area calculated for each structure connected to the clustered system pursuant to Section K-3 of this Code.

2. Land area providing for complete replacement of the primary soil absorption components of the clustered system shall be set aside for future expansion, and shall conform with Table UPC Appendix K-1 of this Code.

3. a. For residential structures, each private sewage disposal system comprising the clustered system shall be connected to not more than one dwelling unit within a structure.

   b. For non-residential structures, each private sewage disposal system comprising a clustered system shall be connected to one or more structures with a combined daily wastewater discharge not to exceed 1,500 gallons.

4. The soil absorption component of each private sewage disposal system within the clustered system shall be located at least sixteen horizontal feet from the soil absorption component of any other private sewage disposal system within the same clustered system.

5. When a clustered system is (or can become) located on land jointly owned by more than one owner of the structures served (e.g., condominium projects), an easement and agreement approved by the Environmental Health Division providing for access to inspect, maintain, and repair/replace the clustered system shall be recorded in the Office of the County Recorder.

6. A monitoring well, constructed and maintained in conformance with procedures adopted by the Administrative Authority, shall be provided in an approved location.

7. All distribution boxes within the clustered system shall be fitted with risers extending to finish grade elevation.

8. The applicant for each clustered system shall provide a signed statement from a California-Certified Engineering Geologist, certifying the following:

   a. The proposed clustered system site is free against the potential hazard from landslide, excessive settlement and slippage.

   b. Incorporation of geotechnical and geologic recommendations in concert with safe construction practices is anticipated to result in a site which is considered geotechnically and geologically suitable for the intended use and will not adversely affect adjoining properties.

TABLE UPC APPENDIX K-1
(Superscript numbers refer to footnotes (1) through (8) on next page

LOCATION OF SEWAGE DISPOSAL SYSTEMS

Minimum Horizontal Distance in Feet From:	Building Sewer	Septic Tank	Disposal Field	Seepage Pit	Subsurface Sand Filtration System	Mound System
Building or Structures[1]	2	5	8	8	8	20[7]
Property line adjoining private property	Clear[2]	5	5	8	8	10
Water supply well on suction line	50[3]	50	100	150	100[8]	100
Streams, lakes, tidal waters or ocean waters	50	50	50	100	100	100
Large Trees	--	10	--	10	10	--
Seepage pits or cesspools	--	5	5	12	--	--
Disposal Field	--	5	4[4]	5	--	--
On site domestic water service line	1[5]	5	5	5	5	5
Distribution Box	--	--	5	5	--	--
Pressure public water main	10[6]	10	10	10	10	10

NOTE: When disposal fields ~~and~~/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

When facilities are located near tidal or ocean waters, the horizontal distance shall be measured from the historically most landward location of the beach at the mean high tide elevation. Structures or facilities shall be constructed in accordance with Federal, State and local laws to prevent erosion of the beaches and movement of the mean high tide closer than the horizontal distances specified above.

FOOTNOTES TO TABLE UPC APPENDIX K-1

(1) Including porches and steps, whether covered or uncovered, breezeways, roofed port-cocheres, roofed patios, carports, covered walks, covered driveways and similar appurtenances.

(2) See Section 313.3 of the UPC.

(3) The distance may be reduced to not less than twenty-five (25) feet when approved metallic piping is installed. Where special hazards are involved, the distance required shall be increased as may be directed by the County Health Officer or the Administrative Authority.

(4) Plus two (2) feet for each additional foot of depth in excess of one (1) foot below the bottom of the drain line (see Sec. K6(i) of the UPC).

(5) See Sec. 720.0 of the UPC.

(6) For parallel construction. For crossings, approval by the Administrative Authority is required.

(7) This distance shall be increased to 30 feet when the system is located upslope of the structure.

(8) This distance shall be increased to 150 feet when seepage pits are used as a component of the system.

TABLE UPC APPENDIX K-6
(Letters in parenthesis refer to footnotes below)

ABSORPTION AREA REQUIREMENTS

Percolation Rate (Time in minutes required for water to fall one inch)	Required Absorption Area (Sq. ft. per bedroom using standard leach lines. See notes (a) through (e) below.
1 or less	75
2	85
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
over 60 (e)	---

(a) Sufficient usable land area must be available to provide 100% expansion of required absorption area when/if necessary. See Sec. UPC APPENDIX K-1(d) in this Code.

(b) Absorption area should be sufficient to accommodate increased future use stemming from the addition of bedrooms or conversion of unfinished spaces to bedroom use, whenever such changes can be reasonably be anticipated.

(c) The absorption area for leach lines and leaching beds is calculated as trench bottom area only except as provide in Sec. UPC APPENDIX K-3 in this ordinance. Minimum required area for leaching trenches is 150 sq. ft.

(d) The above table allows for the connection of domestic food waste units and automatic clothes washing machines without further increase in absorption area.

(e) Soil having a percolation rate over 60 min/inch is unsuitable for installation of an absorption system.

TABLE UPC APPENDIX K-7

ANALYSIS:

Changes have been made to the sections dealing with exempted work, water supply and distribution, sanitary drainage, required sewers and private sewage disposal systems. These changes are administrative and based on local topographic conditions.

ARTICLE 7 - AMENDMENTS TO THE UNIFORM HOUSING CODE (UHC)

CHAPTER 1 - TITLE AND SCOPE

Section 104 - APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

104.2. RELOCATION. Buildings or structures moved into or within the County shall comply with the provisions of Article 2, Chapter 40 in this ordinance.

Section 105 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. APPEALS BOARD.

203.1 - GENERAL The Housing Advisory and Appeals Board, for the purposes of this housing code, shall be the General Board of Appeals as set forth in Article 2, Chapter 1, Section 105 in this ordinance. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 in the UHC.

Sec. 204. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

CHAPTER 3 - PERMITS AND INSPECTIONS

Sec. 302 FEES. Refer to Article 2, Chapter 1, Section 107 in this ordinance.

~~CHAPTER 5 - SPACE AND OCCUPANCY STANDARDS~~

~~Section 503 - ROOM DIMENSIONS~~

~~503.2. FLOOR AREA. 1. Every dwelling unit shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet.~~

~~2. Net floor area, as used herein, shall mean the total number of square feet of floor area in a dwelling unit based upon the interior dimensions of that dwelling unit excluding bathrooms, kitchens, halls, stairwells, closets, storage or utility space, and similar areas.~~

~~No dwelling unit shall be occupied or allowed to be occupied in such a manner that the maximum occupancy of the dwelling unit, as determined below, is exceeded.~~

~~3. Maximum occupancy shall be determined as follows:~~

~~For the first two occupants of any dwelling unit, there shall be a minimum of 220 square feet of net floor area. An additional 100 square feet of floor area shall be provided for every additional occupant of the dwelling unit.~~

~~EXCEPTION: Nothing in this section shall prohibit the use of an efficiency dwelling unit within a structure which complies with the requirements of UBC Section 310.7.~~

CHAPTER 12 - APPEAL

Section 1201 - GENERAL

1201.2. PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 1201 in the UHC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.

The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a substandard building or the premises on which it is located.

CHAPTER 14 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 1401 - COMPLIANCE

1401.1. GENERAL. After any order of the Building Official or a Board of Appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor or infraction.

ANALYSIS:

Minor administrative changes have been made to the housing code in regard to enforcement, permits and inspections and appeals. These are administrative changes only.

ARTICLE 8 - AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (DBC)

CHAPTER 1 - TITLE AND SCOPE

Sec. 104 - GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

CHAPTER 2 - ENFORCEMENT

Sec. 203. VIOLATIONS AND PENALTIES. See Article 2, Chapter 1, Section 103 in this ordinance.

Sec. 205. APPEALS BOARD. The appeals Board for the purposes of the Dangerous Buildings Code shall be the General Board of Appeals as set forth in Article 2 in this ordinance. Appeals

to the Board shall be processed in accordance with the provisions contained in Section 501 in the DBC.

CHAPTER 5 - APPEAL

Section 501 - GENERAL

501.2 PROCESSING OF APPEAL. Upon receipt of any appeal filed pursuant to Section 501 in the DBC, the Building Official shall present it at the next regular or special meeting of the Board of Appeals. The Building Official may, under the applicable procedures set forth in this Code, request and initiate a hearing before the Board of Appeals on any matter related to a dangerous building or the premises on which it is located.

CHAPTER 7 - ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Section 701 - COMPLIANCE

701.1 GENERAL. After any order of the Building Official or a board of appeals made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be guilty of a misdemeanor/infraction.

ANALYSIS:

Minor administrative changes have been made to the dangerous buildings code in regard to enforcement, violations and penalties and appeals. These are administrative changes only.

~~ARTICLE 9 - AMENDMENTS TO APPENDIX CHAPTER 1 OF THE UNIFORM CALIFORNIA CONSERVATION CODE (U CCC)~~

APPENDIX CHAPTER 1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

Section A100 - GENERAL

A100.1 PURPOSE. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

A100.2 SCOPE. The provisions of this Chapter shall apply to all existing buildings in Seismic Zones 3 and 4 which were constructed or under construction, or for which a building permit was issued, prior to May 10, 1962, having at least one unreinforced masonry wall. Except as provided herein, all other provisions of the Uniform Building Code shall apply.

EXCEPTIONS: This code shall not apply to:

1. Detached one or two story family dwellings, detached apartment houses containing less than 5 dwelling units and used solely for residential purposes, and hotels/motels containing less than 5 guest rooms.

2. Essential Facilities as defined in Table 16K of the Uniform Building Code.

3. Hazardous Facilities as defined in Table 16K of the Uniform Building Code.

This does not require alteration of existing electrical, plumbing, mechanical or fire safety systems.

A100.3 GENERAL AMENDMENTS. See Article 2, Chapter 1 for amendments of general application to this code. Where there is a conflict between the general amendments and specific ones found herein, the more restrictive shall apply.

A100.4 COUNTY ORDINANCE HISTORY. This article together with Article 1, Chapter 8 is a restatement of Ventura County Ordinance No. 3948 which it hereby supersedes. The section numbering has been revised to be consistent with the current numbering sequence found in the U.C.B.C.

Section A101 ADMINISTRATIVE PROVISIONS

A101.1 DEFINITIONS. For the purposes of this Division, the applicable definitions in the Uniform Building Code shall also apply.

HIGH RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of 100 occupants or more as determined by Section 1002.1 and Table 10-A of the Uniform Building Code.

EXCEPTIONS: A high risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum height of 1-1/2 times the story height.

2. Any building used for its intended purpose, as determined by the Building Official for less than 20 hours per week.

LOW RISK BUILDING is any building, other than an essential or hazardous building, having an occupant load of less than 20 occupants as determined by Section 1002.1, Table 10-A, of the Uniform Building Code.

MEDIUM RISK BUILDING is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load of 20 occupants or more as determined by Section 1002.1, Table 10-A of the Uniform Building Code.

A101.2 **Rating Classifications.** The rating classifications identified in Table A-9-A are hereby established and each building within the scope of this Division shall be placed in one such rating

classification by the Building Official. The total occupant load of the entire building as determined by Section 1002.1, Table 10-A of the Uniform Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this Division, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications.

A101.3 **Compliance Requirements.** 1. The owner of each building within the scope of this Division shall, upon service of an order and within the time limits set forth in this Division, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this Division, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within scope of this Division shall comply with the requirements set forth above by submitting to the Building Official for review within the stated time limits:

   A. Within 270 days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this Division; or

   B. Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Division; or

   C. Within 120 days after service of the order, plans for installation of wall anchors in accordance with the requirements specified in Section A113 of the UCBC; or

   D. Within 270 days after service of the order, plans for the demolition of the building.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-9-B. These time limits shall begin to run from the date the order is served in accordance with Section A101.4.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners electing to comply with A101.3 of this subsection are also required to comply with Items A101.2 or A101.4 of this subsection provided, however, that the 270-day period provided for in Items A101.2 or A101.4 and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A-9-B shall be extended in accordance with Table No. A-9-C. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A101.4 except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

A101.4 **Administration.**

A101.4.1 Order - Service. A. The Building Official shall, in accordance with the priorities set forth in Table No. A-9-C, issue an order as provided in this section of other owner of each buildings within the scope of this Division.

B. Prior to the service of an order as set forth in Table No. A-9-C, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this Division. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

A101.4.2 Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Division shall be in accordance with the rating classification as shown on Table No. A-9-C. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A-9-C shall be measured from the effective date of this Division. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Division prior to the normal service date for such building set forth in this Division.

A101.4.3 Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Division and, therefore, is required to meet the minimum seismic standards of this Division. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A101.3, which sets forth the owner's alternatives and time limits for compliance.

A101.4.4 Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Division to the Board of Appeals established by Section 105 of the Ventura County Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A101.4 Any such appeal shall be decided by the Board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Division shall be made in accordance with the procedures established in Sections 104.2.7 and 104.2.8 of the Uniform Building Code.

A101.4.5 Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this Division and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Division has not been demonstrated.

If the building is either demolished, found not to be within the scope of this Division or is structurally capable of resisting minimum seismic forces required by this Division as a result of

structural alterations or an analysis, the Building Official shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this Division.

A101.4.6 Enforcement. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section A101.3, the Building Official shall verify that the owner of record of this building has been properly served. If the order has been served on the owner of record, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the Uniform Building Code.

Section A102 GENERAL REQUIREMENTS

A102.1 **GENERAL.** All buildings shall have a seismic resisting system conforming with Section 1603.3 of the Uniform Building Code, except as modified by this Division.

A102.2 **Alterations and Repairs.** Alterations and repairs required to meet the provisions of this Division shall comply with all other applicable requirements of the Uniform Building Code unless specifically provided for in this Division.

(c) A102.3 **Requirements for Plans.** The following construction information shall be included in the plans required by this Division.

1. Accurately dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing material. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned and drawn to scale on the plans.

2. Accurately dimensioned wall elevations showing openings, piers, wall classes as defined in Section A106.3, thicknesses, and heights, wall shear test locations, cracks or damaged portions requiring repairs, the general condition of the mortar joints, and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.

5. The extent and type of parapet corrections which were previously perform, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this Division.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section A113.

TABLE NO. A-9-A
RATING CLASSIFICATIONS

TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A-9-B
TIME LIMITS FOR COMPLIANCE

Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year[1]	180 days[2]	3 years[2]
Wall Anchors	180 days[1]	270 days[2]	1 year[2]

[1]Measured from date of service of order.

[2]Measured from date of building permit issuance.

TABLE A-9-C
EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ANALYSIS:

Administrative changes have been made to the California Conservation Code dealing with time frames for compliance, operational procedures, enforcement and the establishment of service properties. These changes are administrative.

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ORDINANCE NO. 4274

SUMMARY OF PROPOSED ORDINANCE AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:

All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.

An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.

Chapter 2:

The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.

Chapter 3:

The California Electrical Code is adopted with amendments as shown in Article 2 and Article 4.

Chapter 4:

The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.

ATTACHMENT "B"

Chapter 5:

The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.

Chapter 6:

The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.

Chapter 7:

The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.

Chapter 8:

Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Model Codes

Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.

Detached one-story animal shade covers less than 1,000 square feet in area have been added to the list of work not requiring a permit.

The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)

Building Code changes have been made in regards to definitions, high fire hazard areas, structure forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.

Defined words are now shown in bold type to be consistent with the building code and to improve readability.

The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.

The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBC in Appendix Chapter 4, Division 1 - "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.

Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

In Article 4, Amendments to the California Electrical Code (CEC)

Changes to the California Electrical Code have been made centering on administrative powers and duties of enforcement, exempted work, conductors, wiring methods and materials, grounding and emergency systems.

In Article 5, California Mechanical Code (CMC)

Amendments to the mechanical code have been made dealing with local conditions for the installation of factory-built chimneys.

In Article 6, Amendments to the California Plumbing Code (CPC)

Amendments have been made dealing with administrative powers and duties of enforcement, exempted work, definitions, water supply and distributions, sanitary drainage, required sewers and location of sewage disposal systems, and private sewage disposal systems.

In Article 7, Amendments to the Uniform Housing Code (UHC)

Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8, Amendments to the Dangerous Building Code (DBC)

Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)

The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include those dealing with the purpose and scope and administrative provisions.

Prepared By: Neil C. Kleb
Assistant County Counsel

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ORDINANCE NO. 4274

TABLE A-9-C

EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

ADOPTED this 5th day of November, 2002 by the following vote:

AYES: Supervisors Bennett, Schilds, Long, Mikels & Flynn

NOES: None

ABSENT: None

John K. Flynn

Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Paul L. Placencia
Deputy Clerk of the Board

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BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

November 5, 2002 at 9:00 a.m.

ORD 4274/206

AMENDING VENTURA COUNTY BUILDING CODE

An Ordinance of the County of Ventura Amending the Ventura County Building Code and Adopting by Reference the Current Editions is presented to the Board at this time, and upon motion of Supervisors Mikels, seconded by Supervisor Schillo, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4274.

Board members vote as follows:

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn

Noes: None

Absent: None

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4274.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for and against the same, at least once in the Ventura County Star, A newspaper of general circulation printed and published in the County of Ventura, State of California.

COPIES TO:

RMA (2)
AUDITOR
FILES (2)
ITEM 17
11/5/02
KP

Certificate of Publication

Ad No. 512253

In Matter of Publication of:

Ventura Clerk of the Board
Summary Ordinance

State of California)
))§
County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 11, 2002 (2nd copy)

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 18th of December 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

RECEIVED
DEC 20 2002

OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO.4274 AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.
An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.
Chapter 3:
The California Electrical Code is adopted with an amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with amendments as shown in Article 2 and Article 7.
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Mode Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.
Detached one-story animal shade covers less than 1,000 square feet in area have been added to the list of work not requiring a permit.
The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)
Building Code changes have been made in regards to definitions, high fire hazard areas, structure, forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.
Defined words are now shown in bold type to be consistent with the building code and to improve readability.
The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.
The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBS in Appendix Chapter 4, Division I, "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.
Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

Certificate of Publication

Ad No. VC512253

In Matter of Publication of:

County of Ventura County Star Summary of Ordinance No. 4274 (GI02-018)

State of California)

))§

County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Simi Valley Star, Oxnard Star, Moorpark Star, Thousand Oaks Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 11, 2002

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 11th of November 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

RECEIVED
NOV 18 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO.4274 AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follows: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Buildings, 1997 edition; California Electric Code, 2001 edition; California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the *Ventura County Building Code.*
An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.
Chapter 3:
The California Electrical Code is adopted with an amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published by the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with *amendments as shown in Article 2 and Article 7.*
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references *has not changed, however.*

In Article 2, Amendments of General Application to all the Adopted State and Mode Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permit fees, inspections, and certificates of occupancy.
Detached one-story animal shade covers less than 1,000 square feet in area have been added to the *list of work not requiring a permit.*
The Building Permit Fee Table has been removed as fees are established in a separate resolution adopted by the Board of Supervisors.

In Article 3, Amendments to the California Building Code (CBC)
Building Code changes have been made in regards to definitions, high fire hazard areas, structure forces, foundations and retaining walls, wood sheer walls, gypsum board and plaster, relocated buildings and temporary structures, swimming pools, mobilehomes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing foundations, elevators and escalators, and excavation and grading.
Defined words are now shown in bold type to be consistent with the building code and to improve readability.
The table for the maximum diaphragm dimension ratios for wood diaphragms has been updated to reflect changes in the new code. Footnote 3 in the code has been dropped out in the amendment due to the high seismic activity in the Ventura area.
The swimming pool chapter incorporates the requirements of the "Swimming Pool Safety Act" passed by the California State Legislature together with the requirements found in the 1997 UBS in Appendix Chapter 4, Division 1- "Barriers for Swimming Pools, Spas and Hot Tubs". In addition, former amendments from the Ventura County Building Code have been carried forward where they do not conflict with the other regulations.
Minor editorial changes to capitalize section headings have been made to improve readability and to be consistent with the other sections in the ordinance.

In Article 4, Amendments to the California Electrical Code (CED)
Changes to the California Electrical Code have been made centering on administrative powers and duties of enforcement, exempted work, conductors, wiring methods and materials, grounding and emergency systems.
In Article 5, California Mechanical Code (CMC)
Amendments to the mechanical code have been made dealing with local conditions for the installation of factory-built chimneys.
In Article 6, Amendments to the California Plumbing Code (CPC)
Amendments have been made dealing with administrative powers and duties of enforcement, exempted work, definitions, water supply and distributions, sanitary drainage, required sewers and location of sewage disposal systems, and private sewage disposal systems.

In Article 7, Amendments to the Uniform Housing Code (UHC)
Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8 Amendments to the Dangerous Building Code (DBC)
Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)
The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include those dealing with the purpose and scope and administrative provisions.

Passed and adopted this 5th day of Nov. 2002

Ayes: Supervisors Bennett, Schillo, Long, Mikels and Flynn
Noes: None Absent: None
Publish: Nov 11, 2002 Ad No.VC512253

02-018

Certificate of Publication

Ad No(s): 507924

In Matter of Publication of:

Summary of Ordinance

State of California)
((§
County of Ventura)

I, **Sharon K. Palmer,** hereby certify that the **Ventura County Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

October 31, 2002

I certify, under penalty of perjury, that the foregoing is true and correct.

Dated this **13th** day of **November 2002** in San Buenaventura, California.

(Signature)
skp

RECEIVED
NOV 15 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO. AMENDING THE VENTURA COUNTY BUILDING CODE AND RELATED CODES

The following is a summary of the proposed amendments to the Ventura County Building Code and related codes to be considered by the Ventura County Building Code and related codes to be considered by the Ventura County Board of Supervisors on October 8, 2002, at 9:00 a.m., in the Board Hearing Room in the Hall of Administration, County Government Center, 800 S. Victoria Avenue, Ventura, California. The purpose of the amendments is to amend the Ventura County Building Code and adopt by reference the current editions of certain state adopted and other model codes as follow: California Building Code, 2001 edition; Appendix Chapter 1 of the California Conservation Code, 2001 Edition Edition; Uniform Housing Code, 1997 edition; Uniform Code for the Abatement of Dangerous Building, 1997 edition; California Electric Code, 2001 edition California Plumbing Code, 2001 edition; and the California Mechanical Code, 2001 edition together with amendments thereto. Copies of the full text of the proposed ordinance are on file with the Clerk of the Board of Supervisors.

In Article 1, Adoption of the California Building Standards Code and Other Model Codes by Reference.

Chapter 1:
All references to code editions have been updated to refer to the latest editions of the State adopted codes and the other model codes adopted into the Ventura County Building Code.

An editorial change has been made revising the address for the code publishing organization that publishes the mechanical code.
Chapter 2:
The California Building Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 3.
Chapter 3:
The California Electric Code is adopted with amendments as shown in Article 2 and Article 4.
Chapter 4:
The California Mechanical Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 5. The Mechanical Code is now that version published the International Association of Plumbing and Mechanical Officials.
Chapter 5:
The California Plumbing Code and certain appendixes are adopted with amendments as shown in Article 2 and Article 6.
Chapter 6:
The Uniform Housing Code is adopted with amendments as shown in Article and Article 7.
Chapter 7:
The California Code for the Abatement of Dangerous Buildings is adopted with amendments as shown in Article 2 and Article 8.
Chapter 8:
Appendix Chapter 1 of the California Conservation Code is adopted with amendments as shown in Article 2 and Article 9. The California Conservation Code has been renamed from the Uniform Code for Building Conservation because of its adoption by the State. The mode code it references has not changed, however.

In Article 2, Amendments of General Application to all the Adopted State and Model Codes
Administrative amendments of general application have been made to all of the adopted codes, especially in regards to title, scope and purpose of the code, violations, organizations and enforcement, Boards of Appeal, permits, [illegible]
Changes to the Housing Code have been made regarding relocated buildings, enforcement, appeals, violations and penalties and permits and inspections.

In Article 8, Amendments to the Dangerous Building Code (DBC)
Amendments have been made to the Dangerous Building Code dealing with enforcement and appeals.

In Article 9, Amendments to the California Conservation Code (CCC)
The new California Conservation Code has been adopted. It is based on the same 1997 Uniform Code for Building Conservation as was previously adopted. Amendments to that code being carried forward include these dealing with the purpose and scope and administrative provisions.

Passed and adopted this ___ day of __, 2002.
Ayes: Supervisors Noes: Absent: ___
Publish: Oct 31, 2002 Ad No.VC507924

02-017

Certificate of Publication

Ad No. 497812

In Matter of Publication of:

Ventura County Clerk of Board
Notice of Public Hearing

State of California)
))§
County of Ventura)

I, **Veronica G. Duncan**, hereby certify that the **Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of San Buenaventura, County of Ventura, State of California; that I am the principal clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Nov 20, 2002 (2nd copy)

I, Veronica G. Duncan certify under penalty of perjury, that the foregoing is true and correct.

Dated this 18th of December 2002, in San Buenaventura, California.

Veronica G. Duncan
(Signature)

NOTICE OF PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN BUILDING CODES, TOGETHER WITH AMENDMENTS THERETO; AND ADOPTING CERTAIN OTHER PROVISIONS REGULATING BUILDINGS AND STRUCTURES

NOTICE IS HEREBY GIVEN that a public hearing, as provided by law, will be held by the Board of Supervisors of the County of Ventura to consider adoption of amendments to the Ventura County Building Code.

The proposed ordinance would adopt by reference current editions of the following California and uniform codes, making them applicable in the unincorporated areas of Ventura County: California Building Code 2001 edition, Uniform Housing Code 1997 edition. Uniform Code for the Abatement of Dangerous Buildings 1997 edition California Electrical Code 2001 edition, California Plumbing Code 2001 edition, California Mechanical Code 2001 edition and the California Conservation Code 2001 edition.

The proposed ordinance would amend certain administrative and regulatory provisions of the Ventura County Building Code.

Said public hearing will be held on Tuesday, November 5, 2002, at 10:00 a.m. in the Board of Supervisors' Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California, at which time any interested person may attend and be heard on this matter.

The Board of Supervisors may or may not adopt the proposed ordinance as result of the public meeting. Final action will be taken at a subsequent meeting of the Board of Supervisors.

The Clerk of the Board of Supervisors will maintain copies of the proposed ordinance and code on file at the Government Center, Hall of Administration, Fourth Floor 800 South Victoria Avenue, Ventura, California for reveiw by interested persons.
Dated this 11th day of October 2002.

JOHN F. JOHNSTON
Clerk of the Board of Supervisors
By: Karen L. Placencia
Deputy Clerk of the Board
Publish: Oct 11, 18, 2002
Ad No.VC497812

RECEIVED
DEC 20 2002
OFFICE OF CLERK
BOARD OF SUPERVISORS

02-014

October 8, 2002 at 8:30 a.m.

206

RESOURCE MANAGEMENT AGENCY – Public Hearing and Adoption of an Ordinance Adopting the Proposed Amendments to the Ventura County Building Code (VCBC) and Related Codes. READ ORDINANCE IN TITLE ONLY; CONTINUE FINAL ADOPTION TO NOVEMBER 5, 2002 AT 9:00 A.M.
VARIOUS BUILDING CODES ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

Jack Phillips

244

Cont To 11/5/02
9 am

ORD
L1274

RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

October 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: ADOPTION OF PROPOSED AMENDMENTS TO THE VENTURA COUNTY BUILDING CODE (VCBC) AND RELATED CODES

RECOMMENDED ACTION:

1. Conduct a public hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing Law, for final adoption on November 5, 2002, at 9:00 a.m.

2. At a second meeting on November 5, 2002, at 9:00 a.m., receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective thirty days from the date of final passage, adopt a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law, and direct that the findings be filed with the State Building Standards Commission.

FISCAL/MANDATES IMPACT: None

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

The uniform building codes form the primary basis of authority under which local building departments regulate the construction of buildings and structures. The California Health and Safety Code requires every city or county to utilize virtually the same housing construction standards as those of the State, but with provision for local adjustments to reflect local conditions. The recommended revisions to Ventura County's local ordinance are part of the normal legal process which is prescribed by State law for the adoption of building codes.

The local County building codes which are currently in effect were last amended by the Board in June 1999. This proposed ordinance will update references to the latest editions of the State codes, and will maintain uniformity with nearby city and county jurisdictions, which are completing the same process. Additionally, the proposed ordinance will improve certain of the administrative and regulatory provisions of the Ventura County Building Code (VCBC) to facilitate administration and enforcement of the codes. The VCBC is a compilation of previously-adopted ordinances regulating construction and incorporates State adopted codes and other model codes.

4i12-1.02

Attachment "A" is a copy of the VCBC which incorporates the proposed amendments without strike outs or underlining and has been furnished to the Clerk of the Board for publication as required by law.

Attachment "B" is an abbreviated summary by article of the changes made to the VCBC.

Attachment "C" is a copy of the letter sent out by the Building Official to interested parties requesting their review of the draft VCBC.

Attachment "D" is a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law. Adoption of these express findings is required by Health and Safety Code Section 17922. A county may make modifications in the requirements of the State adopted codes which are reasonably necessary because of local conditions. Changes to State construction standards may not, however, result in standards less than State minimums.

Attachment "E" are the express findings required for adoption.

A copy of the proposed Ventura County Building Code and these attachments are available in the Clerk of the Board's office and at the Building and Safety Counters in the Simi Valley Court House and in the Administration Building in Ventura.

Existing amendments that have not changed from the prior code have been simply brought forward without modification. Changes made by the amendments fall into one of the following categories:

1. Editorial changes that either update references, section numbers, chapter and section titles, or add highlighting of definitions, or make grammatical corrections and clarifying language revisions. These are found in various places throughout the code.

2. Administrative changes that modify permit processes or requirements or other administrative provisions in the code. Prominent administrative changes include those dealing with the title, scope and purpose of the code, violations, organization and enforcement, Boards of Appeal, permits, fees, inspections and certificates of occupancy.

3. Technical changes or "building standards", which actually affect the specific design and approval of a structure. Many of the amendments dealing with "building standards" have been reduced or eliminated as they are now found in the State code itself and are no longer necessary to add by amendment.

   Other technical changes have been made to the codes in regard to definitions, high fire hazard areas, structural forces, foundations, shear walls, gypsum board and plaster, relocated buildings, swimming pools, mobile homes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing, elevators, excavation and grading, wiring methods and materials, factory-built chimneys and sewage disposal systems.

Beginning on September 25, 2002, an initial draft of the proposed VCBC amendments was sent to interested parties, including engineers, architects and draftspersons, builders and contractors, individual citizens and industry groups such as the Ventura County Contractors Association, Building Industries Association, American Institute of Architects, and the Structural Engineers Association and to members of the County's Building Appeals Boards.

This item has been reviewed by the Chief Executive Office, County Counsel and the Auditor-Controller. A legislative version with strikeouts through deleted words and sentences and underlining under new words and sentences is on file with the Clerk of the Board of Supervisors. If you have any questions, please call me at extension 2787.

Jack Phillips

JACK PHILLIPS, BUILDING OFFICIAL

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Attachment "A": Proposed Ventura County Building Code

Attachment "B": Abbreviated Summary of Code Amendments

Attachment "C": Letter from Building Official to Interested Parties

Attachment "D": Resolution Adopting Express Findings Regarding Modification of Uniform Codes Subject to the State Housing Law

Attachment "E": Express Findings Required for Adoption

c: Building Industries Association
American Institute of Architects
Associated General Contractors of California
Ventura County Contractors Association
Structural Engineers Association

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: October 28, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Roberta Rodriguez
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-017

Please publish the attached: **SUMMARY ORDINANCE – Amending the Ventura county Building Code and Related Codes - Hearing – November 5, 2002,**

One (1) time in the issues of THURSDAY, OCTOBER 31, 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.star

2nd Nov 5th 9 am

NOTICE OF PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT EDITIONS OF CERTAIN BUILDING CODES, TOGETHER WITH AMENDMENTS THERETO; AND ADOPTING CERTAIN OTHER PROVISIONS REGULATING BUILDINGS AND STRUCTURES

NOTICE IS HEREBY GIVEN that a public hearing, as provided by law, will be held by the Board of Supervisors of the County of Ventura to consider adoption of amendments to the Ventura County Building Code.

The proposed ordinance would adopt by reference current editions of the following California and uniform codes, making them applicable in the unincorporated areas of Ventura County: California Building Code 2001 edition, Uniform Housing Code 1997 edition, Uniform Code for the Abatement of Dangerous Buildings 1997 edition, California Electrical Code 2001 edition, California Plumbing Code 2001 edition, California Mechanical Code 2001 edition and the California Conservation Code 2001 edition.

The proposed ordinance would amend certain administrative and regulatory provisions of the Ventura County Building Code.

Said public hearing will be held on Tuesday, November 5, 2002, at 10:00 a.m. in the Board of Supervisors' Hearing Room in the Hall of Administration, County Government Center, 800 South Victoria Avenue, Ventura, California, at which time any interested person may attend and be heard on this matter.

The Board of Supervisors may or may not adopt the proposed ordinance as a result of the public meeting. Final action will be taken at a subsequent meeting of the Board of Supervisors.

The Clerk of the Board of Supervisors will maintain copies of the proposed ordinance and code on file at the Government Center, Hall of Administration, Fourth Floor, 800 South Victoria Avenue, Ventura, California for review by interested persons. Dated this 11 day of October 2002.

JOHN F. JOHNSTON
Clerk of the Board of Supervisors

By: Karl Racenca
Deputy Clerk of the Board

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CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: October 3, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Karel Placencia
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-014

Please publish the attached: **FIRST AND SECOND NOTICE OF PUBLIC HEARING – Adoption of Ordinance for Proposed Amendments to the Ventura County Building Code (VCBC) and Related Codes,**

Two (2) times in the issues of FRIDAY, OCTOBER 11ST & 18TH , 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Immediately upon completion of publication, forward the following to the above office.

1. Affidavit of Publication, signed by printer, or his/her foreman, or principal clerk.

2. Please identify publication by writing our number (GI or AI number) on affidavit and column inches.

Very truly yours,

JOHN F. JOHNSTON, Clerk of the Board

By: KAREL PLACENCIA
Deputy Clerk of the Board

fax.star

RESOURCE MANAGEMENT AGENCY

county of ventura

DIVISION OF BUILDING AND SAFETY
Jack Phillips
Building Official

October 8, 2002

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: ADOPTION OF PROPOSED AMENDMENTS TO THE VENTURA COUNTY BUILDING CODE (VCBC) AND RELATED CODES

RECOMMENDED ACTION:

1. Conduct a public hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing Law, for final adoption on November 5, 2002, at 9:00 a.m.

2. At a second meeting on November 5, 2002, at 9:00 a.m., receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective thirty days from the date of final passage, adopt a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law, and direct that the findings be filed with the State Building Standards Commission.

FISCAL/MANDATES IMPACT: None

STATEMENT OF MATTER FOR BOARD CONSIDERATION:

The uniform building codes form the primary basis of authority under which local building departments regulate the construction of buildings and structures. The California Health and Safety Code requires every city or county to utilize virtually the same housing construction standards as those of the State, but with provision for local adjustments to reflect local conditions. The recommended revisions to Ventura County's local ordinance are part of the normal legal process which is prescribed by State law for the adoption of building codes.

The local County building codes which are currently in effect were last amended by the Board in June 1999. This proposed ordinance will update references to the latest editions of the State codes, and will maintain uniformity with nearby city and county jurisdictions, which are completing the same process. Additionally, the proposed ordinance will improve certain of the administrative and regulatory provisions of the Ventura County Building Code (VCBC) to facilitate administration and enforcement of the codes. The VCBC is a compilation of previously-adopted ordinances regulating construction and incorporates State adopted codes and other model codes.

4i12-1.02

Attachment "A" is a copy of the VCBC which incorporates the proposed amendments without strike outs or underlining and has been furnished to the Clerk of the Board for publication as required by law.

Attachment "B" is an abbreviated summary by article of the changes made to the VCBC.

Attachment "C" is a copy of the letter sent out by the Building Official to interested parties requesting their review of the draft VCBC.

Attachment "D" is a Resolution adopting express findings regarding modification of uniform codes which regulate buildings subject to the State Housing law. Adoption of these express findings is required by Health and Safety Code Section 17922. A county may make modifications in the requirements of the State adopted codes which are reasonably necessary because of local conditions. Changes to State construction standards may not, however, result in standards less than State minimums.

Attachment "E" are the express findings required for adoption.

A copy of the proposed Ventura County Building Code and these attachments are available in the Clerk of the Board's office and at the Building and Safety Counters in the Simi Valley Court House and in the Administration Building in Ventura.

Existing amendments that have not changed from the prior code have been simply brought forward without modification. Changes made by the amendments fall into one of the following categories:

1. Editorial changes that either update references, section numbers, chapter and section titles, or add highlighting of definitions, or make grammatical corrections and clarifying language revisions. These are found in various places throughout the code.

2. Administrative changes that modify permit processes or requirements or other administrative provisions in the code. Prominent administrative changes include those dealing with the title, scope and purpose of the code, violations, organization and enforcement, Boards of Appeal, permits, fees, inspections and certificates of occupancy.

3. Technical changes or "building standards", which actually affect the specific design and approval of a structure. Many of the amendments dealing with "building standards" have been reduced or eliminated as they are now found in the State code itself and are no longer necessary to add by amendment.

   Other technical changes have been made to the codes in regard to definitions, high fire hazard areas, structural forces, foundations, shear walls, gypsum board and plaster, relocated buildings, swimming pools, mobile homes and commercial coaches, post-disaster recovery and reconstruction, agricultural buildings, damp-proofing, elevators, excavation and grading, wiring methods and materials, factory-built chimneys and sewage disposal systems.

Beginning on September 25, 2002, an initial draft of the proposed VCBC amendments was sent to interested parties, including engineers, architects and draftspersons, builders and contractors, individual citizens and industry groups such as the Ventura County Contractors Association, Building Industries Association, American Institute of Architects, and the Structural Engineers Association and to members of the County's Building Appeals Boards.

This item has been reviewed by the Chief Executive Office, County Counsel and the Auditor-Controller. A legislative version with strikeouts through deleted words and sentences and underlining under new words and sentences is on file with the Clerk of the Board of Supervisors. If you have any questions, please call me at extension 2787.

Jack Phillips

JACK PHILLIPS, BUILDING OFFICIAL

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Attachment "A": Proposed Ventura County Building Code

Attachment "B": Abbreviated Summary of Code Amendments

Attachment "C": Letter from Building Official to Interested Parties

Attachment "D": Resolution Adopting Express Findings Regarding Modification of Uniform Codes Subject to the State Housing Law

Attachment "E": Express Findings Required for Adoption

c: Building Industries Association
American Institute of Architects
Associated General Contractors of California
Ventura County Contractors Association
Structural Engineers Association

TRANSACTION REPORT

Transmission
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
812	NOV. 6 08:58	8054776710	0° 00' 51"	003	OK	N ECM

CLERKS TO:
Board of Supervisors
Air Pollution Control Board
Air Pollution Control District Hearing Board
Assessment Appeals Board
Public Facilities Corporation
Various Special Districts

Roberta Rodriguez
Chief Deputy Clerk of Board
800 South Victoria Avenue, L#1920
Ventura, CA 93009
Phone: (805) 654-2251
Fax: (805) 677-8711
http://ceo.countyofventura.org/cob.htm

JOHN F. JOHNSTON
CLERK OF THE BOARD OF SUPERVISORS

654-2251

FAX TRANSMITTAL/ORDER OF PUBLICATION

PLEASE FAX SIGNED CONFIRMATION OF RECEIPT FOR THIS REQUEST

DATE: November 6, 2002

TO: VENTURA COUNTY STAR
Attn: Veronica Duncan, Legal Desk
FAX. #: 477-6710 or 645-1020

NO. PAGES FOLLOWING (Including this Page): 2

FROM: Karel Placencia
PHONE #. 654-2251

RE: ORDER FOR LEGAL PUBLICATION - GI #02-018

Please publish the attached: **ORDINANCE NO. 4274, An Ordinance Amending the Ventura County Building Code and Related Codes,**

One (1) time in the issues of MONDAY, November 11, 2002, setting legal in solid block form without indentation of sub-paragraphs, sub-item, signatures and titles, and single space legal in its entirety.

Indent major paragraphs no more than one space.

Sec. 105 - BOARD OF APPEALS

105.1 GENERAL. To determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this Code, and to hear the appeals provided for, there shall be and are hereby created Boards of Appeals. Each Board shall consist of five members who are not employees of the County and who are qualified by experience and training to pass upon matters pertaining to the type of construction related to each Board's jurisdiction as hereinafter described. The Building Official shall be an ex officio member and shall act as Secretary of each Board. Each Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Each Board shall adopt reasonable rules and regulations for conducting its investigations. All decisions and findings shall be rendered in writing to the appellant with duplicate copy to the Building Official. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public. All decisions of a Board of Appeals shall be final.

105.3 SPECIFIC BOARDS OF APPEAL

105.3.1 GENERAL BOARD OF APPEALS. The jurisdiction of the General Board of Appeals shall be all the appealable matters contained in this Code, except those matters expressly placed within the jurisdiction of one of the following Board of Appeals.

105.3.2 BOARD OF GRADING APPEALS. The jurisdiction of the Board of Grading Appeals shall be the appealable matters contained in APPENDIX Chapter 33 of the Uniform Building Code.

105.3.3 BOARD OF MECHANICAL AND PLUMBING APPEALS. The jurisdiction of the Board of Mechanical and Plumbing Appeals shall be the appealable matters contained in the Uniform Mechanical Code and the Uniform Plumbing Code.

105.3.4 BOARD OF ELECTRICAL APPEALS. The jurisdiction of the Board of Electrical Appeals shall be the appealable matters contained in the National Electrical Code.

105.3.5 BOARD OF APPEALS OF ACCESSIBILITY MATTERS. The jurisdiction of the Board of Appeals of Accessibility matters shall be the appealable matters contained in California State Title 24
CCR), the Federal Americans with Disabilities Act and Federal Housing Authority regulations for disabled access.

105.4 APPEALS HEARING FEE. Required fees as set forth in the Ventura County Building and Safety Fee Schedule shall accompany each application for a hearing before any of the appeals boards authorized by this Code.

BOARD MINUTES

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS SUSAN K. LACEY, FRANK SCHILLO
MAGGIE KILDEE, JUDY MIKELS AND JOHN K. FLYNN
March 21, 1995 at 8:30 a.m.

202.500

POLICY - Recommendation of Supervisor Flynn to Amend the Joint Powers Agreement (JPA) - Point Mugu Regional Airport Authority.

(X) All board members are present.

( ) All board members are present except Supervisor _____

(X) The following person(s) are heard: Don Hollingsworth and W.E. Dunkle.

(X) The following document(s) are submitted to the Board for consideration: ( ) ____ statement card(s); (X) Eleven pages dated March 21, 1995, entitled "Board of Supervisors, County of Ventura, Subject: Agenda Item #22".

( ) The Board holds a public hearing.

(X) Upon motion of Supervisor Flynn, seconded by Supervisor Schillo, and duly carried, the Board hereby approves the attached staff recommendation(s) with Supervisor Kildee dissenting.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the attached staff recommendation(s) with the following modification(s): _____
( ) Supervisor(s) _____ dissenting/abstaining.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby continues the above stated matter to _____.
( ) Supervisor(s) _____ dissenting/abstaining.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby _____.

( ) Without motion, the Board hereby: ( ) Continues the above stated matter to _____.
( ) Makes/hears the attached presentation. ( ) Removes the above stated matter from the Agenda. ( ) Receives and files the attached.

( ) Upon motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the Board hereby approves the Informational Agenda as attached.

( ) _____

By: Kathryne M. Oler
Deputy County Clerk

CLERK'S CERTIFICATE
I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.
RICHARD D. DEAN, County Clerk and ex-officio Clerk of the Board of Supervisors, County of Ventura, State of California. Dated: _____

By: _____
Deputy County Clerk

Item # 22
03/21/95

Airports Cities Dist 5
DISTRIBUTION: Originating Agency, Auditor, File ( ), _____

MEMBERS OF THE BOARD
MAGGIE ERICKSON KILDEE
Chair
SUSAN K. LACEY
FRANK SCHILLO
JUDY MIKELS
JOHN K. FLYNN

JOHN K. FLYNN
SUPERVISOR, FIFTH DISTRICT
(805) 654-2706
FAX NO. (805) 654-2226

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION, L #1890
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

March 21, 1995

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

Subject: JOINT POWERS AGREEMENT (JPA) - POINT MUGU REGIONAL AIRPORT AUTHORITY

RECOMMENDATION:

It is recommended that your Board:

1. Amend the Joint Powers Agreement (JPA) approved by this Board on January 31, 1995, to delete the requirement that the Authority created thereunder not acquire or operate a joint civilian/military use airport at the Pt. Mugu Naval Air Station without the prior approval of the County.

FISCAL IMPACT:

No impact from the requested amendment.

Impact on other departments: No Additional Direct Costs because of the amendment.

DISCUSSION:

On January 31, 1995, this Board approved the Joint Powers Agreement Creating the Point Mugu Regional Airport Authority. The JPA was amended from the form received from the Joint Use Investigative Committee, however, to include the following:

"Notwithstanding any other provision of this agreement, the Authority shall not acquire or operate a joint civilian/military use airport at the Pt. Mugu Naval Air Station without the prior approval of the County."

Recycled Paper

Subsequent to this Board's approval of the Joint Powers Agreement, concern was raised by the other public entities who are anticipated to be part of the JPA, including the cities of Ventura, Oxnard, and Thousand Oaks, as to the necessity for requiring an additional review of the action of the JPA Board. Such concern has now jeopardized the expeditious formation of the JPA Board and the ongoing work necessary prior to making any ultimate determination as to the formal application to the Navy for joint use of the facility at Pt. Mugu.

It has never been represented to this Board that approval of the JPA in its original form constituted a "final decision as to the concurrent use of the airfield for commercial purposes." (My letter supporting the adoption of the JPA.) The County will be represented on the Board and will have an independent review as to its impact on land use in the area. I support deleting the language contained in the amendment and adopting it as initially presented to this Board as set forth in the attachment to this letter.

The amended JPA and this letter have been reviewed by the Auditor-Controller, the Chief Administrative Office and County Counsel.

Sincerely,

John K. Flynn

JOHN K. FLYNN
Supervisor, District 5

Attachment

FIRST AMENDED
JOINT POWERS AGREEMENT CREATING
THE POINT MUGU REGIONAL AIRPORT AUTHORITY

This JOINT POWERS AGREEMENT CREATING THE POINT MUGU REGIONAL AIRPORT AUTHORITY (the "Agreement") is made and entered into by the County of Ventura, the Cities of Camarillo, Oxnard, Port Hueneme, Thousand Oaks, and Ventura pursuant to section 6500 et seq. of the Government Code and other applicable law.

The parties hereto agree as follows:

Section 1. **Purpose and Scope**

This Agreement constitutes a joint powers authority for the purpose of acquiring and operating the Point Mugu Regional Airport.

Section 2. **Definitions**

The following terms are defined for the purpose of this Agreement unless otherwise apparent from context:

"Authority" means the Point Mugu Regional Airport Authority created by this Agreement.

"County" means the County of Ventura.

"Camarillo" means the City of Camarillo.

"Oxnard" means the City of Oxnard.

"Port Hueneme" means the City of Port Hueneme.

"Thousand Oaks" means the City of Thousand Oaks.

"Ventura" means the City of Ventura.

"Cities" means Camarillo, Oxnard, Port Hueneme, Thousand Oaks and Ventura.

"Equally" means that amount determined by dividing the liabilities or assets of the Authority by the total number of Parties to this Agreement at the time the calculation is made.

"Airport" means the aeronautical facilities located at the Point Mugu Naval Air Station which are available for the civilian use and acquired by this Authority.

"Party" or "Parties" means one or all of the parties to this Agreement.

Section 3. **Creation of Authority as a Separate Entity, Effective Date**

It is the intention of the Parties to create, by means of this Agreement, a separate legal entity within the meaning of section 6503.5 of the Government Code. Accordingly, there is hereby created a separate legal entity which shall exercise its powers in accordance with the provisions of this Agreement and applicable law, and which shall be deemed established when at least five (5) of the Parties, including the County, execute this Agreement (the "Effective Date"). The Authority created hereby shall be an entity separate and apart from the Parties to this Agreement, pursuant to Government Code section 6507. The Authority shall assume responsibility for the work of the Point Mugu Airport Joint Use Investigative Committee.

Section 4. **Governing Board**

(a) The governing board of the Authority shall be composed of not more than seven (7) persons (the "Board"). Each party shall appoint one person to serve as a member of the Board. Each

appointee shall serve a four (4) year term at the pleasure of the appointing party. Initial appointment shall be made within 30 days of the effective date of this Agreement. The person appointed shall be an elected official of the governing body of the appointing party. Each Party shall determine the qualifications of the person appointed by that Party.

(b) Each Party shall appoint one person to serve as an alternate member of the Board. Each appointee shall serve a four (4) year term at the pleasure of the appointing Party. Initial appointments shall be made within 30 days of the effective date of this Agreement. The person appointed shall be an elected official of the governing body of the appointing party. Each Party shall determine the qualifications of the alternate Board member appointed by that Party.

(c) At the initial meeting, the Board shall appoint one of its members to serve as Chair, and a different member to serve as Vice-Chair. The Board shall appoint a Secretary and Treasurer. The Secretary and Treasurer may be Board members but shall not be the same person.

(d) The Board shall establish the policies of the Authority consistent with this Agreement.

(e) The Board shall take action only at public meetings in compliance with Government Code section 54900 et seq. (Ralph M. Brown Act.)

(f) A majority of the total membership of the Board shall constitute a quorum of the Board for the transaction of business.

A majority of the Board shall be required to approve any expenditure of funds exceeding $5,000.00 and orders for the acquisition of real property. A majority of a quorum of the Board shall be sufficient to take any other action. The Board shall act by motion or resolution.

(g) Members of the Board shall serve without compensation but shall be reimbursed for reasonable and necessary expenses incurred in furtherance of the business of the Authority.

Section 5. **Common Powers**

The Authority shall have, and exercise those powers common to its members with respect to the establishment, acquisition and management of an airport and shall have all of the express powers set forth in section 6500 et seq. of the Government Code, and other applicable laws and this Agreement. The Authority shall, in addition, have all implied powers necessary to perform its functions. It shall exercise its powers only in a manner consistent with the provisions of this Agreement, the Bylaws and applicable law.

Section 6. **Regular Meetings**

The Board shall, by means of the adoption of Bylaws, establish dates and times of regular meetings of the Board. The location of each meeting shall be as directed by the Board.

Section 7. **Officers, Employees**

(a) Officers: The Board shall appoint an Executive Director and Treasurer to carry out the policies of the Authority. The Treasurer may be the Treasurer of one of the

Parties. Officers of the Authority shall serve at the pleasure of the Board. Officers shall be compensated in amounts established by the Board.

(b) Employees: The Executive Director shall appoint qualified persons, as employees, to fill positions authorized by the Board. Each such employee shall serve at the pleasure of the Executive Director.

Section 8. **Consultants**

The Board may engage the services of independent consultants as necessary from time-to-time.

Section 9. **Conflicts of Interest**

(a) The Authority shall adopt a conflicts of interest disclosure code which shall be effective upon approval by the code reviewing body.

(b) Officers and employees of the Authority shall comply with the Political Reform Act and other provisions of law dealing with conflicts of interest.

Section 10. **Environmental Affairs**

The Authority shall serve as lead agency under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq., "CEQA"), as it may be amended from time-to-time, for all environmental studies required for Authority activities. Each Party to this Agreement shall be deemed a responsible Party within the meaning of CEQA. The Authority shall determine whether additional responsible Parties exist.

Section 11. **Finance**

(a) Each Party shall loan the Authority Twenty Thousand Dollars ($20,000). Each such loan shall be evidenced by a Promissory Note which shall bear interest at the average rate paid by the Local Agency Investment Fund (LAIF) during the term of the loan. The term of each such loan shall be five (5) years.

(b) The Board shall adopt a policy for the control and investment of its funds and shall require strict compliance with such policy. The policy shall comply in all respects, with all provisions of applicable law.

(c) All fees, revenue, and other income generated by Airport operation are not to be distributed to any Party, but are to be used only for Airport operation.

(d) Issuance of revenue bonds or other obligations as provided in this Agreement shall not be considered debts, obligations, or liabilities of the Parties.

(e) The Authority shall contract with an independent certified public accountant or firm of certified public accountants to make an annual audit of the accounts and records of the Authority, and a complete written report of such audit shall be filed annually with each of the Parties and with the Auditor-Controller of Ventura County, as part of the public records, within twelve (12) months of the end of the Fiscal Year under examination. Such annual audit and written report shall comply with the requirements of California Government Code section 6506. The costs of the annual audit, including contracts

with, or employment of, such independent certified public accountant or firm of certified public accountants in making an audit pursuant to this Agreement, shall be a charge against any unencumbered funds of the Authority available for such purpose.

(f) All Parties agree that each Party will not levy any fees or taxes on Airport operations or uses.

Section 12. **Property**

Real and personal property may be acquired by the Authority by donation, purchase, or lease. Title to property acquired by the Authority shall be held in the name of the Authority.

Section 13. **Term, Termination**

(a) This Agreement is effective on the Effective Date and shall continue in effect for so long as the Authority operates the Airport.

(b) Any Party may withdraw from the Authority upon the giving of three hundred sixty (360) days prior written notice. However, except those debts, obligations, or liabilities which are not debts, obligations, or liabilities of the Parties pursuant to section 11(d) of this Agreement, the withdrawing Party shall remain responsible for its equal share of liabilities of the Authority existing as of the date of withdrawal. Provided, further, the withdrawing party shall not share the assets of the Authority unless the Authority is terminated prior to the effective date of the three hundred sixty (360) days written notice. Assets and liabilities accruing after the

effective date of withdrawal shall accrue solely to the remaining Parties.

(c) If all of the Parties give written notice of termination, the assets and liabilities of the Authority shall be distributed equally to all Parties.

Section 14. **Amendment**

This Agreement may be amended at any time with the consent of all of the then Parties hereto.

WHEREFORE, the Parties to this Agreement have caused this Agreement to be executed on their behalf, respectively, as of the Effective Date, as follows:

COUNTY OF VENTURA

Maggie Kildee
Chair

RICHARD D. DEAN, County Clerk

By: Kathryn McAllen
Attest: Deputy - Clerk of the Board

CITY OF CAMARILLO

_____
Mayor

ATTEST:_____
Clerk of the Board

CITY OF OXNARD

_____
Mayor

ATTEST:_____
City Clerk

(Signatures Continued on Next Page)

effective date of withdrawal shall accrue solely to the remaining Parties.

(c) If all of the Parties give written notice of termination, the assets and liabilities of the Authority shall be distributed equally to all Parties.

Section 14. **Amendment**

This Agreement may be amended at any time with the consent of all of the then Parties hereto.

WHEREFORE, the Parties to this Agreement have caused this Agreement to be executed on their behalf, respectively, as of the Effective Date, as follows:

COUNTY OF VENTURA

RICHARD D. DEAN, County Clerk

Maggie Kildee
Chair

Attest: Kathryn M. Olen
Deputy Clerk of the Board

CITY OF CAMARILLO

Mayor

ATTEST:
Clerk of the Board

CITY OF OXNARD

M Madrigal
Mayor

ATTEST: Daniel Martinez
City Clerk

(Signatures Continued on Next Page)

CITY OF PORT HUENEME

Lori Young

Mayor

ATTEST: Karen B. Jackson
City Clerk

CITY OF THOUSAND OAKS

Mayor

ATTEST:
City Clerk

CITY OF SAN BUENAVENTURA

Mayor

ATTEST:
City Clerk

CITY OF PORT HUENEME

_____
Mayor

ATTEST:_____
City Clerk

CITY OF THOUSAND OAKS

_____
Mayor Jaime Zukowski

ATTEST:_____
City Clerk Nancy A. Dillon

CITY OF SAN BUENAVENTURA

_____
Mayor

ATTEST:_____
City Clerk

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CITY OF PORT HUENEME

_____
Mayor

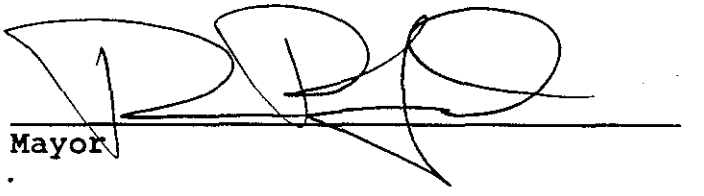
ATTEST: _____
City Clerk

CITY OF THOUSAND OAKS

_____
Mayor

ATTEST: _____
City Clerk

CITY OF SAN BUENAVENTURA



Mayor

ATTEST: Maki Covarrubias Kliskey
Deputy City Clerk

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BYLAWS OF THE POINT MUGU REGIONAL AIRPORT AUTHORITY

The following are the by-laws of the Point Mugu Regional Airport Authority:

ARTICLE 1 - GENERAL

Section 1-1: Scope

The Point Mugu Regional Airport Authority, hereinafter referred to as "Authority," was formed pursuant to a joint powers agreement (JPA) among the County of Ventura, the City of San Buenaventura, the City of Oxnard, the City of Port Hueneme, and the City of Thousand Oaks. The Authority became effective with the execution of the JPA by the County of Ventura on March 21, 1995, as the final public entity of the five signatories required thereunder. These by-laws are adopted to implement the JPA.

Section 1-2: Purpose

The purpose of the Authority is to function as the single governing entity, recognized by the Department of Defense, and the F.A.A. for planning, development, operation and management of a civilian airport in conjunction with military aviation at Naval Air Weapons Station, Point Mugu. In pursuit of the foregoing, the JPA was made for the following expressed purposes:

(a) Establishment, maintenance, and operation of a separate political and administrative structure by which to implement joint use airport initiatives;

(b) Assumption of duties previously performed by the Point Mugu Airport Joint Use Investigative Committee;

(c) Completion of planning and environmental studies to ascertain project feasibility;

(d) Designation as lead agency for purposes of environmental review, entitlement permitting and public participation; and

(e) Obtaining funds to sustain planning, development and operation of the joint use airport.

The Authority shall have the power to spend monies and incur indebtedness to fulfill its purpose, in accordance with California Government Code section 6500 et seq.

Section 1-3: Governing Board

The governing board of the Authority (the "Governing Board") shall be composed of not more than seven persons. Each public entity member shall appoint one person to serve as a member of the Governing Board. Each representative shall serve a term of four years at the pleasure of the appointing party. Each appointee shall be an elected official of the governing body of the appointing party. Each public entity member shall also appoint an alternate member who will be a voting participant at Authority meetings when the regular member representing the respective public entity is not in attendance.

Effective January 1, 1997, the Governing Board shall elect, by vote of the majority of the quorum, its chairperson and vice-chairperson at the first meeting of each new calendar year.

The Governing Board may, at its pleasure and by majority vote, establish committees and appoint committee members. Members of the Governing Board may be members of these committees. However, no more than two Governing Board members can serve on the same committee.

Section 1-4: Officers

The Governing Board shall also appoint an Executive Director, Secretary and Treasurer as officers of the Authority, to carry out the policies of the Authority. The Secretary may be the Secretary of one of the Parties or a member of the Governing Board. The Treasurer may be the Treasurer of one of the Parties or a member of the Governing Board. These officers of the Authority shall serve at the pleasure of the Governing Board. Officers shall be compensated in amounts to be established by the Governing Board.

Section 1-5: Employees

The Executive Director shall appoint qualified persons, as employees, to fill such positions as are authorized by the Authority. Each such employee shall serve at the pleasure of the Executive Director. Compensation of such employees shall be established by the Executive Director, subject to approval of the Authority.

ARTICLE 2 - MEETINGS

Section 2-1: General

(A) All meetings of the Governing Board and of committees established by formal action of the Governing Board shall be open to the public and all persons shall be permitted to attend. No action shall be taken by secret ballot at such meetings.

(B) The following terms are defined for the purposes of this section:

Meeting includes any congregation of a quorum of the Governing Board at the same time and place to hear, discuss or deliberate on any ruling within the jurisdiction of the Authority; and any use of direct communication, personal intermediaries or technological devices by a quorum of the Governing Board to develop a collective concurrence to action by the Governing Board.

Meeting does *not* include: individual contacts between members and any other person; attendance at a conference or similar gathering open to the public involving discussions of issues of interest to the public generally by public agencies specifically, if members do not discuss Authority business; attendance at open and publicized meetings addressing topics of community concern by someone not associated with the Authority, if members do not discuss Authority business; or attendance at social or ceremonial events, if members do not discuss Authority business.

Member means a member of the Governing Board or a committee established by formal action of the Governing Board.

Section 2-2: Regular and Special Meetings

All regular meetings of the Governing Board shall be held on the second Thursday of each month at 5:00 p.m., within the territorial limits of the County of Ventura except: to comply with State or Federal law or court order; to inspect real property or personal property which cannot be conveniently brought within the boundaries of the Authority's jurisdiction; to participate in meetings of multi-agency significance that are outside the boundaries of the Authority, provided that such meetings take place within the jurisdiction of one of the participating local agencies and is properly noticed; to discuss legislative or regulatory matters with state or federal officials; to

discuss matter relating to an Authority's facilities if the meeting takes place in said facilities; and to visit legal counsel if necessary to reduce fees.

(A) A regular meeting may be adjourned by the Governing Board or by less than a quorum to another time. An adjourned regular meeting is a regular meeting for all purposes if held within five days of the regular meeting. If the adjourned meeting is held more than five days after the regular meeting, a new agenda shall be posted.

(B) Special meetings may be called by the Chair, Vice-Chair or any three members of the Governing Board upon twenty-four hour notice to each member.

(C) An emergency meeting may be called without twenty-four hour notice or agenda if necessary due to disruption or threatened disruption of Authority facilities by work stoppage or crippling disaster or other activity severely impairing public health or safety as determined by a majority of the members.

Section 2-3: Record of Proceedings

(A) The Secretary shall record minutes showing action taken by the Governing Board in open session. The secretary shall record the vote on all motions or resolutions. The minutes shall be available for public inspection when approved by the Governing Board. If meetings are recorded on audio tape, the tape shall be available for public inspection for at least thirty days before the tape is erased on a tape player provided by the Authority.

(B) Any person attending an open meeting of the Authority may record the proceeding on audio or video media unless the Governing Board finds the recording cannot continue without noise, illumination or obstruction of view constituting a persistent disruption of proceedings.

Section 2-4: Rules of Conduct

(A) The vote of at least a majority of the quorum is necessary for the Governing Board to take action on any matter other than an expenditure in excess of $5,000 or orders for the acquisition of real property. A majority of the board must approve expenditures in excess of $5,000 and order for the acquisition of real property. The

Governing Board shall take action by motion or resolution. Motions and resolutions may be adopted on voice vote; roll call shall be taken if requested by any member.

(B) The Governing Board may use video teleconference to receive public comment or testimony and for deliberations of the Governing Board. If video teleconferencing is used, the agenda shall be posted at all video teleconference locations and reasonable rules shall be adopted to protect the statutory and constitutional rights of the parties and the public appearing before the Governing Board.

(C) If any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Governing Board may order the meeting room cleared and continue in closed session. Only matters appearing on the agenda may be considered in such a session. The Governing Board may establish a procedure for readmitting individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(D) The Governing Board shall not prohibit public criticism of the policies, procedures, programs or services of the Governing Board or of the acts or decisions of the Governing Board. However, no privilege or protection is hereby conferred for expression beyond that otherwise provided by law.

Section 2-5: Agenda

(A) At least seventy-two hours before a *regular* meeting, or at least twenty-four hours prior to a *special* meeting, the Secretary shall post an agenda containing a brief, general description of each item of business to be transacted or discussed at the meeting, including the items to be discussed in closed session. The agenda shall be freely accessible to the public.

(B) The agenda for all meetings shall include the opportunity for the public to address the Governing Board prior to taking action on any matter. The agenda for regular and adjourned regular meetings shall include the opportunity for the public to address the Governing Board on matters within the jurisdiction of the Governing Board, but not on

the agenda.

(C) No action shall be taken on matters not shown on the posted agenda, except members may briefly respond to statements made or questions posed during public comment, request clarification, provide a reference to staff or other resources for factual information, request staff to report back to the Governing Board at a subsequent meeting, or direct staff to place a matter of business on a future agenda.

(D) Prior to discussion of any matter on the agenda, the Governing Board may add matters to the agenda upon a majority finding an emergency exists or upon at least a two-thirds vote finding there is a need to take immediate action and the need for action came to the attention of the Governing Board subsequent to the posting of the agenda. If less than two-thirds of the members are present, the finding of the need for action shall be by unanimous vote.

(E) The agenda shall describe matters to be discussed in closed session in substantially the following form:

(1) For closed session under Government Code Section 54956.7: "License/Permit Determination";

(2) For closed session under Government Code Section 54956.8: "Conference with Real Property Negotiator [property identity, negotiating partners, subject of negotiations]";

(3) For closed session under Government Code Section 54956.9: "Conference with Legal Counsel - Existing Litigation [name of case unless disclosure would jeopardize service or settlement]"; or "Conference with Legal Counsel - Anticipated Litigation [potential case name]" "Liability Claims (name of claimant)";

(4) For closed session under Government Code Section 54956.94: "Liability Claims (name of claimant)";

(5) For closed session under Government Code Section 54957: "Threat to Public Services or Facilities [name of law enforcement agency and title of officer]"; or "Public Employee [specify position]"; or "Public Employee Performance

Evaluation [specify position]"; or "Public Employee Discipline/Dismissal/Release";

(6) For closed session under Government Code Section 54957.6: "Conference with Labor Negotiator [name of agency representative and employee organization or unrepresented employee]". (*Section 54954.5*)

Section 2-6: Closed Sessions

(A) The Governing Board may conduct a closed session to:

(1) Consider property acquisition or disposition by eminent domain or otherwise;

(2) Consider pending or potential claims or litigation;

(3) Consider threats to public services or facilities;

(4) Consider the appointment, promotion or job performance of employees;

(5) Consider charges levied against an employee; or

(6) Conduct any Authority business when public session is not possible due to riot or other interruption.

(B) If possible, the Governing Board shall avoid taking action in closed session. Action may be taken in closed session when necessary to avoid prejudice to the Authority. Action taken in closed session and the vote, abstention or absence of each member shall be publicly reported as follows:

(1) Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final, as follows:

- If the Governing Board's approval renders the agreement final, the Governing Board shall report approval and the substance of the agreement in open session at the pubic meeting when the closed session is held.
- If final approval rests with the other party to the negotiations, the Governing Board shall disclose the approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the Authority of its approval.

(2) Approval given to the Authority's legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation shall be reported in open session at the public meeting when the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify the direction to initiate or intervene in an action has been given and the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the Authority's ability to effectuate service of process on one or more unserved parties, or would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to the Authority's legal counsel of a settlement of pending litigation, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

- If the Governing Board accepts a settlement offer signed by the opposing party, the Governing Board shall report acceptance and identify the substance of the agreement in open session at the public meeting when the closed session is held.
- If final approval rests with some other party to the litigation or with the court, the Governing Board shall disclose the approval, and identify the substance of the agreement upon inquiry by any person when the settlement becomes final.

(4) Disposition reached as to claims discussed in closed session shall be reported in the same manner as the settlement of pending litigation.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of an employee shall be reported at the public meeting when the closed session is held. Such report shall identify the title of the position and specify any change in compensation. However, a report of

dismissal or of nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of the employees administrative remedies.

(C) Reports required by this section may be made orally or in writing. The Governing Board shall provide to any person who has submitted a written request to the Authority within twenty-four hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, if the president, or designee, orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information. The documentation shall be available to any person on the next business day following the meeting in which the action referred to is taken, or, in the case of substantial amendments, when any necessary retyping is complete.

(D) After completing a closed session, counsel shall prepare a confidential memorandum stating the purpose of the closed session and the action taken, if any. This memorandum is confidential and shall be filed with the Secretary.

ARTICLE 3 - CONFLICTS OF INTEREST

Section 3-1: Disclosure Code

The Political Reform Act, Government Code Section 81000 *et seq.* requires state and local government agencies to adopt and promulgate conflict of interest codes. The provisions of the standard conflict of interest code and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference.

Individuals holding designated positions shall file statements of economic interests with the Authority's filing officer.

Section 3-2: Disclosure Categories

The following categories are established for the purpose of conflicts of interest disclosure:

Category 1: All interests in real property within the jurisdiction or within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the agency, other than property used primarily as the designated employee's residence or for personal recreational purposes.

Category 2: All investments and business positions.

Category 3: All income and business positions.

Category 4: All business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell services and/or supplies of a type utilized by the agency and associated with the job assignment of designated positions assigned this disclosure category.

Category 5: All business positions, investments in, or income (including gifts and loans) received from business entities that provide, manufacture or sell services, supplies, provisions, or other property of a type utilized by the agency in an aggregate amount of $10,000 or more per annum.

Section 3-3: Designated Employees

The following employees are designated to file conflicts of interest disclosure statements for the disclosure categories specified:

Designated Employees	*Category*
Directors	All
Executive Director	All
General Legal Counsel	All
Consultants	Individuals who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the Authority which could affect financial interests shall file Statements of Economic Interests, unless they fall within the Political Reform Act's

exceptions to the definition of consultant. The level of disclosure shall be as determined by the executive director of the Authority.

ARTICLE 4 - OTHER

Section 4-1: Amendments

Amendments to these by-laws may be made by the Authority at any time by a majority vote of the Governing Board, as long as such amendments are consistent with the Joint Powers Authority.

Section 4-2: Effective Date

Except for Article 3, these by-laws shall take effect upon adoption by the Governing Board. Article 3, Conflicts of Interest, is effective when approved by the code reviewing body.

Upon motion of Judy Lazar, seconded by Jack Tingstrom, and duly carried, the foregoing by-laws were approved by the Point Mugu Regional Airport Authority on December 14, 1995.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE VENTURA COUNTY PUBLIC FACILITIES CORPORATION APPROVING AMENDMENTS TO THE CORPORATION'S BYLAWS REGARDING ANNUAL MEETINGS

WHEREAS, the Ventura County Public Facilities Corporation (the "Corporation") adopted revised bylaws for the corporation on April 15, 1985; and

WHEREAS, the provision of the bylaws with respect to annual meetings (Art. II, § 3.A.) currently states:

> "A. ANNUAL MEETING. An annual meeting of the members shall be held on the third Monday in September each year at the hour of 12:00 o'clock noon; provided, however, that should said day fall upon a legal holiday, then any such annual meeting of members shall be held at the same time and place on the next day thereafter ensuing which is a full business day. At such meetings directors shall be elected, reports of the affairs of the corporation shall be considered, and any other business may be transacted which is within the powers of the members."

and

WHEREAS, the corporation desires to amend its bylaws with respect to annual meetings in order to provide greater flexibility in choosing a time and place for the annual meeting.

NOW, THEREFORE, the Board of Directors of the Ventura County Public Facilities Corporation does HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS: Article II, Section 3.A. of bylaws of the Ventura County Public Facilities Corporation is hereby amended to read as follows:

Section 3. MEETINGS OF MEMBERS.

A. ANNUAL MEETING. An annual meeting of the members shall be held on any day in September as determined by the president each year, at the hour of 12:00 o'clock noon; provided, however, that should said day fall upon a legal holiday, then any such annual meeting of members shall be held at the same time and place on the next day thereafter ensuing which is a full business day. Notice of the day in September determined by the president for the annual meeting shall be provided to all members not less than ten (10) days prior thereto. At such meetings directors shall be elected, reports of the affairs of the corporation shall be considered, and any other business may be

transacted which is within the powers of the members.

On motion by Director Fay, seconded by Director Cormany, the foregoing resolution was passed and adopted on September 18, 1989.

Warren R. Walker
PRESIDENT OF THE VENTURA COUNTY PUBLIC FACILITIES CORPORATION

[SEAL]

Barbara B. Henriksen
SECRETARY OF THE VENTURA COUNTY PUBLIC FACILITIES CORPORATION AND THE BOARD OF DIRECTORS THEREOF

AMENDED BY-LAWS

OF

VENTURA COUNTY PUBLIC FACILITIES CORPORATION

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(a California nonprofit public benefit corporation)

ARTICLE I.

Officers

Section 1. PRINCIPAL OFFICE. The principal office of the corporation is hereby fixed and located at:

Ventura County Courthouse
Ventura, California 93009

The Board of Directors is hereby granted full power and authority to change said principal office from one location to another in the County of Ventura. Any such change shall be noted by the secretary opposite this section, but shall not be considered an amendment of these By-laws.

ARTICLE II.

Members

Section 1. CLASSIFICATION OF MEMBERS. There shall be but one class of members of the corporation, and the rights, powers and privileges of all members shall be equal.

Section 2. QUALIFICATION OF MEMBERS; TERMINATION OF MEMBERSHIP. The persons who are directors of the corporation from time to time shall be the only members of the corporation, and upon ceasing to be a director of the corporation such person shall also cease to be a member.

Section 3. MEETINGS OF MEMBERS.

A. ANNUAL MEETING. An annual meeting of the members shall be held on any day in September as determined by the president each year, at the hour of 12:00 o'clock noon; provided, however, that should said day fall upon a legal holiday, then any such annual meeting of members shall be held at the same time and place on the next day thereafter ensuing which is a full business day. Notice of the day in September determined by the president for the annual meeting shall be provided to all members not less than ten (10) days prior thereto. At such meetings directors shall be elected, reports of the affairs of the corporation shall be considered, and any other business may

be transacted which is within the powers of the members.

B. SPECIAL MEETINGS. Special meetings of the members may be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California).

C. RALPH M. BROWN ACT. All meetings of the members shall be called, noticed (except where these By-laws impose a greater period of notice), held and conducted in accordance with the provisions of the Ralph M. Brown Act, as amended (commencing with Section 54950 of the Government Code of the State of California).

D. PLACE OF MEETING. The place of meeting for any annual meeting or for any special meeting of the members shall be the place fixed in accordance with these By-laws as the place for holding the regular meetings of the board of directors. If no such place has been fixed, the place of meeting shall be the principal office of the corporation as fixed by these By-laws.

Section 4. QUORUM. The presence in person of a majority of the members of the corporation shall constitute a quorum for the transaction of business at any meeting of members.

Section 5. VOTING. Each member of the corporation shall be entitled to one vote on each matter submitted to a vote of the members. In the election of directors each member shall not be entitled to cumulate his vote.

ARTICLE III.

Directors

Section 1. POWERS. Subject to any limitation of the Articles of Incorporation, of the By-laws, and of the California Nonprofit Public Benefit Corporation law as to action to be authorized or approved by the members all corporate powers shall be exercised by or under the authority of and the business and affairs of the corporation shall be controlled by, the Board of Directors. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the directors shall have the following powers, to wit:

First -- To select and remove any of the officers, agents and employees of the corporation, prescribe such powers and duties for them as are consistent with law, the Articles of Incorporation and these By-laws, fix their compensation, if any, and require from them security for faithful service.

Second -- To conduct, manage and control the affairs and business of the corporation, and to make such rules and regulations therefor as are consistent with law,the Articles of Incorporation and these By-laws, as they may deem best.

Third -- To change the principal office for the transaction of the business of the corporation from one location to another within the same county as provided in Article I, Section 1, hereof; to designate any place within the State of California for the holding of any members' meeting or meetings; and to adopt, make and use a corporate seal, and to alter the form of such seal from time to time, as in their judgment they may deem best, provided such seal shall at all times comply with the provisions of the law.

Fourth -- To borrow money and incur indebtedness for the purposes of the corporation and to cause to be executed and delivered therefor, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations or other evidences of debt and securities therefor.

Fifth -- To appoint an executive committee and other committees, and to delegate to the executive committee any of the powers and authority of the board in the management of the business and affairs of the corporation, except the power to adopt, amend or repeal By-laws. The Board of Directors shall have the power to prescribe the manner in which proceedings of the executive committee and other committees shall be conducted. The executive committee shall be composed of two or more directors. Unless the Board of Directors shall otherwise provide: regular meetings of the executive committee, notice of which is hereby dispensed with, shall be held at such times as are determined by the Board of Directors, or by such committee if appointed; special meetings of the executive committee shall be held at the principal office of the corporation, or at any place which has been designated from time to time by resolution of the executive committee or by written consent of all members thereof, and may be called by the president or a majority of the members thereof, upon written notice to the members of the executive committee of the time and place of such special meetings given the manner provided for the giving of written notice to members of the Board of Directors of the time and place of special meetings of the Board of Directors; vacancies in the membership of the executive committee may be filled by the board of directors; and a majority of the authorized number of members of the executive committee shall constitute a quorum for the transaction of business.

Sixth -- To acquire real or personal property of any nature and to lease the same to the County of Ventura and to assign its interest in any such lease to any person including a trustee for the benefit of holders of certificates of participation. All acquisitions of real or personal property and any construction undertaken shall be done in accordance with the laws and regulations applicable to the County of Ventura for procurement or construction.

Section 2. NUMBER AND QUALIFICATION OF DIRECTORS. The authorized number of directors shall be five, until changed by

amendment of the Articles of Incorporation or by a by-law duly adopted by the members of the corporation amending this Section 2.

Section 3. ELECTION AND TERM OF OFFICE. The directors shall be elected at each annual meeting of the members; provided, if any such annual meeting is not held or directors are not elected thereat, the directors may be elected at any special meeting of the members held for that purpose. All directors shall hold office until their respective successors are elected.

Section 4. RESIGNATIONS AND REMOVAL. Subject to the provisions of Section 5226 of the California Nonprofit Public Benefit Corporation Law, any director may resign effective upon giving written notice to the President of the Board, the Secretary or the Board of Directors, unless the notice specified at a later time for the effectiveness of such resignation.

Any director may be removed from office, either with or without cause, by a majority vote of the members present at any meeting of the members. Any directors may be removed from office, either with or without cause, by a majority vote of the members present at any meeting of the members.

Section 5. VACANCIES. Vacancies in the board of directors may be filled by a majority of the remaining directors, though less than a quorum, or by a sole remaining director, and each director so elected shall hold office until his successor is elected at an annual or a special meeting of the members.

A vacancy or vacancies in the Board of Directors shall be deemed to exist in case of the death, resignation or removal of any director, or if the authorized number of directors be increased, or the members fail, at any annual or special meeting of members at which any director or directors are elected, to elect the full authorized number of directors to be voted for at that meeting.

The members may elect a director or directors at any time to fill any vacancy or vacancies not filled by the directors. If the resignation of a director is intended to take effect at a future time, the board or the members shall have power to elect a successor to take office when the resignation is to become effective.

No reduction of the authorized number of directors shall have the effect of removing any incumbent director prior to the expiration of his term of office.

Section 6. MEETINGS.

A. PLACE OF MEETING. Regular and special meetings of the Board of Directors shall be held at any place within or without the state which has been designated from time to time by resolution of the board or by written consent of all directors.

In the absence of such designation regular meetings and special meetings shall be held at the principal office of the corporation.

B. ORGANIZATIONAL MEETING. Immediately following each annual meeting of members the Board of Directors shall hold a regular meeting for the purpose of organization, election of officers, and the transaction of other business. Call and notice of such meetings are hereby dispensed with.

C. OTHER REGULAR MEETINGS. Other regular meetings of the Board of Directors shall be held on such dates and at such times as the board shall fix by resolution; provided, however, should said day fall upon a legal holiday, then said meeting shall be held at the same time on the next day thereafter ensuing which is a full business day. Notice of all such regular meetings of the Board of Directors is hereby dispensed with.

D. SPECIAL MEETINGS. Special meetings of the board of directors for any purpose or purposes shall be called at any time by the president or, if he is absent or unable or refuses to act, by a majority of the directors.

E. RALPH M. BROWN ACT. All meetings of the board of directors, and any committee thereof, shall be called, noticed (except where these By-laws impose a greater period of notice), held and conducted in accordance with provisions of the Ralph M. Brown Act, as amended, (commencing with Section 54950 of the Government Code of the State of California.

F. NOTICE OF MEETINGS. Notice of all meetings of the Board of Directors shall be given to the County of Ventura in writing in the same manner as notices are given to the directors of the corporation. Notices shall be directed to the Clerk of the Board of Supervisors, Ventura County Courthouse, Ventura, California 93009. Failure to give such notice shall not in any way invalidate any action taken by the Board of Directors at any such meeting.

G. PARTICIPATION OF THE COUNTY OF VENTURA. Officers of the County of Ventura shall have the right to attend meetings of the corporation's Board of Directors and make recommendations to the board.

Section 7. QUORUM. A majority of the authorized number of directors shall be necessary to constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the board of directors unless a greater number be required by law or by the Articles of Incorporation.

Section 8. ADJOURNMENT. A majority of the directors present, whether or not a quorum is present, may adjourn any directors' meeting to another time and place. Notice of the time

and place of holding an adjourned meeting need not be given to absent directors if the time and place be fixed at the meeting adjourned, except as provided in the next sentence. If the meeting is adjourned for more than twenty-four (24) hours and to a time and place other than the time and place for the next regular meeting, insofar as is possible, notice of any adjournment to another time or place shall be given in the same manner as prescribed for Special Meetings in Article II hereof to the directors who were not present at the time of the adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within twenty-four (24) hours after the time of the adjournment.

ARTICLE IV.

Officers

Section 1. OFFICERS. The officers of the corporation, who may also be directors, shall be a president, a secretary and a treasurer. The corporation may also have, at the discretion of the Board of Directors, one or more assistant secretaries, one or more assistant treasurers, and such other officers as may be appointed by the Board of Directors. One person may hold two or more offices, except that the offices of president and secretary shall not be held by the same person.

Section 2. ELECTION. The officers of the corporation, except such officers as may be appointed in accordance with the provisions of Section 4 or Section 5 of this Article, shall be chosen annually by the Board of Directors and each shall hold his office until he shall resign or shall be removed or otherwise disqualified to serve, or his successor shall be elected and qualified.

Section 3. SUBORDINATE OFFICERS, ETC. The board of directors may appoint, and may empower the president to appoint such other officers as the business of the corporation may require, each of whom shall hold office for such period, have such authority and perform such duties as are provided in the By-laws or as the Board of Directors may from time to time determine.

Section 4. REMOVAL AND RESIGNATION. Any officer may be removed, either with or without cause, by the board of directors, at any regular or special meeting thereof, or, except in case of an officer chosen by the Board of Directors, by any officer upon whom such power of removal may be conferred by the Board of Directors.

Any officer may resign at any time by giving written notice to the Board of Directors or to the president, or to the secretary of the corporation. Any such resignation shall take effect at the date of the receipt of such notice or at any later

time specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 5. VACANCIES. A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in the By-laws for regular appointments to such office.

Section 6. PRESIDENT. The president shall be the chief executive officer of the corporation and, subject to the control of the Board of Directors, shall have general supervision, direction and control of the affairs of the corporation. He shall preside at all meetings of members and meetings of the Board of Directors.

Section 7. SECRETARY. The secretary shall keep or cause to be kept, at the principal office or such other place as the Board of Directors may order, a book of minutes of all meetings of directors and members, with the time and place of holding, whether regular or special, and, if special, how authorized, the notice thereof given, the names of those present at directors' meetings, the number of shares present or represented at members' meetings, and the proceedings thereof.

The secretary shall keep, or cause to be kept, at the principal office a membership book containing the name and address of each member. Termination of any membership shall be recorded in the book, together with the date on which membership ceased.

The secretary shall give, or cause to be given, notice of all the meetings of the members and of the Board of Directors required by the By-laws or by law to be given, and he shall keep the seal of the corporation in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or by the By-laws.

Section 8. TREASURER. The treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the corporation, including accounts of its assets, liabilities, receipts, disbursements, gains, and losses. The books of account shall at all reasonable times be open to inspection by any director.

The treasurer shall deposit all moneys and other valuables in the name and to the credit of the corporation with such depositaries as may be designated by the board of directors. He shall disburse the funds of the corporation as may be ordered by the Board of Directors, shall render to the president and directors, whenever they request it, an account of all of his transactions as treasurer and of the financial condition of the corporation.

In the absence or disability of the president, the treasurer shall perform all the duties of the president, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the president. The treasurer shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or the By-laws.

ARTICLE V.

Miscellaneous

Section 1. CONTRACTS, ETC., HOW EXECUTED. The board of directors, except as in the By-laws otherwise provided, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the corporation and such authority may be general or confined to specific instances; and, unless so authorized by the Board of Directors, no officer, agent or employee shall have any power or authority to bind the corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or to any amount.

Section 2. INSPECTION OF CORPORATE RECORDS. The books of account, and minutes of proceedings of the members and directors and of the executive and other committees of the directors shall be open to inspection upon the written demand of any member, at any reasonable time, and for a purpose reasonably related to his interests as a member and shall be exhibited at any time when required by the demand of 20% of the members. Such inspection may be made in person or by an agent or attorney, and shall include the right to make extracts. Demand of inspection other than at a members' meeting shall be made in writing upon the president or secretary of the corporation.

Section 3. INSPECTION OF BY-LAWS. The corporation shall keep in its principal office the original or a copy of these By-laws,as amended, certified by the secretary, which By-laws shall be open to inspection by the members at all reasonable times during office hours.

Section 4. FISCAL YEAR. The fiscal year of the corporation shall begin on the 1st day of July and end of the 30th day of June in each year.

Section 5. CONSTRUCTION AND DEFINITIONS. Unless the context otherwise requires, the general provisions, rules of construction and definitions contained in the General Provisions of the California Nonprofit Corporation Law and in the California Nonprofit Public Benefit Corporation Law shall govern the construction of these By-laws.

Section 6. FILING STATEMENT OF CORPORATE OFFICERS. The secretary or assistant secretary of the corporation, during the period commencing on July 1 and ending on June 30 in each year,

shall file with the Secretary of State of the State of California, on a form prescribed by him, a statement of the names and complete business or residence addresses of its president, secretary and treasurer, together with a statement of the location and address of its principal office, in compliance with Section 3301 of the Corporations Code of California.

Section 7. PROHIBITION AGAINST SHARING IN CORPORATE EARNINGS. No member, director, officer, or employee of or member of a committee of or person connected with the Corporation, or any other private individual shall receive at any time any of the net earnings or pecuniary profit from the operations of the Corporation, provided, that this shall not prevent the payment to any such person of such reasonable compensation for services rendered to or for the Corporation in effecting any of its purposes as shall be fixed by the Board of Directors; and no such person or persons shall be entitled to share in the distribution of any of the corporate assets upon the dissolution of the Corporation. All members of the Corporation shall be deemed to have expressly consented and agreed that upon such dissolution or winding up of the affairs of the Corporation, whether voluntary or involuntary, the assets of the Corporation, after all debts have been satisfied, then remaining in the hands of the Board of Directors shall be distributed, transferred, conveyed, delivered, and paid over to the County of Ventura, for a public purpose.

ARTICLE VI.

Emergency Provisions

During any emergency resulting from an attack on the United States or on a locality in which the corporation conducts its activities or customarily holds meetings of its Board of Directors, or during any nuclear or atomic disaster, or during the existence of any catastrophe, or other similar emergency condition, as a result of which a quorum of the Board of Directors or of the Executive Committee, if any, cannot readily be convened for action, a meeting of the Board of Directors or of said committee may be called by any officer or director. Such notice need be given only to such of the directors or members of the committee, as the case may be, as it may be feasible to reach at the time and by such means as may be feasible at the time including, without limitation, publication, telephone or radio.

The director or directors in attendance at such a meeting of the Board of Directors, and the member or members of the Executive Committee, if any, in attendance at the meeting of the committee, shall constitute a quorum. If none is in attendance at the meeting, the officers or other persons designated on a list approved by the Board of Directors before the emergency, all in such order of priority and subject to such conditions and for such period of time (not longer than reasonably necessary after the termination of the emergency) as may be provided in the resolution approving the list, shall, to the extent required to

provide a quorum at any meeting of the Board of Directors or of the Executive Committee, be deemed directors or members of such committee, as the case may be, for such meetng.

The Board of Directors, either before or during any such emergency, may provide, and from time to time modify, lines of succession in the event that during such emergency any or all officers or agents of the corporation shall for any reason be rendered incapable of discharging their duties. The Board of Directors, either before or during any such emergency, may, effective during the emergency, change the principal office or designate several alternative offices or authorize the officers so to do.

ARTICLE VII.

Amendments

Section 1. POWER OF MEMBERS. Except as otherwise provided by the Articles of Incorporation and/or By-Laws, new Articles of Incorporation and/or By-Laws may be adopted or the Articles of Incorporation and/or By-Laws may be amended or repealed by the vote of a majority of the members entitled to vote, or the vote of a majority of a quorum at a meeting of members duly called for the purpose in accordance with the Articles of Incorporation and these By-Laws.

Section 2. POWER OF DIRECTORS. Subject to the power of the members as provided in this Article to adopt, amend or repeal By-laws, any By-laws other than a by-law or amendment thereof changing the authorized number of directors may be adopted, amended or repealed by the Board of Directors.

CERTIFICATE REGARDING BY LAWS

The undersigned hereby certifies that he is the duly qualified, elected and acting Assistant Secretary of Ventura County Public Facilities Corporation, and hereby further certifies that attached hereto is a true and correct copy of the By-laws of said corporation as in effect on the date of this certificate.

DATED: March 31, 1987

VENTURA COUNTY PUBLIC FACILITIES CORPORATION

Richard D. Dean
Assistant Secretary

By: Roberta Rodriguez
Deputy

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify:

1. That I am the duly elected and acting secretary of VENTURA COUNTY PUBLIC FACILITIES CORPORATION, a California nonprofit corporation; and

2. That the foregoing By-laws comprising 13 pages, constitute the amended By-laws of said corporation as duly adopted and amended by the Board of Directors thereof as of September 18, 1889.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said corporation this 18th day of September 1989.

Barbara B. Hamilton
Secretary

[SEAL]

Unauthorized contracts, binding effect subject to this section, see § 5214.
Voluntary dissolution, sale of assets subject to this section, see § 6710.

ARTICLE 5. BYLAWS

Section
5150. Adoption, amendment or repeal; approval of members; restriction on power of board.
5151. Number of directors; management of activities; conduct of corporate affairs; membership; voting.
5152. Delegates.
5153. Voting on basis of chapter, organizational unit, region or geographic grouping.

§ 5150. Adoption, amendment or repeal; approval of members; restriction on power of board

(a) Except as provided in subdivision (c), and Sections 5151, 5220, 5224, 5512, 5613, and 5616, bylaws may be adopted, amended or repealed by the board unless the action would materially and adversely affect the rights of members as to voting or transfer.

(b) Bylaws may be adopted, amended or repealed by approval of members (Section 5034); provided, however, that such adoption, amendment or repeal also requires approval by the members of a class if such action would materially and adversely affect the rights of that class as to voting or transfer in a manner different than such action affects another class.

(c) The articles or bylaws may restrict or eliminate the power of the board to adopt, amend or repeal any or all bylaws, subject to subdivision (e) or Section 5151. *(Added by Stats.1979, c. 724, § 17.)*

Cross References

Approval, see § 5032 et seq.
Committees, bylaws authorizing, see § 5212.
Dissolution, distribution of assets, see § 6716.
Inspection, see § 5160.

§ 5151. Number of directors; management of activities; conduct of corporate affairs; membership; voting

(a) The bylaws shall set forth (unless such provision is contained in the articles, in which case it may only be changed by an amendment of the articles) the number of directors of the corporation; or that the number of directors shall be not less than a stated minimum nor more than a stated maximum with the exact number of directors to be fixed, within the limits specified, by approval of the board or the members (Section 5034), in the manner provided in the bylaws, subject to subdivision (e) of Section 5151. The number or minimum number of directors may be one or more.

(b) Once members have been admitted, a bylaw specifying or changing a fixed number of directors or the maximum or minimum number or changing from a fixed to a variable board or vice versa may only be adopted by approval of the members (Section 5034).

(c) The bylaws may contain any provision, not in conflict with law or the articles, for the management of the activities and for the conduct of the affairs of the corporation, including but not limited to:

(1) Any provision referred to in subdivision (c) of Section 5132.

(2) The time, place and manner of calling, conducting and giving notice of members', directors' and committee meetings, or of conducting mail ballots.

(3) The qualifications, duties and compensation of directors; the time of their election; and the requirements of a quorum for directors' and committee meetings.

(4) The appointment and authority of committees.

(5) The appointment, duties, compensation and tenure of officers.

(6) The mode of determination of members of record.

(7) The making of reports and financial statements to members.

(8) Setting, imposing and collecting dues, assessments and admission fees.

(d) The bylaws may provide for the manner of admission, withdrawal, suspension, and expulsion of members, consistent with the requirements of Section 5341.

(e) The bylaws may require, for any or all corporate actions (except as provided in paragraphs (1) and (2) of subdivision (a) of Section 5222, subdivision (c) of Section 5616, and Section 6610), the vote of a larger proportion of, or all of, the members or the members of any class, unit, or grouping of members, or the vote of a larger proportion of, or all of, the directors, than is otherwise required by this part. Such a provision in the bylaws requiring such greater vote shall not be altered, amended or repealed except by such greater vote, unless otherwise provided in the bylaws.

(f) The bylaws may contain a provision limiting the number of members, in total or of any class, which the corporation is authorized to admit.

(Added by Stats.1978, c. 567, § 5. Amended by Stats. 1979, c. 724, § 18; Stats.1982, c. 662, § 4.)

Cross References

Adoption of amendment to articles to conform to new nonprofit corporation law, see § 9913.
Approval, see § 5032 et seq.
Board, power to adopt, amend or repeal bylaws subject to members' powers under this section, see § 5150.
Existing corporations, exemption from certain provisions of this section until articles amended, see § 9915.

§ 5152. Delegates

A corporation may provide in its bylaws for delegates having some or all of the authority of members. Where delegates are provided for, the bylaws shall set forth delegates' terms of office, any reasonable method for delegates' selection and removal, and any reasonable method for calling, noticing and holding meetings of delegates and may set forth the manner in which delegates may act by written ballot similar to Section 5513 for written ballot of members. Delegates may only act personally at a meeting or by written ballot and may

Section
5213. Officers; titles; duties; selection; resignation.
5214. Instruments; lack of authority in signing officers; effect.
5215. Prima facie evidence; adoption of bylaws or resolutions; meetings.

§ 5210. Board of directors; conduct and exercise of corporate activities, affairs and powers; delegation

Subject to the provisions of this part and any limitations in the articles or bylaws relating to action required to be approved by the members (Section 5034), or by a majority of all members (Section 5033), the activities and affairs of a corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the board. The board may delegate the management of the activities of the corporation to any person or persons, management company, or committee however composed, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the board.

(Added by Stats.1978, c. 567, § 5.)

Cross References

Actions enforcing liability of directors to corporation, see § 5237.
Delegation of investment powers, see § 5240.
False reports or statement, liability for damages, see § 6215.
False reports or statements, financial condition, see § 6812.
Inquiry into affairs or management on direction of governor, see Government Code § 12014.
Investments, see § 5240.
Selection, removal and resignation of directors, see § 5220 et seq.
Standards of conduct, see § 5230 et seq.

§ 5211. Meetings of board; call; notice; adjournment; location; participation; quorum; actions of majority as act of board; consent to actions; incorporators and committees

(a) Unless otherwise provided in the articles or in the bylaws:

(1) Meetings of the board may be called by the chairman of the board or the president or any vice president or the secretary or any two directors.

(2) Regular meetings of the board may be held without notice if the time and place of such meetings are fixed by the bylaws or the board. Special meetings of the board shall be held upon four days' notice by first-class mail or 48 hours' notice delivered personally or by telephone or telegraph. The articles or bylaws may not dispense with notice of a special meeting. A notice, or waiver of notice, need not specify the purpose of any regular or special meeting of the board.

(3) Notice of a meeting need not be given to any director who signed a waiver of notice or a written consent to holding the meeting or an approval of the minutes thereof, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such director. All such waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meetings.

(4) A majority of the directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. If the meeting is adjourned for more than 24 hours, notice of any adjournment to another time or place shall be given prior to the time of the adjourned meeting to the directors who were not present at the time of the adjournment.

(5) Meetings of the board may be held at any place within or without the state which has been designated in the notice of the meeting or, if not stated in the notice or there is no notice, designated in the bylaws or by resolution of the board.

(6) Members of the board may participate in a meeting through use of conference telephone or similar communications equipment, so long as all members participating in such meeting can hear one another. Participation in a meeting pursuant to this subdivision constitutes presence in person at such meeting.

(7) A majority of the number of directors authorized in the articles or bylaws constitutes a quorum of the board for the transaction of business. The articles or bylaws may not provide that a quorum shall be less than one-fifth the number of directors authorized in the articles or bylaws, or less than two, whichever is larger, unless the number of directors authorized in the articles or bylaws is one, in which case one director constitutes a quorum.

(8) Subject to the provisions of Sections 5212, 5233, 5234, 5235, and subdivision (e) of Section 5238, every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the board. The articles or bylaws may not provide that a lesser vote than a majority of the directors present at a meeting is the act of the board. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for such meeting, or such greater number as is required by this division, the articles or bylaws.

(b) Any action required or permitted to be taken by the board may be taken without a meeting, if all members of the board shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the board. Such action by written consent shall have the same force and effect as the unanimous vote of such directors. For the purposes of this section only, "all members of the board" shall not include any "interested director" as defined in Section 5233.

(c) The provisions of this section apply also to incorporators, to committees of the board, and to action by such incorporators or such committees mutatis mutandis.

(Added by Stats.1978, c. 567, § 5. Amended by Stats. 1979, c. 724, § 19; Stats.1980, c. 1155, § 1.5.)

CHAPTER 4. DISTRIBUTIONS

Article Section
1. Limitations 5410
2. Liability of Members 5420

ARTICLE 1. LIMITATIONS

Cross References

Nonprofit religious corporations, application of this chapter, exception, see § 9610.

§ 5410. Prohibition

No corporation shall make any distribution.

(Added by Stats.1978, c. 567, § 5. Amended by Stats. 1979, c. 724, § 37.3.)

ARTICLE 2. LIABILITY OF MEMBERS

§ 5420. Action to recover distribution

(a) Any person who receives any distribution is liable to the corporation for the amount so received by such person with interest thereon at the legal rate on judgments until paid.

(b) Suit may be brought in the name of a corporation by a creditor, a director, the Attorney General, or, subject to meeting the requirements of Section 5710, a member. In any such action in addition to the remedy provided in subdivision (a), the court may award punitive damages for the benefit of the corporation against any director, officer, member or other person who with intent to defraud the corporation caused, received or aided and abetted in the making of any distribution.

(c) Any person sued under this section may implead all other persons liable under this section and may in the absence of fraud by such moving party compel contribution, either in that action or in an independent action against persons not joined in the action.

(d) Nothing contained in this section affects any liability which any person may have under Sections 3439 to 3439.12, inclusive, of the Civil Code.

(Added by Stats.1978, c. 567, § 5. Amended by Stats. 1979, c. 724, § 37.6.)

Cross References

Action against directors for illegal distribution, see § 5237.
Attorney general, supervision of trustees for charitable purposes, see Government Code § 12580 et seq.

CHAPTER 5. MEETINGS AND VOTING

Article Section
1. General Provisions 5510
2. Additional Provisions Relating to Election of Directors 5520

ARTICLE 1. GENERAL PROVISIONS

Section
5510. Meetings; place; time; election of directors; failure to hold meetings; quorum; special meetings.
5511. Notice.
5512. Quorum.
5513. Acts without meeting; written ballot; number of ballots and approvals; solicitation; revocation of ballot; election of directors.
5514. Form of proxy or written ballot.
5515. Court order for meeting or governing voting.
5516. Action by written consent.

Cross References

Noncompliance with this chapter, powers of attorney general, see § 6216.

§ 5510. Meetings; place; time; election of directors; failure to hold meetings; quorum; special meetings

(a) Meetings of members may be held at a place within or without the state that is stated in or fixed in accordance with the bylaws. If no other place is so stated or fixed, meetings of members shall be held at the principal office of the corporation.

(b) A regular meeting of members shall be held on a date and time, and with the frequency stated in or fixed in accordance with the bylaws, but in any event in each year in which directors are to be elected at that meeting for the purpose of conducting such election, and to transact any other proper business which may be brought before the meeting.

(c) If a corporation with members is required by subdivision (b) to hold a regular meeting and fails to hold the regular meeting for a period of 60 days after the date designated therefor or, if no date has been designated, for a period of 15 months after the formation of the corporation, or after its last regular meeting, or if the corporation fails to hold a written ballot for a period of 60 days after the date designated therefor, then the superior court of the proper county may summarily order the meeting to be held or the ballot to be conducted upon the application of a member or the Attorney General, after notice to the corporation giving it an opportunity to be heard.

(d) The votes represented, either in person or by proxy, at a meeting called or by written ballot ordered pursuant to subdivision (c), and entitled to be cast on the business to be transacted shall constitute a quorum, notwithstanding any provision of the articles or bylaws or in this part to the contrary. The court may issue such orders as may be appropriate including, without limitation, orders designating the time and place of the meeting, the record date for determination of members entitled to vote, and the form of notice of the meeting.

(e) Special meetings of members for any lawful purpose may be called by the board, the chairman of the board, the president, or such other persons, if any, as are specified in the bylaws. In addition, special meetings of members for any lawful purpose may be called by 5 percent or more of the members.

(Added by Stats.1978, c. 567, § 5. Amended by Stats. 1979, c. 724, § 38; Stats.1981, c. 587, § 11; Stats.1982, c. 662, § 7.)

RESOLUTION NO. 15 A

RESOLUTION OF THE BOARD OF DIRECTORS OF THE VENTURA COUNTY PUBLIC FACILITIES CORPORATION APPROVING AMENDMENTS TO THE BY-LAWS AND ARTICLES OF INCORPORATION

WHEREAS, this Board of Directors did at a meeting duly held on February 13, 1974, adopt By-Laws for the Ventura County Public Facilities Corporation (the "Corporation");

WHEREAS, this Board of Directors (the "Board") now deems it in the best interest of the Corporation to amend said By-Laws;

WHEREAS, the Board of Supervisors of the County of Ventura have approved the amended By-Laws;

WHEREAS, on January 15, 1974 this Board caused to be filed with the California Secretary of State, Articles of Incorporation for the Corporation;

WHEREAS, this Board now deems it necessary and in the best interests of the Corporation to amend said Articles of Incorporation;

WHEREAS, the Board of Supervisors of the County of Ventura have approved the amended Articles of Incorporation;

NOW, THEREFORE, the Board of Directors of Ventura County Public Facilities Corporation DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. That the By-Laws of the Corporation are hereby amended to read in full as set forth in Exhibit A attached hereto.

Section 2. That the Articles of Incorporation are hereby amended to read as set forth in full as Exhibit B attached hereto.

Section 3. That the President and the Secretary of the Corporation are hereby authorized to execute the Certificate of Amendment of Articles of Incorporation.

ADOPTED, SIGNED AND APPROVED this 15th day of April, 1985.

[SEAL]

Chairman

ATTEST:

Barbara B. Henrikson
Secretary

RESOLUTION
OF THE BOARD OF SUPERVISORS
COUNTY OF VENTURA
REAFFIRMING THE ESTABLISHMENT
OF THE
EL RIO
LOCAL RECREATION ADVISORY COMMISSION

WHEREAS, the County of Ventura provides local recreational facilities in the unincorporated community of El Rio for the use and enjoyment of the public; and

WHEREAS, it has been deemed desirable to provide for greater citizen participation in the operations of the local recreation program and in developing long range objectives and goals of the County Local Recreation Program; and

WHEREAS, Section 31000.1 of the Government Code of the State of California provides that, "The Board of Supervisors may appoint commissions or committees of citizens to study problems of general or special interest to the Board and to make reports and recommendations to the Board"; and

WHEREAS, the Board of Supervisors, by adopted policy, provides local recreation facilities to serve residential areas within the unincorporated territory of Ventura County where an equitable share of development and operation costs can be reimbursed through local assessments and/or donations

NOW THEREFORE BE IT RESOLVED THAT:

1. The El Rio Local Recreation Commission is hereby established.

2. Said Commission shall be composed of five (5) members. Each member shall be nominated by the Supervisor, District 1, subject to approval by the Board of Supervisors.

3. The Board of Supervisors may remove any member of the Commission from office at any time upon a majority vote of the Board.

4. Commission members shall serve terms coinciding with the term of the Supervisor who nominates them plus 60 days for consideration for reappointment.

5. Commission members shall serve without compensation except as otherwise provided in Section 31000.1 of the Government Code and as approved by the Board

of Supervisors, or as may be provided in Article 43 of the County of Ventura's "Personnel Rules and Regulations."

6. The function and duties of said Commission shall be:

   A. To advise the Board of Supervisors and County staff

      (1) In matters of policy pertaining to Ventura County's Local Recreation Program.

      (2) In planning for the local recreational needs within the community in terms of local parks, recreation programs, and specialized recreation areas and facilities.

      (3) On all financial matters including grants and other sources of revenue and expenses in the administration of the local recreation program.

      (4) And/or assist in other matters as may be requested of the Commission from time to time by the Board of Supervisors.

   B. To administer the operational program of the County owned local recreation facilities in the El Río community including:

      (1) Reservations

      (2) Accountability

      (3) Maintenance and construction (improvements enforcing)

      (4) Rules and regulations for use of facilities.

7. The Commission shall cooperate and coordinate with cities, local park and recreation districts, local unincorporated communities, and other agencies in planning for the local recreational needs of the residents of the community, recognizing the roles of various recreational agencies in meeting these needs. All recommendations shall be directed to the Board of Supervisors, exclusively.

8. The Commission shall meet regularly, at least once a month, at a time and place established by its members.

9. The Commission shall adopt bylaws, rules and regulations providing for the election of officers, designation of meeting dates, establishment of committees, allocation of duties, and such other rules and regulations as may be necessary for the efficient conduct of business.

10. The officers of the Commission shall consist of Chairman, Vice-Chairman, Secretary, and Treasurer.

11. The Commission Chairman and other officers shall serve for a period of one year from July through June.

12. The Duties of the Officers shall be:

    A. Chairman - shall preside at all meetings of the Commission; call special meetings of the Commission; prepare agenda items; represent the Commission at public hearings of the Board of Supervisors on Commission matters; and other duties as may be established in the bylaws.

    B. Vice-Chairman - shall take over the duties of the Chairman in his absence; shall be responsible for the maintenance and operation of the county owned local recreation facilities (including improvements); and other duties as may be established in the bylaws.

    C. Secretary - shall take minutes of Commission meetings and record all Commission action; assume Chairman's role in the absence of the Chairman and Vice-Chairman at meetings; initiate or introduce correspondence; and other duties as may be established in the bylaws.

    D. Treasurer - shall make all reservations and collect fees for use of local park facilities; shall be accountable for all monies on hand, collected, and turned in to Property Administration Agency for deposit; shall assist County staff in annual budget preparation; and other duties as may be established in the bylaws.

13. The Operations Supervisor of the County Parks Department, or his designated appointee, shall be a non-voting ex-officio member of the Commission. Other staff services and supplies may be authorized by the Director of the Property Administration Agency or by the Board of Supervisors from other County agencies.

14. The Board hereby directs and requests all County Officers and agencies to aid and cooperate in every way with the Commission.

15. Commission members shall conform to all applicable Codes of the State of California, Ordinances of the County of Ventura and directives of the Board of Supervisors in the conduct of their business.

PASSED, APPROVED and ADOPTED this 5th day of September, 1978.

Ed Jones

ED JONES, Chairman
Board of Supervisors
County of Ventura

Item 19C-9/5/78

LOCAL PARKS ADVISORY COMMISSION

BYLAWS

PURPOSE

1. (a) The Commission shall advise the Board of Supervisors on local recreational matters of the El Rio community, the planning and the orderly development of the County local park program and operation policy for the residents of the El Rio community while at the same time considering the socio-economic-environmental balances.

(b) The Commission shall be responsible for the operation of local parks, including labor and donations and fund raising events to offset nonlabor operational costs.

MEMBERSHIP

2. The Commission is composed of seven (7) voting members and may include seven (7) alternates. Each member shall be nominated by the Supervisor, District 1, subject to approval by the Board of Supervisors. In addition, there are two non-voting ex-officio members, representing the County Parks Department and the office of the County Supervisor, District 1. In the event of a vacancy by resignation or dismissal, the Commission, by Commission action, will recommend a member to be duly recommended to the Board of Supervisors by the local County Supervisor for appointment.

QUORUM

3. A quorum shall be at least 50% of the current Commission membership.

REGULAR MEETINGS

4. The El Rio Community Recreation Advisory Commission shall meet in regular session, monthly, on a predetermined day at a predetermined time and place.

SPECIAL MEETINGS

5. Special meetings may be called for any Commission business by (a) the Commission Chairman, (b) a quorum of Commissioners, or (c) the Operations Supervisor of the County Parks Department or his designated appointee.

ELECTIONS AND OFFICERS

6. (a) Elective officers of the Commission shall be:

1. Chairman
2. Vice-Chairman
3. Secretary
4. Treasurer

(b) The term of office for all officers shall be for one calendar year.

(c) Election of said officers shall take place at the first regular meeting of the Commission in July of each year. Election shall be by majority vote of the members in attendance at this meeting providing that such membership constitutes a quorum.

NOTE: Commission member appointments are made by the Board of Supervisors at the beginning of each of their own terms of office. The time for election of officers is selected to insure that only properly appointed members participate or be considered for office.

(d) Office vacancies shall be filled by election.

DUTIES OF MEMBERS

7. It shall be the duty of each member of the Commission to take an active part in the affairs of the Commission; specific duties of officers are as follows:

(a) Chairman - shall preside at all meetings of the Commission, appoint special Committees; call special meetings of the

Commission as deemed advisable; prepare agenda items; serve as representative of the Commission on County Local Parks Advisory Committee.

(b) Vice-Chairman - shall assume the duties of the Chairman in his absence.

(c) Secretary - shall take minutes of Commission meetings and record all Commission action; assume Chairman role in the absence of the Chairman and Vice-Chairman; initiate or introduce correspondence.

(d) Treasurer - shall make all reservations and collect fees for use of local park facilities; shall be accountable for all monies on hand, collected, and turned in to the Property Administration Agency for deposit; shall assist County staff in annual budget preparation.

COMMITTEES

8. The Commission shall establish standing committees for each of the following subjects:

1. Park Planning
2. Recreation Programming
3. Operations (fee collections, reservations)
4. Public Information

Each standing committee will be comprised of three (3) Commissioners and shall meet as deemed necessary to review and make recommendations to the Commission.

Special committees may be appointed by the Chairman as the need arises.

PARLIAMENTARY PROCEDURE

9. Roberts Rules of Order, Revised Form, shall govern the conduct of the El Rio Community Local Parks Advisory Commission.

COMMISSION ACTION

10. (a) A majority vote of the members present shall be required to carry a motion, proposal, or resolution. The vote shall be recorded on all official action by the Commission. In actions proposed by the Chairman, unanimous consent thereto shall have the effect of a motion duly carried without the necessity of a formal vote.

(b) Under no circumstances should any member take any action or make any statement committing the Commission as a whole unless given authority to do so by a vote of the Commission.

(c) All Commission action should be consistent with the mission and goals of the Local Parks Program established by the Commission and the County Board of Supervisors.

COMMUNICATIONS 11. All written communications from the Commission shall be sent out over the signature of the Chairman, or his designated appointee, or an officer of the Commission as may be directed by the Commission.

AMENDMENTS 12. These Bylaws may be amended by a majority of the voting members present, provided notice of said amendment has been given at the previous regular meeting.

MINUTES OF MEETINGS 13. The Secretary of the Commission is charged with transcribing the minutes of regular and special meetings within a reasonable time following such meetings. Following Commission approval, a copy of the minutes shall be forwarded to:

1. Commission members
2. Parks Department, Property Administration Agency
3. Supervisor, District 1.

ATTENDANCE 14. The Commission minutes shall record members present at each meeting.

An attendance report will be filed with the Board of Supervisors each quarter listing the attendance at the Commission meetings.

CALIFORNIA CODES
PUBLIC **RESOURCES CODE**
SECTION 33200-33215

33200. (a) The Santa Monica Mountains Conservancy is hereby established within the **Resources** Agency. The conservancy is composed of nine voting members and three ex officio members. The voting members are as follows:

(1) The Superintendent of the Santa Monica Mountains National Recreation Area, or his or her designee.

(2) A member representing the City of Los Angeles, appointed by the mayor with the approval of the city council.

(3) Three public members who shall be residents of either the County of Los Angeles or the County of Ventura, one of whom shall be appointed by the Governor, one of whom shall be appointed by the Senate Committee on Rules, and one of whom shall be appointed by the Speaker of the Assembly. At least one of the public members shall reside within the San Fernando Valley statistical area, as defined in Section 11093 of the Government **Code**. The seat of a public member shall be deemed vacant if the member changes his or her residence to a county other than Los Angeles or Ventura County.

(4) An elected official who is a representative nominated by the city councils of those cities which have at least 75 percent of their areas within the zone who shall be appointed by the Board of Supervisors of the County of Los Angeles or a member appointed by the Board of Supervisors of the County of Los Angeles, or that member's designee.

(5) An elected official who is either a member of the City Council of the City of Thousand Oaks or a member of the Board of Supervisors of the County of Ventura and who shall be appointed by the Board of Supervisors of the County of Ventura, or the elected official's designee.

(6) The Secretary of the **Resources** Agency or an employee of the agency designated by the secretary.

(7) The Superintendent of the Angeles District of the Department of Parks and Recreation, or his or her designee.

(b) (1) (A) The California Coastal Commission and the State Coastal Conservancy shall each appoint an ex officio member who shall be either a member or employee of their respective agency. The ex

officio member appointed by the California Coastal Commission and the State Coastal Conservancy shall be nonvoting members, except that the ex officio member appointed by the State Coastal Conservancy may vote on any matter relating to a project undertaken within the coastal zone portion of the zone.

(B) On the 10th working day after certification pursuant to Chapter 6 (commencing with Section 30500) of Division 20 of any local coastal program, or any portion thereof, for any portion of the zone, the ex officio member appointed by the California Coastal Commission may vote on any matter relating to a project undertaken within the coastal zone portion of the zone and the ex officio member appointed by the State Coastal Conservancy may not vote on the matter.

(2) The Supervisor of the Angeles National Forest shall also serve as an ex officio, nonvoting member of the conservancy.

(c) The chairperson and vice chairperson of the conservancy shall be selected by the voting members of the conservancy for a one-year term. A majority of the total authorized and appointed voting membership of the conservancy constitutes a quorum for the transaction of any business under this division.

(d) (1) The following members of the conservancy shall be compensated for attendance at regular meetings of the conservancy at the rate of one hundred dollars ($100) per day:

(A) The public members.

(B) The member appointed by the Board of Supervisors of the County of Los Angeles or that member's designee, unless the member or designee is also a member of the board of supervisors, in which case no compensation shall be paid.

(C) The member appointed by the Board of Supervisors of the County of Ventura or that member's designee, unless the member or designee is also a member of a board of supervisors, in which case no compensation shall be paid.

(D) The members appointed by the State Coastal Conservancy and the California Coastal Commission if these members are not employees of their respective agency or are not full-time compensated elected officials.

(E) The appointed member representing the City of Los Angeles.

(2) All members of the conservancy shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the performance of their duties.

33200.1. Three Members of the Senate, appointed by the Senate Committee on Rules, and three Members of the Assembly, appointed by the Speaker of the Assembly, shall meet with the conservancy on a regular basis and participate in its activities, to the extent that such participation is not incompatible with their respective positions as Members of the Legislature.

33200.5. Notwithstanding any other provision of law, placement of the conservancy within the **Resources** Agency shall not confer upon the Secretary of the **Resources** Agency any authority to approve or deny specific projects proposed to be undertaken by the conservancy, except pursuant to his or her membership in the conservancy as provided in paragraph (6) of subdivision (a) of Section 33200, nor shall it restrict the conservancy from carrying out the purposes of this division.

33201. (a) The State Coastal Conservancy, pursuant to Division 21 (commencing with Section 31000), has the prime responsibility for carrying out projects identified in certified local coastal programs for jurisdictions within the coastal zone portion of the zone, and the Santa Monica Mountains Conservancy has the prime responsibility pursuant to this division to undertake projects within the coastal zone portion of the zone that implement the park, recreation, conservation, and open-space provisions of the plan.

(b) This section does not affect any project undertaken by the Santa Monica Mountains Conservancy or the State Coastal Conservancy prior to January 1, 1983, nor shall this section be construed to affect the existing review and approval powers of the California Coastal Commission.

(c) The State Coastal Conservancy does not have jurisdiction in the zone outside the coastal zone portion of the zone.

33202. The conservancy may apply for grants from any source to be used for the purposes of this division, and shall apply for all grants authorized pursuant to Section 507 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk). The proceeds of such grants shall be deposited in the separate federal grant account in

the fund.

33203. The conservancy may acquire, pursuant to subdivision (e) of Section 33207.5 and the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government **Code**), real property or any interests therein, including development rights and easements for all the purposes specified in this division.

For purposes of this section, the State Public Works Board may use the power of eminent domain. Notwithstanding other provisions of law, the Director of General Services, when so requested by the conservancy and when the conservancy finds it necessary to meet the provisions of this division, shall, without delay, lease, rent, sell, transfer, or exchange any land or interests therein acquired pursuant to this division. Any moneys received by the state, upon disposition of lands acquired pursuant to this division, shall be deposited in the fund and shall be available for the purposes of this division.

The Department of General Services and the conservancy shall jointly develop and implement appropriate procedures to insure that land acquisitions, options to purchase, land disposals, and other property transactions under this division are carried out efficiently, equitably, and with proper notice to the public.

The conservancy may coordinate with the Department of Parks and Recreation any acquisition with park and recreation development potential and may contract with the Department of Parks and Recreation as necessary in order to do so.

The conservancy may, by interagency agreement, cooperate with resource conservation districts in order to carry out the purposes and objectives of this division.

33203.1. Notwithstanding Section 33203 or any other provision of this division, the executive director of the conservancy shall give notice of any proposed acquisition of real property, or of any interest in real property, by eminent domain to the city council of the city in which the property is located, or to the board of supervisors of the county in which the property is located if it is in an unincorporated area, at least 45 days prior to the conservancy requesting any action by the State Public Works Board pursuant to Section 15854 of the Government **Code**. If the city council or board of supervisors disapproves of the proposed action, the conservancy

shall hold a noticed public hearing on the objections to the use of eminent domain prior to any vote recommending that action by the State Public Works Board.

33203.5. Notwithstanding any other provision of this division, the conservancy may acquire and improve real property, or any interests therein, anywhere within the zone upon a finding that the action is consistent with the plan. If the proposed acquisition or improvement is within the coastal zone, the executive director of the conservancy shall submit the proposal to the State Coastal Conservancy for review at least 60 days prior to approval by the conservancy. If the State Coastal Conservancy has not, within 60 days from the date of submission, acted to disapprove the proposed acquisition or improvement on the grounds that the project is in conflict with or would jeopardize an approved project of the State Coastal Conservancy or a proposed project as identified in a written preproject feasibility report as adopted by the State Coastal Conservancy, the acquisition or improvement may proceed pursuant to this section.

33204. The conservancy may, in accordance with the priorities of the plan, do the following:

(a) Award grants or make interest-free loans to cities, counties, resource conservation districts, and recreation and park districts for the purpose of restoring areas which, because of scattered ownerships, poor lot layout, inadequate lot size, inadequate park and open space, incompatible land uses, or other conditions, are adversely affecting the Santa Monica Mountains environment or are impeding orderly development. Any funds over and above eligible project costs which remain after completion of a restoration under this subdivision shall be transmitted by the city, county, resource conservation district, or recreation and park district, as the case may be, to the state and deposited in the fund and shall be available for expenditure, when appropriated by the Legislature, for the purposes of funding the programs specified in this division.

(b) Undertake, or award grants or make interest-free loans to any state agency, city, county, resource conservation district, or recreation and park district for the purposes of undertaking, the acquisition of critically needed buffer zones to ensure that the character and intensity of development surrounding lands acquired by

the federal government as part of the Santa Monica Mountains National Recreation Area is generally compatible with, and does not adversely impact, the recreational and natural resource values of the national recreation area. In the acquisition of interests pursuant to this subdivision, the conservancy shall place principal reliance on acquisition of development rights and other less than fee interests.

(c) Award grants to state agencies, cities, counties, resource conservation districts, and park and recreation districts for the purpose of acquiring sites identified as necessary for park, recreation, or conservation purposes and for development of essential related public facilities.

(d) Acquire, or award grants or make interest-free loans to other state agencies, cities, counties, resource conservation districts, and recreation and park districts for the purpose of acquiring, sites identified as necessary for park, recreation, or conservation purposes, when a state or local agency is unable, due to limited financial **resources** or other circumstances of a temporary nature, to acquire the site. Priority shall be given under this subdivision to sites under immediate development pressure. Fee title and options to purchase may be acquired and the land may be held for subsequent conveyance to the appropriate public agency if the conservancy finds that the site would otherwise be lost to public use. Repayment of any loans or other reimbursements to the conservancy for projects funded from the federal grant account of the fund under this subdivision shall be deposited in the account and may be used for the purposes of this division when authorized by the Secretary of the Interior.

(e) Award grants to cities, counties, or state agencies for the purpose of enhancing of **resources** which, because of improper location of improvements, or incompatible land uses, have suffered loss of natural and scenic values. Grants under this subdivision shall be utilized for the assembly of parcels of land to improve resource management, for relocation of improperly located or designated improvements, and for other corrective measures which will enhance the natural and scenic character. Grants under this subdivision may not be utilized as a method of acquisition of public park, wildlife, or natural areas, except as such uses may be incidental.

(f) The conservancy may act pursuant to subdivisions (a) and (b) of this section only if it finds that the local regulatory provisions do not adequately accomplish the objectives of such subdivisions.

The conservancy may act pursuant to subdivisions (a), (c), and (e) of this section only if the project is not a more intense land use

than is consistent with the local area and general plans of the city or county having jurisdiction over the affected land. The conservancy may undertake a project itself or award a grant or make a loan pursuant to subdivision (b) only if it notifies the governing body of the city or county in whose jurisdiction the project is located and the governing body has not, by a four-fifths vote, disapproved the project. If the governing body does not disapprove a project within 45 days after receiving notice of the project proposal from the conservancy, the project shall be deemed approved by the governing body.

33204.2. (a) The conservancy may award grants to nonprofit organizations qualified as exempt organizations under Section 501(c)(3) of the Internal Revenue **Code** of 1954 (26 U.S.C. Sec. 501(c)(3)), and private educational institutions that file the statement with the Superintendent of Public Instruction required by Section 33190 of the Education **Code**, to carry out improvements, maintenance, acquisitions, or educational interpretation programs that directly relate to a project that the conservancy is otherwise authorized to undertake pursuant to this division.

(b) Grants awarded pursuant to this section are subject to the review and approval of the Department of General Services. The conservancy shall not award a grant under this section for a project that is not for the purposes specified in subdivision (a). No nonprofit organization may expend any portion of a grant to engage in any activity not expressly authorized pursuant to subdivision (a).

(c) The executive director shall submit a notice to the Department of Finance 30 days prior to award of a grant under this section. The notice shall specify the recipient organization, the amount to be granted, and the purposes for which the grant is awarded. The period for notice under this subdivision may be concurrent with the review of the Department of General Services under subdivision (b).

33204.27. (a) The conservancy may award grants to school districts and other local agencies for any of the purposes for which it may award grants to nonprofit organizations pursuant to subdivision (a) of Section 33204.2.

(b) Grants awarded to school districts pursuant to subdivision (a) shall be subject to both of the following conditions:

(1) The grants shall not include cash grants of state funds.
(2) Grants permitting the use of facilities shall be limited to facilities that are owned by the conservancy.

33204.3. (a) The Legislature finds and declares all of the following:
(1) The existing parks and open space owned by federal, state, and local agencies within the Rim of the Valley Trail Corridor, as defined in Section 33105.5, are important recreational and environmental **resources** for the people of California, especially residents of the San Fernando, La Cresenta, and San Gabriel Valleys, and it is in the public interest to facilitate the connection of existing parks and open-space **resources** and to provide for further improvement of underutilized public easements and other existing public open spaces.
(2) There is a need for overall trail and recreational access planning and coordination between the 11 local agencies, two joint powers park agencies, two state agencies, and three federal agencies with jurisdiction over lands in the Rim of the Valley Trail Corridor.

(b) The conservancy, using the voluntary cooperation of governmental jurisdictions within the corridor, shall prepare and adopt a coordinated trail development plan and recreational access program for the Rim of the Valley Trail Corridor that includes, but is not necessarily limited to, all of the following:
(1) Identification of major hiking and equestrian trails and important secondary and feeder trails that cross jurisdictional lines, and a priority program for improving those trails.
(2) Identification of special purpose trails, where appropriate, for special population groups and special user groups, such as mountain bicycles where the special purpose trails will have no significant environmental impact.
(3) Identification of, and a priority program for implementing, those additional recreation access needs, including new or expanded trails that should be added to the Rim of the Valley Trail Corridor, and additional or upgraded facilities, parks, or open spaces that may be necessary.
(4) Identification of underused existing public open spaces and recommendations for providing better public use and enjoyment of these areas.
(c) Notwithstanding Section 33105.5, the conservancy may make

minor boundary changes to the Rim of the Valley Trail Corridor solely for the purpose of implementing the plan prepared pursuant to this section. Any boundary change shall be in the form of maps and descriptions which shall be included in the plan submitted pursuant to subdivision (d) and shall be filed with the Secretary of State not later than July 31, 1990.

(d) The conservancy shall hold at least one public hearing in each city and the unincorporated area of each county within the Rim of the Valley Trail Corridor prior to the submission of the plan and program pursuant to this subdivision. The plan and program prepared under subdivision (b), and any changes to the corridor boundary, shall be coordinated with each affected jurisdiction prior to adoption by the conservancy. The plan and program shall be submitted to the Assembly Committee on Natural **Resources** and the Senate Committee on Natural **Resources** and Wildlife at least 30 days prior to the approval of any acquisition or improvement under the plan or program pursuant to this division, but not later than June 30, 1990.

(e) Upon adoption by a local government of the plan and program prepared under this section, the plan and program shall be part of the plan that the local government implements for purposes of compliance with Section 33009.

33204.4. (a) The Legislature finds and declares all of the following:

(1) The boundary of the Rim of the Valley Trail Corridor should be determined exclusively upon the best scientific and resource-based information regarding trail, recreational, and environmental **resources** in the area.

(2) Landowners, local government entities, members of the public, and other affected parties should be afforded maximum participation in the process by which the Rim of the Valley Trail Corridor is delineated.

(b) (1) Notwithstanding the requirements of Section 33015.5, if the conservancy determines, based on relevant scientific information and land use planning studies, and after holding at least one public hearing in the area that would be affected by a revision of the boundaries of the Rim of the Valley Trail Corridor, that a boundary revision in the vicinity of Placerita Canyon State Park east of State Route 14, including Whitney Canyon and its adjacent watersheds, is necessary, the executive director shall prepare and file with the

Secretary of State, the Assembly Committee on Natural **Resources** and the Senate Committee on Natural **Resources** and Wildlife, a revised map showing the changes in the boundaries of the Rim of the Valley Trail Corridor.

(2) A revised map prepared pursuant to paragraph (1) shall be supported by relevant scientific information and be in accordance with the purposes and objectives of Section 33204.3.

(c) Nothing in this section shall be interpreted to affect any portion of Elsmere Canyon. In addition, nothing in this section shall be interpreted to have any effect on the decisions whether or not to permit Elsmere Canyon as a solid waste facility, as identified in the final Los Angeles County Countywide Siting Element, prepared and approved pursuant to Division 30 (commencing with Section 40000).

(d) Notwithstanding Section 33201, nothing in this section shall affect the jurisdiction of the State Coastal Conservancy.

33204.5. (a) The conservancy shall conduct a study and implement a program to provide recreational access from downtown Los Angeles and the inner city to the zone in order to provide recreational opportunities for all income and ethnic groups wishing to enjoy the Santa Monica Mountains. In undertaking the study, the conservancy shall cooperate with the National Park Service, the El Pueblo de Los Angeles State Historic Park Advisory Committee, the Department of Parks and Recreation, and the City of Los Angeles.

(b) The executive director of the conservancy shall file by June 30, 1983, with the Secretary of State and the City Council of the City of Los Angeles a map showing a feasible recreational trail corridor between El Pueblo de Los Angeles State Historic Park and Griffith Park.

33204.7. On January 1, 1984, the Department of Parks and Recreation shall transfer Fryman Canyon, which was acquired pursuant to Section 4 of Chapter 809 of the Statutes of 1980, to the conservancy. Fryman Canyon shall be deemed to have been acquired by the conservancy pursuant to Section 33204, but may be transferred by the conservancy only to the National Park Service, without payment of any compensation, in accordance with Section 33205.

33205. The conservancy shall not hold lands acquired in accordance with subdivision (d) of Section 33204 more than 10 years from the time of acquisition. A city, county, recreation and park district, the National Park Service, or a state agency may acquire the land any time during that period for park, recreation, or resource preservation purposes. The acquisition price to the agencies shall be based upon the cost of acquisition under this division, plus administrative and management costs in reserving the land, unless the conservancy determines that the agency will operate and maintain the property for park, recreation, or resource preservation purposes in accordance with standards set by the conservancy, and that the property will not be converted to other uses without the approval of the conservancy. In the cases where the conservancy makes this determination, it may transfer the property without consideration or it may set another acquisition price as mutually agreed upon by the parties. However, in any case where there is a transfer without consideration, or where the consideration is less than acquisition and administrative and management costs, the property shall first be offered to the Department of Parks and Recreation, and, if the department is unwilling or unable to accept the property, the conservancy may then transfer or sell the property to a city, county, recreation and park district, or the National Park Service pursuant to this section. The conservancy shall include in each instrument transferring title of state property to the National Park Service a provision which assures that the property is operated in a manner suitable for park, recreation, or resource preservation purposes. The conservancy shall include in each instrument transferring title of state property to a state or local agency a provision for reversion of the property to the state if the property ceases to be used for park, recreation, or resource preservation purposes. Lands acquired under subdivision (d) of Section 33204 shall not be disposed of pursuant to Section 11011.1 of the Government **Code**.

If, at the expiration of the 10-year period, no agency is willing or able to acquire the lands, the conservancy shall request the Real Estate Services Division of the Department of General Services to dispose of the lands at fair market value subject to restrictions that are consistent with this division.

Any funds received by the state upon disposition of lands acquired in accordance with subdivision (a) or (d) of Section 33204 shall be deposited in the fund and shall be available for the purposes of this division. Any funds received by the state under this section upon disposition of lands acquired with funds granted pursuant to Section

507(n) of the National Parks and Recreation Act of 1978 (16 U.S.C. Sec. 460kk(n)) shall be deposited in the federal grant account in the fund and shall be available for the purposes of this division when authorized by the Secretary of the Interior.

33205.5. (a) Notwithstanding any other provision of law, concurrent with the transfers described in subdivision (b), the Department of Parks and Recreation shall transfer Stunt Ranch, which was acquired pursuant to Section 3 of Chapter 1305 of the Statutes of 1980, to the conservancy, and Stunt Ranch shall be deemed to have been acquired by the conservancy pursuant to Section 33204. Subject to the approval of the Director of Parks and Recreation, the conservancy, not sooner than January 1, 1986, may transfer in fee only to the National Park Service to be used for the benefit of the state park system, without payment of compensation, in accordance with Section 33205 of the Public **Resources Code**, that portion of Stunt Ranch not transferred to the regents pursuant to subdivision (c), subject to rights reserved to the regents by subdivision (c). If operating funds for Stunt Ranch become available to the Department of Parks and Recreation prior to a transfer to the National Park Service, the conservancy shall, upon the request of the Director of Parks and Recreation, retransfer the property, without payment of compensation, to the Department of Parks and Recreation and the property shall be operated as a unit of the state park system, subject to rights reserved to the regents by subdivision (c).

(b) If the conservancy acquires property of the regents commonly known as "362 acres more or less in Upper Temescal Canyon" (hereafter called Upper Temescal Canyon) and "40 acres more or less in Arroyo Sequit" (hereafter called Arroyo Sequit property), the executive director, on behalf of the conservancy, shall do the following:

(1) Transfer Upper Temescal Canyon to the Department of Parks and Recreation as an addition to Topanga State Park.

(2) Offer to transfer, without compensation, the Arroyo Sequit property to the Department of Parks and Recreation for state park system purposes. If the department does not accept the offer of the Arroyo Sequit property within a reasonable time, the conservancy may transfer the Arroyo Sequit property in fee to the National Park Service to be used for the benefit of the state park system, without payment of compensation, in accordance with Section 33205.

(c) If the conservancy acquires the properties specified in subdivision (b) by March 1, 1984, the executive director of the

conservancy shall transfer in fee that portion of Stunt Ranch as may be needed by the regents for scientific and educational purposes, upon terms mutually agreed upon by the executive director, on behalf of the conservancy, and the regents. The Department of General Services shall appraise Upper Temescal Canyon, the Arroyo Sequit property, and the Stunt Ranch property and the costs of the appraisal shall be borne equally by the conservancy and the regents. The executive director, on behalf of the conservancy, the Director of Parks and Recreation, and the regents shall each certify that the properties transferred to and offered to the Department of Parks and Recreation pursuant to subdivision (b) are of equivalent value to that portion of Stunt Ranch transferred to the regents pursuant to this subdivision. Subject to the approval of the Director of Parks and Recreation, the executive director shall also execute an agreement with the regents, which shall be effective upon execution, for the use of such other areas of Stunt Ranch as may be necessary for scientific and educational purposes. The agreement may provide that any transfer of other portions of Stunt Ranch to the National Park Service or to the Department of Parks and Recreation shall reserve to the regents the right to continue scientific and educational use under substantially the same conditions as existed prior to the transfer.

(d) The Legislature finds and declares that the transfers of and reservations of rights in, property provided for by this section are in the public interest, further the objectives of, and benefit, the state park system, and further the interest in protecting the Santa Monica Mountains Zone as declared in Section 33001.

(e) In the event of any conflict between Sections 92671 to 92673, inclusive, of the Education **Code** and this section, the provisions of this section shall prevail.

(f) Notwithstanding the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government **Code**) and any other provision of law, the executive director of the conservancy may take such actions as are necessary to carry out the provisions of this section.

33206. The conservancy may lease lands acquired in accordance and for purposes consistent with this division. Revenue from leases of land acquired with funds granted pursuant to Section 507(n) of the National Parks and Recreation Act of 1978 (16 U.S.C. Sec. 460kk(n)) shall be deposited in the federal grant account in the fund and shall

be available for the purposes of this division when authorized by the Secretary of the Interior. When leases are made to private individuals or private nonprofit tax-exempt organizations of lands acquired pursuant to subdivision (d) of Section 33204, the conservancy shall annually, upon appropriation of such amounts by the Legislature, transfer 24 percent of the gross income of such leases to the county in which such lands are situated.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in the area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such districts and agencies, including the county, on such property levied for that year. The county auditor shall determine and certify the amount distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to any county, revenue district, or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where a county receives a payment pursuant to this section in an amount of twenty-five dollars ($25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

33207. (a) Areas offered for open-space dedication or trail easement by any person, and lands offered for sale because of tax delinquency, shall not be lost to public use if they are necessary to meet any of the provisions of this division. The conservancy shall serve as a repository for these lands and interest in land and for this purpose may accept dedication of fee title, easements, development rights, or other interests.

(b) The conservancy shall have the first right of refusal on any property within the zone presently owned by a public agency and

scheduled for disposal as excess lands, except where such lands are designated for acquisition as a park or recreation area by a federal, state, or local agency. The conservancy shall have the right to acquire such lands at the disposing agency's purchase price plus any administrative and management costs incurred by the disposing agency.

The disposing agency shall have the right of first refusal to reacquire property which was acquired by the conservancy pursuant to this division at the price paid by the conservancy before any administrative costs incurred by the conservancy when the land is not to be used for the purposes of this division and is to be sold by the Real Estate Services Division of the Department of General Services.

33207.1. (a) The conservancy shall, upon the request of a city or county, waive subdivision (b) of Section 33207 if it finds any of the following:

(1) The property is shown as commercial or manufacturing on the general plan, area plan, or local coastal program of the city or county having jurisdiction, whichever is applicable, on the date of enactment of this section at the 1985-86 Regular Session of the Legislature.

(2) The property is within the unincorporated area of a county with a population exceeding 4,000,000 and is to be used for affordable housing, as determined in paragraph (1) of subdivision (d) of Section 52020 of the Health and Safety **Code**.

(b) Nothing in this division requires any local agency to declare any property surplus.

33207.5. (a) The executive director, on behalf of the conservancy, shall, contemporaneously with the Los Angeles Unified School District completing all procedures and transfers in accordance with subdivisions (b) and (c), waive and release all the conservancy's right, title, or interest to purchase Los Angeles Unified School District property pursuant to subdivision (b) of Section 33207, and pursuant to any other statutory authority, wherever granted, to those school sites commonly referred to as the Beverly Glen Midsite School site, the property commonly referred to as the four recorded lots of the Old Ranch Road School site, the property commonly referred to as the South of Lanai Road School site, and any other school district

properties located within the zone, except that the conservancy shall retain all rights to purchase the acreage parcel of the Old Ranch Road School site as set forth in this section.

(b) The exemption in subdivision (a) shall become operative if the Board of Education of the Los Angeles Unified School District, referred to in this section as the Board of Education, within two days of the effective date of this section, votes to offer to the conservancy, and within five days of the effective date of this section records in the office of the Los Angeles County Recorder, an irrevocable offer to sell to the conservancy, at the original purchase price, the Temescal Junior High School site; and records in the office of the Los Angeles County Recorder an offer of a right to purchase to the conservancy upon terms and procedures in accordance with subdivision (d), a portion of the Old Ranch Road site described as follows:

All that portion of blocks 39 and 43 lying within the Santa Monica Land and Water Company Tract M.R. 78-44/49 owned by the Los Angeles Unified School District, together with appurtenant access easements along Old Ranch Road.

(c) The exemption in subdivision (a) shall only become operative if the Board of Education, within two days of the effective date of this section, approves a resolution of intention to sell the Old Ranch Road site described in subdivision (b). The resolution to sell shall direct publication of notice of the Board of Education's intention to sell in a newspaper of general circulation published within the Los Angeles Unified School District within 10 days of the resolution and shall cause the notice to be published on at least three occasions within a period of time of not less than 15 days. The notice shall fix a date for the opening of bids not less than 21 days after the last publication. The bids shall be opened in public in the offices of the real estate branch in accordance with the Los Angeles Unified School District's procedure. The executive director of the conservancy shall be advised of the bid opening and location not less than seven days prior thereto. The resolution to sell and notice shall state a minimum bid price of one million four hundred thousand dollars ($1,400,000) cash sale, and close of escrow to occur within 45 days of acceptance of the highest responsible bid by the Board of Education. All bids shall be in writing and accompanied by a deposit of not less than fifty thousand dollars ($50,000) in cash or cashier's check.

(d) (1) Prior to accepting any responsible bid received pursuant to subdivision (c), the Board of Education or its designee shall call for oral bids. If, upon the call for oral bidding, any person offers

to purchase the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written or previous oral proposal that is made by a responsible person, that higher bid shall be designated as the highest responsible bid if the oral bid is reduced to writing and signed by the offeror and accompanied by a cashier's check or by cash in an amount not less than fifty thousand dollars ($50,000).

(2) After determining the highest responsible bidder, the Board of Education shall offer the Old Ranch Road School site described in subdivision (b) to the conservancy at the price indicated in the highest responsible bid as determined in subdivision (c) and this subdivision, but at a price not less than one million four hundred thousand dollars ($1,400,000). The offer shall be in writing and shall remain open for a period of 10 days from the date that the written offer is received by the conservancy. The executive director of the conservancy shall have the right, against all others, to gain the right to purchase the property at any time within the 10-day period at the price of the highest responsible bid by communicating to the Board of Education in writing.

(3) In the event the executive director of the conservancy exercises the right to purchase pursuant to this section, the State of California, Santa Monica Mountains Conservancy, shall receive a conveyance of the property from the Board of Education by quit claim deed if the State of California pays the Board of Education by warrant or by cashier's check, the amount of the highest bid at any time within a six-month period commencing with the date of the receipt by the executive director of the conservancy of the Board of Education's offer, as described in this subdivision.

(4) If the executive director of the conservancy does not, within the 10-day period described in this subdivision, indicate his or her intention to exercise the right to purchase the property, the Board of Education may convey the property to the highest responsible bidder. In the event the highest responsible bidder fails to complete the purchase, the Board of Education shall offer the property to the executive director of the conservancy in accordance with the procedure set forth in this subdivision for each successive responsible bid, but in no case shall the price to the conservancy be less than one million four hundred thousand dollars ($1,400,000).

(5) Should the executive director of the conservancy indicate an intention to exercise the right to purchase within the 10-day period, but fail to pay the Board of Education the purchase price by warrant of the State of California or cashier's check within the six-month period, or the executive director of the conservancy fails to

exercise the right to purchase within the 10-day period and the property is purchased by the highest responsible bidder, the executive director of the conservancy shall execute a waiver and release in accordance with subdivision (a) for the Old Ranch Road site as described in subdivision (b).

(e) (1) In the event the conservancy does not acquire the portion of the Old Ranch Road site described in subdivision (b) pursuant to the procedure set forth in this section, and the conservancy has released and waived its rights pursuant to subdivision (a), the Board of Education may offer the Old Ranch Road site for purchase to the highest responsible bidder on the same terms as determined pursuant to this section, or should the responsible bidder no longer wish to purchase the property, the Board of Education may offer the property for sale pursuant to the provisions of the Education **Code** governing the sale of surplus district property.

(2) Notwithstanding any other provision of law, the Board of Education may adopt or approve any and all acts required by it to carry out this section and may sell to the conservancy the real property described as the Temescal Junior High School site at its original purchase price in accordance with the procedures specified in this section by an affirmative vote of five members of the Board of Education. Further, notwithstanding the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government **Code**), and any other provision of law, the executive director of the conservancy may take any actions that are necessary to carry out this division.

33207.6. Notwithstanding any other provision of law, upon receipt of a resolution of the Board of Education of the Las Virgenes Unified School District, the conservancy shall exchange for the district, under terms mutually agreed upon by the district and the conservancy, an acceptable substitute property for excess school lands within the zone now held by the district.

33207.7. Notwithstanding any other provision of the law, upon mutual agreement of the conservancy and the governing body of each local government or special district, conservancy funds provided to that jurisdiction and proceeds of sales of excess properties acquired from that jurisdiction shall be spent for purposes consistent with

open-space purposes within any area of that jurisdiction.

33208. The conservancy shall annually, beginning on January 1, 1981, transmit to the Governor and the Legislature a two-part report as follows:

(a) The first part of the report shall include all of the following:

(1) A listing of, and justification for, the projects proposed to be undertaken pursuant to Section 33204, a statement of the condition of the fund, and a certification by the conservancy that each of the projects proposed to be funded are consistent with the plan.

(2) A priority listing of the projects that shall be developed after public hearings and findings and with local government coordination.

(3) A listing of the amount of money necessary, if any, to retire bonded indebtedness for water and sewer and other utilities already incurred by property owners which, if left outstanding, would contribute to further development of the zone in a manner inconsistent with the plan. Upon appropriation by the Legislature, the conservancy may make grants from the fund to retire that bonded indebtedness from any money specifically granted by the Secretary of the Interior for that purpose.

(b) The second part of the report shall include all of the following:

(1) A schedule of projects undertaken by the conservancy and a schedule of grants and loans made by the conservancy.

(2) The program specified in Section 33204 under which each project, grant, or loan was carried out and the manner and extent to which the goals of the project, grant, or loan, and the goals of this division, were achieved and the actual cost thereof, including an accounting.

(3) A schedule of grants awarded to the conservancy and the disposition of the funds granted.

(4) The disposition of the funds appropriated to the conservancy in the fiscal year preceding the year in which the report is made.

(5) A review of local and state government actions taken to implement the plan.

(6) An identification of additional funding, legislation, or other **resources** required which would more effectively enable the conservancy or local governments to carry out the purposes of this division.

33209. Every project submitted for funding pursuant to Section 33208 shall have an adopted project plan developed by, or in coordination with, the applicable local government or other state agency. The conservancy shall by regulation specify the content of project plans. Maximum public participation shall be afforded in the development of project plans, including public hearings and findings.

33210. Upon the request of a city, county, or recreation and park district within the zone, upon the request of the National Park Service, or on its own initiative, the conservancy may, after public hearings and findings, and consistent with this division, amend the plan and submit it to the Secretary of the Interior for approval. However, if the conservancy acts on its own initiative to substantially amend the plan, the action shall be subject to the same procedure for obtaining a resolution of intent to comply with the plan from the affected jurisdiction as applied to the original approval of the plan pursuant to Section 507(n)(3)(B) of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk(n)(3)(B)). The findings shall provide that the amendments to the plan will not adversely affect the health, safety, or welfare of persons residing in the zone or of persons using the facilities located within the zone.

33211. The conservancy may:

(a) Accept any gifts, donations, or bequests from individuals, corporations, or organizations, or accept grants of funds from private or public agencies. A gift of personal property otherwise required to be approved by the Director of Finance pursuant to Section 11005 of the Government **Code** is deemed approved, unless it is disapproved within 60 days of receipt of a request from the executive director of the conservancy to approve the gift. A gift of real property shall be submitted by the executive director to the Department of General Services for its review. The Department of General Services shall complete its review within 30 days of receipt of a completed request and shall transmit the request for approval to the Director of Finance within that period. Unless the gift of real property is disapproved by the Director of Finance within 30 days of its receipt of the request, the gift is deemed approved pursuant to

Section 11005 of the Government **Code**.

(b) Contract for professional services required by the conservancy or for the performance of work and services which in its opinion cannot satisfactorily be performed by its officers and employees or by other federal, state, or local governmental agencies.

(c) Do any and all other things necessary to carry out the purposes of this division.

(d) Sue and be sued.

33211.5. (a) The following conditions of use apply to property owned or subject to the management of the conservancy:

(1) Opening and closing hours shall be posted on any property upon which public use is permitted.

(2) Property may be closed to public use only when fire, mudslide, landslide, or flood dangers pose a substantial risk of injury or loss of life, or when a federal, state, or local disaster or emergency declaration has been made by an authorized person or public agency, or where there is an emergency or potential emergency situation of a temporary nature that involves substantial risk or potential risk to life or property, and the temporary closure or restriction of access is necessary to protect the public health and safety.

Any property closed shall be reopened as soon as the fire, mudslide, landslide, or flood dangers no longer pose a danger of injury or loss of life, or when a federal, state, or local disaster or emergency declaration is no longer in effect, or where there is no longer an emergency or potential emergency situation of a temporary nature that involves substantial risk or potential risk to life or property.

(3) Vehicles shall park only in designated areas and may not be operated off of roads or other areas designated for vehicle use. All vehicle use, including bicycles, shall conform to posted signs.

(b) Trails, campsites, and other public use areas on property owned or subject to the management of the conservancy shall be designated and posted with prohibited activities and use restrictions clearly indicated, including, but not limited to, the prohibition or restriction of smoking, fires, fireworks, animals, possession of dangerous weapons, or other activities that affect the safety of visitors, campers, trail users, or the natural or historic **resources** of the property.

(c) Determining and posting conditions of use pursuant to

subdivisions (a) and (b) may not be considered the adoption of regulations within the meaning of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government **Code**).

(d) (1) The conditions of use and types of uses of property owned or subject to the management of the conservancy are considered to be of statewide significance. The types of uses and the management policies affecting those uses shall be consistent with the policies for permitted uses of lands within the state park system.

(2) Notwithstanding any other law, ordinance, rule, or regulation, the conservancy may exercise its discretion in determining whether to authorize any license, permit for special use, easement, project, activity, or other entitlement to be undertaken by the conservancy or its agents, for the use of conservancy owned or managed land. This subdivision shall not be construed to restrict the authority of the conservancy to lease lands consistent with the purposes of this division and the requirements of Section 33206.

33211.6. (a) Dumping any refuse matter, except by permit signed by the executive director or the executive director's authorized representative, on property owned or managed by the conservancy, and posted against that dumping, shall be a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000), or imprisonment in the county jail for not more than six months, or both that fine and imprisonment.

(b) Injuring, defacing, or destroying any property owned or managed by the conservancy or any of the natural features thereof, shall be a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000), or imprisonment in the county jail for not more than six months, or both that fine and imprisonment.

(c) Violation of the posted conditions of use on any property owned or managed by the conservancy is a misdemeanor punishable by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment, except that at the time a particular action is commenced, the judge may, considering the recommendation of the prosecuting attorney, reduce the charged offense from a misdemeanor to an infraction. Any person convicted of the offense after such a reduction shall be punished by a fine of not less than one hundred dollars ($100), nor more than five hundred dollars ($500).

33212. (a) The executive director of the conservancy shall be exempt from civil service and shall be appointed by, and serve at the pleasure of, the conservancy. The executive director serving on the effective date of the amendments to this section enacted at the 1981-82 Regular Session of the Legislature shall continue to serve until an appointment is made by the conservancy.

(b) The executive director shall administer the affairs of the conservancy, employ staff, be responsible to the conservancy for program performance, and shall be considered the head of a department within the meaning of Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government **Code**.

(c) Notwithstanding any other provision of law, the status and employment of any employee shall not be affected by the appointment of a successor executive director as provided in subdivision (a) until the State Personnel Board has acted under this subdivision. The State Personnel Board shall endeavor to establish such classes of state service as may in its judgment be necessary to ensure that the provisions of this section do not disrupt the essential functions of the conservancy.

33213. (a) The Santa Monica Mountains Conservancy Advisory Committee is hereby created. The advisory committee consists of 26 members, as follows:

(1) Fifteen representatives of local governments from jurisdictions including the Santa Monica Mountains, one of whom shall be appointed by the Mayor of the City of Los Angeles, one of whom shall be appointed by the Board of Supervisors of the County of Los Angeles, one of whom shall be appointed by the City Council of the City of Thousand Oaks, one of whom shall be appointed by the Board of Supervisors of the County of Ventura, one of whom shall be appointed by the City Council of the City of Agoura Hills, one of whom shall be appointed by the City Council of the City of Westlake Village, one of whom shall be appointed by the City Council of the City of Malibu, one of whom shall be appointed by the City Council of the City of Calabasas, one of whom shall be appointed by the City Council of Burbank, one of whom shall be appointed by the City Council of Glendale, one of whom shall be appointed by the City Council of La Canada-Flintridge, one of whom shall be appointed by the City Council of Pasadena, one of whom shall be appointed by the

City Council of Sierra Madre, one of whom shall be appointed by the City Council of South Pasadena, and one of whom shall be appointed by the Board of Supervisors of Los Angeles County to represent the unincorporated communities within the jurisdiction of the East Rim of the Valley Trail Corridor, after consultation with the Town Council of Altadena and the Crescenta Valley Town Council.

(2) Six public members, two of whom shall be appointed by the Governor, two of whom shall be appointed by the Senate Committee on Rules, and two of whom shall be appointed by the Speaker of the Assembly.

(3) One representative of the Rancho Simi Recreation and Park District, to be appointed by the district board of directors.

(4) One representative of the Conejo Recreation and Park District, to be appointed by the district board of directors.

(5) One representative of the Pleasant Valley Recreation and Park District, to be appointed by the district board of directors.

(6) One representative of the City of Santa Clarita, to be appointed by the city council.

(7) One representative of the City of Moorpark, to be appointed by the city council.

(b) The appointing powers shall make every effort to ensure that the ethnic and racial composition of the advisory committee reflects the racial and ethnic composition of the population of the state.

(c) The advisory committee shall select from among its members a chairperson and a vice chairperson.

(d) The members of the advisory committee shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(e) The advisory committee has the following duties:

(1) Propose and review projects for conservancy action and report to the conservancy regarding the conformity of the projects with the plan.

(2) Review proposed amendments to the plan.

(3) Provide opportunities for public participation.

(f) Twelve members of the advisory committee shall constitute a quorum for the transaction of any business of the advisory committee.

33214. The conservancy and any city, county, or recreation and park district, in undertaking any project pursuant to subdivision (a) of Section 33204, shall be subject to the provisions of Division 24 (commencing with Section 33000) of the Health and Safety **Code**.

33215. The Santa Monica Mountains Conservancy Fund is hereby established. Money deposited in the fund pursuant to Sections 33202, 33203, 33204, 33205, and 33206 shall be available for the purposes of this division, upon appropriation therefor by the Legislature. A separate federal grant account shall be established within the fund. Grants received pursuant to Section 507(n) of the National Parks and Recreation Act of 1978 (16 U.S.C. Sec. 460kk(n)) shall be deposited in the separate federal grant account.

BYLAWS

OF THE

COUNTY OF VENTURA'S

STRATEGIC
TOBACCO SETTLEMENT ALLOCATION PLAN

TOBACCO SETTLEMENT ALLOCATION COMMITTEE

All existing bylaws of the Committee are repealed and the following bylaws are adopted by the Ventura County Board of Supervisors effective January 12, 2006.

I. RECITALS

The Board of Supervisors, pursuant to the adoption of the County of Ventura's Strategic Tobacco Settlement Allocation Plan ordinance ("Strategic Plan"), has established the Tobacco Settlement Allocation Committee and hereby adopts the following bylaws to govern the operation of that committee.

II. NAME

The name of this body shall be Tobacco Settlement Allocation Committee ("the Committee").

III. PURPOSE AND FUNCTION

The purpose of the Committee is to advise the Board of Supervisors ("Board") by presenting annual funding recommendations and evaluations of funded programs to be submitted to the County Executive Office.

In cooperation with the County Executive Officer ("CEO") or his/her designee, it shall be the duty of the Committee to:

a) Be advisory in nature and develop and present in report format to the Board of Supervisors via the County Executive Office recommended annual funding priorities and allocations in accordance with the Ordinance.

b) Submit an annual evaluation report of all funded programs enacted through the Strategic Plan to the Board of Supervisors via the County Executive Office in accordance with the Ordinance.

c) Provide input to the County Executive Office in updating the Strategic Plan in accordance with the Ordinance. This may be accomplished through public meetings, surveys, industry data, workgroups or subcommittees.

The Committee shall have staff resources as assigned by the CEO.

IV. MEMBERSHIP

a) The Committee shall be comprised of twelve members, one of which shall be the Executive Director of the Ventura County Children and Family First Commission who shall serve ex-officio. The other eleven shall be appointed by the Board as follows:

1. Each member of the Board of Supervisors shall appoint one member to represent his or her district.

2. Six members shall be selected by a majority vote of the Board from a list of nominees submitted by the CEO. These members shall represent multiple disciplines within the healthcare industry and shall be designated by the following industry segments:

    - Private Hospital – Acute Care Facilities
    - Private Practitioners (including physicians)
    - Charitable Organizations (Associations, Community Based Organizations, etc.)
    - Community Health
    - Labor
    - Mental Health

b) The membership of the Committee shall be volunteers from the community who shall serve without compensation.

c) Members nominated and appointed to the Committee are expected to serve, and may not appoint alternates to serve on their behalf.

d) A member who is no longer associated with the segment of the health care industry from which he/she was appointed shall resign his or her membership, though, at the discretion of the Committee and CEO, may remain on the Committee temporarily pending recruitment and replacement. Committee members are responsible to notify the CEO of any status change.

All vacancies shall be filled by the Board within sixty days from the vacancy. An appointee to fill a vacancy shall serve the unexpired term of the member he/she replaced.

e) The term of service for all Committee members shall be for two years. There is a limit of two consecutive full terms. Members who have served less than two full two-year terms but not more than three total years on the Committee are eligible for reappointment to another term. Committee membership terms shall be staggered, so that the terms of no more than six members of the Committee shall expire in any year.

f) A member whose term expires shall be entitled to continue to serve until his/her replacement is appointed by the Board.

g) Subject to the limits in section IV.e., members may be re-appointed, at the Board's discretion, except members who have been removed from the Committee for cause may not be re-appointed.

h) An official membership list, attendance materials, a record of actions of the Committee and a detailed statement of composition, structure, and membership for the Committee shall be maintained by the Committee.

i) Removal or resignation from the Committee:

1. All vacancies shall be filled by the Board within sixty days of the vacancy. An appointee to fill a vacancy shall serve the unexpired term of the member he/she replaced.

2. The Board, by majority vote, may remove any member of the Committee with or without cause.

3. A Committee member may be removed from membership for absence if the member has been absent for more than three regular meetings of the Committee between July 1 and June 30 of one service year.

4. Committee members may resign for any reason on 30 days written notice.

V. OFFICERS AND THEIR ELECTION

1. Committee Chair

a) A member shall be appointed as Committee Chair by the Board.

b) The term of office for the Chair shall be one year.

c) The Chair shall preside over all regular meetings and may call special meetings, if necessary.

d) The Chair shall make appointments to all ad-hoc subcommittees.

e) The Chair shall be an ex-officio member of all ad-hoc subcommittees.

f) The Chair shall promptly notify the Board and the Clerk of the Board of all vacancies on the Committee.

g) The Chair, or in the Chair's absence, the Vice-Chair, shall be the signatory for all official Committee business.

2. Vice-Chair

a) A member other than the appointed Chair shall be appointed as the Vice-Chair by the Board.

b) The Vice-Chair shall assume the position of Chair upon the end of the Chair's term.

c) The Vice-Chair shall assume the responsibilities of the Chair in his or her absence.

3. Appointment Process for Chair and Vice-Chair

a) The seating of the Chair and appointment of the Vice-Chair shall take place every year at the first regular meeting of the Board following the annual presentation and acceptance of the Tobacco Settlement allocation recommendations and program evaluations.

b) Upon resignation or removal of the Chair, the Vice-Chair shall assume the duties of the Chair for the remainder of the current term.

The Chair and CEO or his/her designee shall have the responsibility of preparing the agenda for the Committee meetings and managing the business of the Committee.

VI. MEETINGS AND QUORUMS

All meetings of the Committee shall be conducted and noticed in conformance with the Ralph M. Brown Act, Government Code Section 54960 et seq.

A majority of the membership (voting members) of the Committee must be present in person to create a quorum.

All actions must be made by a simple majority of those present and voting, provided that a quorum has been established.

The Committee meetings shall be governed by Robert's Rules of Order, Newly Revised, in all cases to which they are applicable and to the extent to which they are not inconsistent with, or in conflict with, these bylaws.

VII. SUBCOMMITTEES

The Chair, with approval of the Committee, may create and appoint members of subcommittees (ad-hoc). All ad-hoc subcommittees may be advisory committees, technical workgroups, or business or community advisory groups as determined to be required by the Committee.

All ad-hoc subcommittees shall have at least one regularly appointed member of the Committee as part of the newly created ad hoc subcommittee and may include other non-members as deemed appropriate by the Committee Chair, with the approval from the Committee.

All actions of the ad-hoc subcommittees are advisory to the Committee.

The authority to act on behalf the Committee cannot be delegated.

VIII. STAFFING AND SUPPORT OF THE COMMITTEE

At a minimum, staff support to the Committee shall include:

a) The CEO, or his/her designee, shall be the managing officer of the Committee.

b) Legal counsel shall be available from the County.

c) Other staff support shall be provided as is deemed appropriate and necessary under its responsibilities as outlined herein and in the County Ordinance, the Strategic Tobacco Settlement Allocation Plan, and applicable State law. Such staff support shall include, under the direction of the CEO or his or her designee, professional, clerical, and technical support for the Committee and its ad-hoc subcommittees. Such staff support shall include responsibilities for official Committee record-keeping and storage.

IX. AMENDMENTS

Amendments to these bylaws may be approved by a majority vote by the Board at any regular meeting of the Board.

X. EFFECT

These bylaws shall become effective January 12, 2006, and shall remain in effect, as amended per section IX above, until dissolution of the Committee.

Adopted by the Board of Supervisors on:

DEC 13 2005
DATE

Kathy I. Long
KATHY I. LONG, Chair
County of Ventura
Board of Supervisors

BYLAWS

OF THE

COUNTY OF VENTURA'S

STRATEGIC
TOBACCO SETTLEMENT ALLOCATION PLAN

TOBACCO SETTLEMENT FINANCE COMMITTEE

All existing bylaws of the Committee are repealed and the following bylaws are adopted by the Ventura County Board of Supervisors effective January 12, 2006.

I. RECITALS

The Board of Supervisors, pursuant to the adoption of the County of Ventura's Strategic Tobacco Settlement Allocation Plan ordinance ("Strategic Plan"), has established the Tobacco Settlement Finance Committee and hereby adopts the following bylaws to govern the operation of that committee.

II. NAME

The name of this body shall be the Tobacco Settlement Finance Committee ("the Committee").

III. PURPOSE AND FUNCTION

The purpose of the Committee is to advise the Board of Supervisors ("Board") by presenting annual funding recommendations based on funding availability, program leveraging potential, and performance.

In cooperation with the County Executive Officer ("CEO") or his/her designee, it shall be the duty of the Committee to:

a) Be advisory in nature and provide recommendations via the CEO to the Board of Supervisors with respect to financial and funding objectives consistent with the Strategic Plan.

b) Determine the amount of available financing proceeds from the Tobacco Settlement revenues and investments.

c) Review and advise upon program service recommendations and performance evaluations as presented by the Tobacco Settlement Allocation Committee for incorporation in the annual funding allocation recommendations to the Board of Supervisors via the County Executive Office in accordance with the Ordinance.

d) Provide input to the County Executive Office in updating the Strategic Plan in accordance with the Ordinance. This may be accomplished through public meetings, surveys, industry data, workgroups or subcommittees.

e) Review, identify, explore and assure that all potential leveraged resources from state, federal, and local organizations are being considered in the annual funding allocation recommendations to the Board.

The Committee shall have staff resources as assigned by the CEO.

IV. MEMBERSHIP

a) The Committee shall be comprised of three members appointed by majority vote of the Board of Supervisors, selected from nominees submitted by the CEO. Each qualified nominee shall have significant experience and qualifications in Banking, Finance, Investment, other financial specialties or any other associated profession. The membership of the Committee shall be volunteers from the community who shall serve without compensation.

b) Members nominated and appointed to the Committee shall have no affiliation with any potential beneficiary of the Tobacco Settlement funds.

c) Members nominated and appointed to the Committee are expected to serve, and may not appoint alternates to serve on their behalf.

d) A member who is no longer associated with the industry segment he or she was appointed from shall resign his or her membership, though, at the discretion of the Committee and CEO, may remain on the Committee temporarily pending recruitment and replacement. Committee members are responsible to notify the CEO of any status change.

All vacancies shall be filled by the Board within sixty days from the vacancy. An appointee to fill a vacancy shall serve the unexpired term of the member he/she replaced.

e) The term for all Committee members shall be for two years per appointment. There is a limit of two consecutive full terms. Members who have served less than two full two-year terms but not more than three total years on the Committee are eligible for reappointment to another term. Committee membership terms shall be staggered, so that no more than one member of the Committee shall be ending their term of appointment every year.

f) A member whose term expires shall be entitled to continue to serve until his/her replacement is appointed by the Board.

g) Subject to the limits in section IV.e., members may be re-appointed, at the Board's discretion, except members who have been removed from the Committee for cause may not be re-appointed.

h) An official membership list, attendance materials, a record of actions of the Committee and a detailed statement of composition, structure, and membership for the Committee shall be maintained by the Committee.

i) Removal or resignation from the Committee:

1. All vacancies shall be filled by the Board within sixty days of the vacancy. An appointee to fill a vacancy shall serve the unexpired term of the member he/she replaced.

2. The Board, by majority vote, may remove any member of the Committee with or without cause.

3. A Committee member may be removed from membership for absence if the member has been absent for more than three regular meetings of the Committee between July 1 and June 30 of one service year.

4. Committee members may resign for any reason on 30 days written notice.

V. OFFICERS AND THEIR ELECTION

1. Committee Chair

a) A member shall be appointed as Committee Chair by the Board.

b) The term of office for the Chair shall be one year.

c) The Chair shall preside over all regular meetings and may call special meetings, if necessary.

d) The Chair shall make appointments to all ad-hoc subcommittees.

e) The Chair shall be an ex-officio member of all ad-hoc subcommittees.

f) The Chair shall promptly notify the Board and the Clerk of the Board of all vacancies on the Committee.

g) The Chair, or in the Chair's absence, the Vice-Chair, shall be the signatory for all official Committee business.

2. Vice-Chair

a) A member other than the appointed Chair shall be appointed as the Vice-Chair by the Board.

b) The Vice-Chair shall assume the position of Chair upon the end of the Chair's term.

c) The Vice-Chair shall assume the responsibilities of the Chair in his or her absence.

3. Appointment Process for Chair and Vice-Chair

a) The seating of the Chair and appointment of the Vice-Chair shall take place every year at the first regular meeting of the Board following the annual presentation and acceptance of the Tobacco Settlement funding allocation recommendations and program evaluations.

b) Upon resignation or removal of the Chair, the Vice-Chair shall assume the duties of the Chair for the remainder of the current term.

The Chair and CEO or his/her designee shall have the responsibility of preparing the agenda for the Committee meetings and managing the business of the Committee.

VI. MEETINGS AND QUORUMS

All meetings of the Committee shall be conducted and noticed in conformance with the Ralph M. Brown Act, Government Code Section 54960 et seq.

A majority of the membership of the Committee must be present in person to create a quorum.

All actions must be made by a simple majority of those present and voting, provided that a quorum has been established.

The Committee meetings shall be governed by Robert's Rules of Order, Newly Revised, in all cases to which they are applicable and to the extent to which they are not inconsistent with, or in conflict with, these bylaws.

VII. SUBCOMMITTEES

The Chair, with approval of the Committee, may create and appoint members of subcommittees (ad-hoc). All ad-hoc subcommittees may be advisory committees, technical workgroups, or business or community advisory groups as determined to be required by the Committee.

All ad-hoc subcommittees shall have at least one regularly appointed member of the Committee as part of the newly created ad hoc subcommittee and may include other non-members as deemed appropriate by the Committee Chair, with the approval from the Committee.

All actions of the ad-hoc subcommittees are advisory to the Committee.

The authority to act on behalf the Committee cannot be delegated.

VIII. STAFFING AND SUPPORT OF THE COMMITTEE

At a minimum, staff support to the Committee shall include:

a) The CEO, or his/her designee, shall be the managing officer of the Committee.

b) Legal counsel shall be available from the County, if needed.

c) Other staff support shall be provided as is deemed appropriate and necessary under its responsibilities as outlined herein and in the County Ordinance, the Strategic Plan, and applicable State law. Such staff support shall include, under the direction of the CEO or his or her designee, professional, clerical, and technical support for the Committee and its ad-hoc subcommittees. Such staff support shall include responsibilities for official Committee record-keeping and storage.

IX. AMENDMENTS

Amendments to these bylaws may be approved by a majority vote by the Board at any regular meeting of the Board.

X. EFFECT

These bylaws shall become effective January 12, 2006, and shall remain in effect, as amended per section IX above, until dissolution of the Committee.

Adopted by the Board of Supervisors on:

DEC 13 2005

DATE

Kathy I. Long

KATHY I. LONG Chair
County of Ventura
Board of Supervisors

ORDINANCE NO. 4336

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA TO REPEAL ORDINANCE NUMBERS 4218, 4229, 4231, 4257, AND 4261, THE COUNTY OF VENTURA'S ROLLING 5-YEAR STRATEGIC TOBACCO SETTLEMENT ALLOCATION PLAN, AND TO RE-ENACT THE COUNTY OF VENTURA'S STRATEGIC TOBACCO SETTLEMENT ALLOCATION PLAN

The Board of Supervisors of the County of Ventura ordains as follows:

Ordinance No. 4218 adopted October 24, 2000, and amended by Ordinance No. 4229 adopted February 13, 2001, Ordinance No. 4231 adopted April 17, 2001, Ordinance No. 4257 adopted April 2, 2002, and Ordinance No. 4261 adopted May 14, 2002 are hereby repealed and the Strategic Tobacco Settlement Allocation Plan is re-enacted as set forth below.

SECTION 1: PURPOSE AND INTENT

The purpose of this ordinance is to enhance the quality, quantity and availability of all forms of health care services for the residents of the County of Ventura through adoption and implementation of a Strategic Plan to improve community health. It is the intent of the Board of Supervisors that the funds received by the County of Ventura as its share of the National Tobacco Settlement, through the Master Settlement Agreement, the Memorandum of Understanding with the Attorney General of the State of California, and the Agreement Regarding Interpretation of the Memorandum of Understanding ("the Tobacco Settlement"), be devoted to supporting the Strategic Tobacco Settlement Allocation Plan described below.

SECTION 2: STRATEGIC TOBACCO SETTLEMENT ALLOCATION PLAN

The health of the residents of Ventura County will be maintained, enhanced and improved through County assistance to vital components of the health care sector. The Board shall therefore adopt by resolution the County of Ventura's Strategic Tobacco Settlement Allocation Plan ("the Strategic Plan"), thereby creating a plan which is reviewed annually and updated every five years commencing July 1, 2006. The Strategic Plan will provide general guidance on allocating funds received through the Master Settlement Agreement to programs, activities, services and organizations in the vital areas of the health care sector.

The Strategic Plan shall be adaptable to the changing health care needs of the community and shall ascertain health care priorities, address current community needs and gaps in service, discuss emerging health care needs and demands, summarize prior years' recommendations of the public Oversight/Advisory Committees, summarize prior years' Board approved allocations, and provide a five-year revenue and expenditure projection to guide future allocations.

The programs, activities, services and organizations to be funded, and the conditions to such funding, shall be recommended to the Board of Supervisors, and shall be subject to the Board of Supervisors' exercise of its budgetary power and oversight.

SECTION 3: OVERSIGHT COMMITTEES

There is hereby created a Tobacco Settlement Finance Committee and a Tobacco Settlement Allocation Committee, both of which shall operate under the supervision and direction of the County Executive Officer.

A. Tobacco Settlement Finance Committee

The Finance Committee shall be comprised of three members appointed by the Board of Supervisors collectively, selected from nominees submitted by the County Executive Officer. The members shall be volunteers from the community who shall provide program oversight and shall serve in solely advisory capacity and without compensation.

The duties and responsibilities of the committee include the following:

- Determine the amount of available financing proceeds from the Tobacco Settlement revenues and investments to be considered by the Tobacco Settlement Allocation Committee in its annual program allocation recommendations.
- Review the program allocation recommendations and evaluations as presented by the Tobacco Settlement Allocation Committee.
- Submit annual funding recommendations to the Board of Supervisors via the County Executive Officer based on funding availability, program leveraging potential, and performance, no later than May 31st of each year.
- Provide input to the County Executive Office in updating the Strategic Plan.

B. Tobacco Settlement Allocation Committee

The Tobacco Settlement Allocation Committee shall be comprised of eleven members appointed by the Board of Supervisors, and the Executive Director of the Ventura County Children and Families First Commission who shall serve ex-officio and be a non-voting member of the committee. Each Supervisor shall individually appoint one member representing the Supervisor's district. The Board of Supervisors shall collectively appoint the remaining six members, selected from nominees from the health care industry submitted by the County Executive Officer. The members shall be volunteers from the community who shall provide program oversight and shall serve in solely advisory capacity and without compensation.

The duties and responsibilities of the committee shall include the following:

- Submit annual recommended funding priorities and allocations to the Board of Supervisors via the County Executive Officer in accordance with the objectives and goals of the Strategic Plan by May 15th of each year.
- Perform an annual evaluation of funded programs in each focus area to be submitted to the Board of Supervisors via the County Executive Officer by May 15th of each year.
- Provide input to the County Executive Office in updating the Strategic Plan.

SECTION 4: TOBACCO SETTLEMENT PROCEEDS

All proceeds of the Tobacco Settlement received by the County of Ventura shall be used for health care purposes pursuant to the Strategic Plan.

SECTION 5: SUBMITTAL OF ANNUAL ALLOCATION RECOMMENDATIONS, ANNUAL EVALUATIONS, AND STRATEGIC PLAN UPDATES TO THE BOARD

A. Annual allocation recommendations and annual evaluations shall be submitted as prescribed below:

The Tobacco Settlement Oversight Committees shall present Tobacco Settlement allocation recommendations and program evaluations, to the Board prior to the commencement of budget hearings each year.

The County Executive Officer shall present Tobacco Settlement allocation recommendations, incorporating advisement from both Tobacco Settlement Oversight Committees, to the Board prior to the commencement of budget hearings each year.

B. The Strategic Plan shall be updated and adopted as prescribed below:

The County Executive Office shall commence the update of the Strategic Plan on July 1, 2006. The County Executive Office shall present the Strategic Plan update, incorporating advisement from both Tobacco Settlement Oversight Commitees, to the Board for adoption prior to the commencement of budget hearings of the same fiscal year. The Strategic Plan update shall take effect one year following the date of adoption and shall remain in effect for five years. The Strategic Plan shall be reviewed annually by both Tobacco Settlement Oversight Committees during the five-year period of effectiveness. Subsequent plan updates shall commence one year prior to the expiration of the Strategic Plan currently in effect.

Introduced at a regular meeting of the Board of Supervisors of the County of Ventura, State of California, held on the 13th day of December, 2005, and passed and adopted on the 13th day of December 2005, by the following roll call vote:

AYES: Supervisors Bennett, Parks, Mikels, Flynn, and Long

NOES: none

ABSENT: none

KATHY I. LONG, CHAIR
Board of Supervisors of the County of Ventura

ATTEST: JOHN F. JOHNSTON,
Clerk of the Board of Supervisors,
County of Ventura,
State of California

BY _____
Deputy Clerk of the Board

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 27130-27137

27130. The Legislature finds and declares that local agencies, including school districts, should participate in reviewing the policies that guide the investment of those funds. The Legislature further finds and declares that by pooling deposits from local agencies and other participants, county treasuries operate in the public interest when they consolidate banking and investment activities, reduce duplication, achieve economies of scale, and carry out coherent and consolidated investment strategies. The Legislature further finds and declares that the creation of county treasury oversight committees will promote the public interest by involving depositors in the management of their funds and by enhancing the security and investment return on their funds by providing a more stable and predictable balance for investment by establishing criteria for the withdrawal of funds.

27131. (a) The board of supervisors in each county or city and county may, if the county or city and county is investing surplus funds, establish a county treasury oversight committee. The board of supervisors, in consultation with the county treasurer, shall determine the exact size of the committee, which shall consist of from 3 to 11 members, and the categories from which the members shall be represented, as specified in subdivisions (a) to (g), inclusive, of Section 27132. Members shall be nominated by the treasurer and confirmed by the board of supervisors.

(b) In recognition of the state and local interests served by the action made optional in subdivision (a), the Legislature encourages local agencies to continue taking the action formerly mandated by this section. However, nothing in this subdivision may be construed to impose any liability on a local agency that does not continue to take the formerly mandated action.

27132. The county treasury oversight committee, pursuant to Section **27131**, shall consist of members appointed from the following:

(a) The county treasurer.

(b) The county auditor, auditor-controller, or finance director, as the case may be.

(c) A representative appointed by the county board of supervisors.

(d) The county superintendent of schools or his or her designee.

(e) A representative selected by a majority of the presiding officers of the governing bodies of the school districts and community college districts in the county.

(f) A representative selected by a majority of the presiding officers of the legislative bodies of the special districts in the county that are required or authorized to deposit funds in the county treasury.

(g) Up to five other members of the public.

(1) A majority of the other public members shall have expertise in, or an academic background in, public finance.

(2) The other public members shall be economically diverse and bipartisan in political registration.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION **31100**-31117

31100. This part may be cited as the County Civil Service Enabling Law.

31101. This part does not limit any powers conferred on any county by charter or any powers conferred on boards of supervisors of counties by subdivision (b) of Section 1 or Section 4 of Article XI of the California Constitution.

31102. It is the intent of this part to enable any county to adopt such a limited civil service system as is adaptable to its size and type.

31103. The board of supervisors of any county may contract with any other county or city, any state department, or any competent person or agency for the conducting of competitive examinations to ascertain the fitness of applicants for employment and for the performance of any other service in connection with personnel selection and administration.

31104. Any county may by ordinance adopt a limited civil service system for any or all county officers and employees, except elective officers.

31105. The ordinance adopting a civil service system shall not go into effect until the proposition of its approval has been submitted to a vote of the qualified electors of the county at a general or special election and has received the affirmative vote of a majority of the electors voting on the proposition. The proposition of approval shall call for a "yes" or "no" vote and shall read in

substance as follows:

"Shall the resolution of the board of supervisors adopting a limited civil service system under the county civil service enabling law be approved?"

31105.1. Any ordinance adopting a civil service system which was, prior to the effective date of this section, submitted to a vote of the qualified electors of the county at a general or special election and received the affirmative vote of a majority of the electors voting on the proposition for the approval of the ordinance, and all ordinances amending such ordinance, are hereby validated and confirmed and shall have the full legal effect of ordinances adopted by the board of supervisors and approved by the electors in the manner required by law and complying in every respect with laws relating to the adoption and approval of such ordinances, notwithstanding any defect, irregularity, omission or ministerial error in the adoption or approval thereof.

31105.2. (a) Any ordinance adopting a civil service system that was, prior to the effective date of this section, submitted to a vote of the qualified electors of the county at a general or special election and received the affirmative vote of a majority of the electors voting on the proposition for the approval of the ordinance, and all ordinances amending the ordinance, are hereby validated and confirmed and shall have the full legal effect of ordinances adopted by the board of supervisors and approved by the electors in the manner required by law and complying in every respect with laws relating to the adoption and approval of those ordinances, notwithstanding any defect, irregularity, omission or ministerial error in the adoption or approval thereof.

(b) Any ordinance or ordinances repealing and adopting a civil service system that was, prior to the effective date of this subdivision, submitted to a vote of the qualified electors of the county at a general or special election and received the affirmative vote of a majority of the electors voting on the proposition for the approval of the ordinance or ordinances, and all ordinances amending that ordinance, are hereby validated and confirmed and shall have the full legal effect of ordinances adopted by the board of supervisors and approved by the electors in the manner required by law and

complying in every respect with laws relating to the repealing, adoption, and approval of those ordinances, notwithstanding any defect, irregularity, omission or ministerial error in the adoption or approval thereof, including, but not limited to, the failure of the county elections official to mail to the voters official matter prescribed in Chapter 2 (commencing with Section 9100) of Division 9 of the Elections **Code**.

31106. The ordinance creating the civil service system shall designate the appointive officers and employees to be placed in the system.

31107. The minimum qualifications or standards prescribed for any class or grade of employment shall not be less than those prescribed for the class or grade of county officers and employees by the Legislature.

31108. (a) Any ordinance adopted pursuant to this part shall include substantially the following provisions:

(1) Any officer or employee in the classified civil service may be dismissed, suspended, or reduced in rank or compensation by the appointing authority after appointment or promotion is complete by a written order, stating specifically the reasons for the action. The order shall be filed with the clerk of the board of supervisors or, if there is a county personnel officer, the order shall be filed with the county personnel officer and a copy thereof shall be furnished to the person to be dismissed, suspended, or reduced.

(2) The officer or employee may reply in writing to the order within 10 days from the date of its filing with the clerk of the board of supervisors or county personnel officer. The officer or employee may within seven days after presentation to him or her of the order appeal through the clerk of the board of supervisors or county personnel officer to the civil service commission from the order. Upon the filing of the appeal, the clerk of the board of supervisors or county personnel officer shall forthwith transmit the order and appeal to the civil service commission for hearing.

(3) Within 20 days from the filing of the appeal the commission shall commence a hearing, and either affirm, modify, or revoke the order. The appellant may appear personally, produce evidence, and

have counsel and a public hearing.

(4) The findings and decision of the commission shall be certified to the department head or officer whose action was the subject of the hearing and forthwith enforced and followed by him or her.

(b) Alternatively, the board of supervisors may provide by ordinance or resolution by simple majority vote that an officer or employee who is dismissed, suspended, or reduced in rank or compensation may elect in writing to appeal under the terms of any grievance procedure established pursuant to a legally binding memorandum of understanding between the local agency governing board and an employee organization recognized pursuant to applicable law, which may include final binding arbitration.

31110. Upon the adoption of the civil service system, the board of supervisors shall appoint a civil service commission to assist in administering the system.

31110.1. A county by ordinance may provide that the members of the civil service commission may be paid compensation for their attendance at each meeting of the commission in an amount to be fixed by the ordinance. In addition, the ordinance may provide that the members of the commission may also receive reasonable traveling expenses from their place of residence to the place of meeting of the commission and return. No payment of traveling expenses shall be made pursuant to this section for meetings of the commission held outside of the county.

31110.2. A county may by ordinance provide that its civil service commission or equivalent body shall have the power to issue subpoenas and subpoenas duces tecum, and compensate persons subpoenaed. This power shall be exercised and enforced in the same manner as a similar power granted the board of supervisors in Article 9 (commencing with Section 25170) of Chapter 1 of Part 2 of Division 2 of this title is exercised and enforced; except that such power shall extend only to matters within the commission's lawful jurisdiction, and that committees of the commission shall not have this power, and that reasonable fees or expenses or both may be provided for by commission regulation for any or all such witnesses regardless of which party

subpoenaed them.

Subpoenas shall be signed by the chairman or secretary of the commission. Any member of the commission, or any person otherwise so empowered, may administer oaths to, or take affirmations from, witnesses before the commission.

31111. The civil service commission shall consist of five members or, if so resolved by the board of supervisors, seven members, each of whom shall hold office for a term of four years and until his successor is appointed and qualified. The members shall be selected from among the qualified electors of the county. Vacancies occurring in the commission shall be filled by appointment by the board of supervisors for the remainder of the unexpired term only. The civil service commission may be designated as a merit board.

31112. The terms of office of two members of the first civil service commission shall be one year. The terms of office of the other members of the first commission shall be two, three, and four years, respectively. If the commission is composed of seven members, the terms of office of all members of the first seven-member commission shall be fixed by lot at one year for two members, two years for two members, three years for two members, and four years for one member. The members shall determine by lot the relative order of the expiration of their terms.

31113. The commission shall perform the duties and exercise the powers provided for in this part, and such additional powers and duties in relation thereto as the board of supervisors delegates to it.

31114. Any person who:

1. Wilfully by himself or in cooperation with another person defeats, deceives, or obstructs any person with respect to his right of examination, application, or certification for employment under any county civil service system; or

2. Wilfully and falsely marks, grades, estimates, or reports upon

the examination or proper standing of any person examined or certified under any county civil service system, or who aids in so doing, or makes any false representation concerning the same or the person examined; or

3. Wilfully furnishes to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person examined, certified or to be examined or certified under any county civil service system, is guilty of a misdemeanor.

31115. Any person who:

1. Impersonates another person or permits or aids in any manner any other person to impersonate him in connection with any examination, application, or request to be examined under any county civil service system; or

2. Furnishes or obtains examination questions or other examination material prepared and intended for use in any examination under any county civil service system before such examination; or

3. Uses any unfair means to cause or attempt to cause any eligible to waive any rights obtained under the civil service system of any county, is guilty of a misdemeanor.

31115.5. Any county employee, or person whose name appears on any county employment list, who uses during duty hours, for training or target practice, any material which is not authorized therefor by the appointing power, shall be disciplined pursuant to the county civil service system.

31116. For the purpose of facilitating the recruitment of professional and technically trained persons to fill positions for which there is a shortage of qualified applicants, a county may expend county funds to pay reasonable travel expenses of applicants for county or judicial district employment in traveling, from any point within the continental United States, to and from the place or places at which the applicants are to be examined or interviewed. Such payments shall be authorized only upon a determination by the board of supervisors that the expenditure is necessary to recruit qualified persons needed by the county or judicial district.

31117. Any person who previously had permanent status in a civil service system of any county and who vacated his position to accept appointment to an elective position shall be reinstated to his former position in the same county if he so desires at the termination of such appointment, or term of office if his acceptance of such appointment was without a break in continuity of service and if such person does not run for election to succeed himself following his period of appointment.

31520. Except as otherwise delegated to the board of investment and except for the statutory duties of the county treasurer, the management of the retirement system is vested in the board of retirement, consisting of five members, one of whom shall be the county treasurer. The second and third members of the board shall be active members of the association elected by it within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth and fifth members shall be qualified electors of the county who are not connected with county **government** in any capacity, except one may be a supervisor and one may be a retired member, and shall be chosen by the board of supervisors. The first persons chosen as the second and fourth members shall serve for two years from the date the system becomes operative and the third and fifth members shall serve for a term of three years from that date. Thereafter the terms of office of the four elected members are three years.

As used in this section "active member" means a member in the active service of a county, district, or superior court and a "retired member" means a member, including a member under former Section 31555, retired for service or disability.

31520.1. In any county subject to Articles 6.8 (commencing with Section 31639) and 7.5 (commencing with Section 31662.2), the board of retirement shall consist of nine members and one alternate, one of whom shall be the county treasurer. The second and third members of the board shall be members of the association, other than safety members, elected by those members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth, fifth, sixth, and ninth members shall be qualified electors of the county who are not connected with the county **government** in any capacity, except one may be a supervisor, and shall be appointed by the board of supervisors. A supervisor appointed as a member of the retirement board may not serve beyond his or her term of office as supervisor. The seventh member shall be a safety member of the association elected by the safety members. The eighth member shall be a retired member elected by the retired members of the association in a manner to be determined by the board of supervisors. The alternate member shall be that candidate, if any, for the seventh member from the group under Section 31470.2 or 31470.4, or any other eligible safety member in a county if there is

no eligible candidate from the groups under Sections 31470.2 and 31470.4, which is not represented by a board member who received the highest number of votes of all candidates in that group. If there is no eligible candidate there may not be an alternate member. The first person chosen as the second and fourth members shall serve for a term of two years beginning with the date the system becomes operative, the third and fifth members shall serve for a term of three years beginning with that date, and the sixth, seventh and alternate members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement system established by this chapter becomes operative, whichever is the later. The eighth and ninth members shall take office as soon as practicable for an initial term to expire concurrent with the expiration of the longest remaining term of an elected member. Thereafter, the terms of office of the elected and appointed members and alternate are three years.

The alternate member provided for by this section shall vote as a member of the board only if the second, third, seventh, or eighth member is absent from a board meeting for any cause, or if there is a vacancy with respect to the second, third, seventh, or eighth member, the alternate member shall fill the vacancy until a successor qualifies. The alternate shall sit on the board in place of the seventh member if a member of the same service is before the board for determination of his or her retirement.

The amendments to this section during the 1972 Regular Session do not affect the continuation on the board of retired members appointed by the board of supervisors until the expiration of the term for which they were appointed.

VENTURA COUNTY EMPLOYEES RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

BYLAWS AND REGULATIONS

ARTICLE I. ADMINISTRATION

1. NAME: The name of this Association is "Ventura County Employees' Retirement Association" (hereinafter "Association").

2. AUTHORITY: The Association is governed by the provisions of the County Employees Retirement Law of 1937 (California Government Code Section 31450 et. seq.)

3. MANAGEMENT: The management of the Association is vested with the Board of Retirement (Board) as provided for by Government Code Section 31520.

4. BYLAWS: The Association Bylaws, as adopted by the Board pursuant to Government Code Sections 31525, 31526 and 31527, are intended to be the rules and regulations governing the operation of the Retirement Board and the administration of the Association.

5. ELECTION OF OFFICERS: At the first regular meeting in December, the Board shall elect from its members a Chair and Vice Chair to hold office for a period of one year commencing on January 1 of the following year. No member shall be elected to the position of Chair or Vice Chair until he/she has served on the Board for a minimum of one year.

   The Chair shall preside at all meetings of the Board, shall appoint all committees and perform any other duties incidental to that office. The Vice Chair shall take the place of, and perform the duties of, the Chair in his/her absence. The County Treasurer, ex-officio member of the Board, shall attest to Resolutions, Contracts and other such documents on behalf of the Board. In the absence of the Chair and Vice Chair, the County Treasurer shall take the place of and perform the duties of the Chair.

6. RETIREMENT ADMINISTRATOR: A Retirement Administrator shall be appointed by the Board in accordance with Government Code Sections 31522.1 & 31522.2. The Retirement Administrator shall serve as executive officer to the Board and, under the general direction of the Board, shall plan, organize, direct and supervise the activities, budget and operations of the Retirement Association office and its personnel. The Administrator shall be directed by, serve at the pleasure of, and may be dismissed at the will of the Board.

7. COMMITTEES: The Chair of the Board shall appoint committees as necessary to carry out the business of the Board. Each committee shall consist of no fewer than three Board members and shall include at least one elected and one appointed Board member. Committee meetings may be called by the committee Chair or Board Chair.

8. BOARD MEMBER CONFLICT OF INTEREST: No member of the Board shall engage in any employment, activity or enterprise for compensation which is inconsistent, incompatible or in conflict with his/her duties as a member of the Board. Such member shall not perform any work, service or counsel for compensation outside of his/her Board responsibilities where any part of his/her efforts will be subject to approval by the Board of Retirement. Board members shall timely file such Statements of Financial Interest as required by the Board's Conflict of Interest Code, as amended from time to time.

9. COUNTY COUNSEL: The Ventura County Counsel shall advise the Board pursuant to Government Code section 31529, except the Board may contract with an attorney in private practice pursuant to Government Code section 31529.5.

ARTICLE II. MEETINGS

1. REGULAR: Regular meetings of the Board shall be held on the first and third Monday of each month at 9:00 a.m. at the Ventura County Government Center, Administration Building, Third Floor Multipurpose Room, 800 South Victoria Avenue, Ventura. The regular meeting may be rescheduled for an earlier or later time, or day, or held at a different location if ordered by a majority vote of members of the Board.

   Meetings held on the first Monday of the month will be for the purpose of conducting the investment and administrative business of the Board. Meetings held on the third Monday will be devoted to disability hearings. The Board may consider disability related matters at the first meeting of the month and administrative business at the third meeting of the month. If a legal holiday, recognized by the County of Ventura, falls on the first or third Monday of the month, the meeting shall be scheduled for the Monday following the holiday.

2. SPECIAL: Special meetings of the Board of Retirement may be called at any time by the Chair, Vice Chair, or any five members of the Board.

3. NOTICE: Notice of all regular, special and committee meetings of the Board shall be provided as required by the Ralph M. Brown Act (Brown Act), Government Code Section 54950 et. seq.

4. CLOSED MEETINGS: The Board may meet in closed session to consider and vote on litigation, personnel and disability related matters so long as such issues are conducted in accordance with the provisions of the Brown Act.

5. ORDER OF BUSINESS: The Chair shall require approval of the agenda at the beginning of each meeting. In the absence of instructions from the Board, the order of business set forth on the agenda shall be at the discretion of the Retirement Administrator. The Chair shall have the discretion to call for discussion and/or action on any agenda item in the order deemed by the Chair to be most efficient.

6. RULES OF ORDER: The Board shall conduct its business in accordance with the provisions of the Government Code and these regulations. The Chair shall be entitled to vote on all issues and shall not be required to relinquish the chair in order to participate in matters before the Board.

7. QUORUM: Five members of the Board constitute a quorum.

8. AGENDA ITEMS: Members of the Board, administrative staff and others who wish to place items on the Board agenda may do so by notifying the Retirement Administrator, in writing, no later than seven (7) business days prior to any regularly scheduled or special meeting of the Board. The request should specify the nature of the item to be placed on the agenda and include any documentation which is to be included with the packet to be distributed to the members of the Board. The Retirement Administrator may accept items for the agenda submitted after the deadline if it can reasonably be done without violating the notice requirements of the Brown Act.

9. MINUTES: The Retirement Administrator shall record in the minutes the time and place of each meeting of the Board, the names of the members present, all official acts of the Board, the votes given by the members of the Board except where the action is unanimous, and when requested, a member's dissent or approval with his/her reasons. The minutes shall be presented to the Board for approval at the next regular meeting. The minutes shall be signed by the Chair, and shall become a permanent record of the Board.

10. PUBLIC COMMENT: The Board shall permit public comment on any item on the agenda and shall include a public comment section on the agenda in order to allow comment on items relating to the retirement system that are not listed on the agenda. The Chair may limit public comment to no more than five minutes.

11. COMPENSATION: The fourth, fifth, sixth, eighth and ninth members of the Board (Board of Supervisor appointees and elected retiree member) shall be compensated for their attendance at each Board meeting at the rate of $100.00 per meeting for not more than five meetings per month, including lawfully called special meetings of the Board and meetings of Board committees when such meetings are held on a day that the full Board does not meet.

ARTICLE III. MEMBERSHIP

1. EMPLOYEES INCLUDED: All nonsafety regular employees of the County of Ventura, and other employer members of the Ventura County Employees' Retirement Association, who are scheduled to work 64 hours or more biweekly, shall become members of the Association on the first day of the fourth pay period following appointment. The three pay period delay in membership shall terminate for all nonsafety regular employees, who would otherwise be included in membership, on July 11, 1999. Effective on such date, all nonsafety regular employees shall become members upon appointment to an eligible position. All safety employees of the County of Ventura and Ventura County Fire Protection District shall become members upon appointment.

2. EXCLUDED POSITIONS: Employees who are filling positions that meet any of the following descriptions shall be excluded from membership in the Association:

   (A) Extra Help Employee: A person employed for temporary work on a day to day basis who is compensated on an hourly basis.

   (B) Intermittent Employee: A person employed for intermittent or temporary work on a day to day basis who is compensated on an hourly basis.

   (C) Part Time Employee: A regular employee scheduled to work less than 64 hours biweekly.

   Regular employee members who reduce their scheduled work hours to below 64 biweekly shall be required to retain membership in the Association. Those employees will contribute to, and accrue retirement service credit on a pro rata basis.

3. EXCLUSION FROM MEMBERSHIP: Exclusions from membership for a regular employee member shall not be granted by the Board under any circumstances.

4. ELECTED OFFICIALS: Membership in the Association is optional for elected officials.

5. DETERMINATION OF ELIGIBILITY: In all cases, the Board shall determine eligibility for membership in the Association.

ARTICLE IV. COMPENSATION EARNABLE

1. COMPENSATION EARNABLE (DEFINITION): For purposes of calculating retirement benefits, "compensation earnable" means the average "compensation" (see Gov. Gode, section 31460) as determined by the Board of Retirement, for the period under consideration upon the basis of the average number of days ordinarily worked by persons in the same grade or class of positions during the period, and at the same rate of pay. The

compensation for any absence shall be based on the compensation of the position held by the member at the beginning of the absence. Compensation earnable will not include true overtime pay or expense reimbursements.

2. BASIS OF CONTRIBUTIONS/BENEFITS: The amount upon which appropriate member contribution rates are applied or upon which retirement benefits are calculated shall be based upon the forms of cash paid remuneration included in the definition of compensation earnable as determined, from time to time, by the Board of Retirement in a manner consistent with applicable law.

ARTICLE V. CONTRIBUTIONS

1. NORMAL CONTRIBUTIONS: Normal contributions shall be based upon the employee's compensation earnable, as defined in Article IV, and actuarially determined contribution rates adopted by the Ventura County Board of Supervisors. Normal contributions shall be deducted from the member's biweekly pay only for the pay period during which service for compensation is rendered.

2. WITHDRAWAL OF CONTRIBUTIONS: Any member of the Retirement Association upon termination of his employment with the County of Ventura, or employer member of the Ventura County Employees' Retirement Association, may withdraw all of his/her accumulated contributions, except the Retirement Association shall withhold for federal tax purposes 20% of the taxable contributions, or such other amount as dictated by applicable federal and state law, unless the member elects to rollover the taxable contributions to a qualified plan or Individual Retirement Account (IRA).

   In no event shall any member be refunded any portion of his/her accumulated contributions until such time as that member, their legal guardian or conservator or other person(s) responsible for the members affairs, executes a "Disposition of Separated Employees Retirement Contributions" form with the Retirement Department.

3. REDEPOSIT OF CONTRIBUTIONS WITHDRAWN: An active or deferred member of the Retirement Association may, prior to filing an application for retirement, redeposit in lump sum, or in the case of an active member by payroll deductions not to exceed a cumulative total of five years, an amount equal to all of the accumulated normal contributions he/she has withdrawn, plus regular interest thereon from the date of separation from the retirement system as provided by Government Code section 31652.

   Retirement service credit for the redeposit of contributions for previous membership shall be considered credited to the member upon the completion of the redeposit of all funds, and shall be granted at the retirement tier in which the service was earned.

If the redeposit of contributions for previous membership is for service accrued under retirement tier 1, and the member's current service is being accrued under tier 2, the member shall have all his/her current service converted to retirement tier 1. Such conversion will be considered complete when the member has paid in full to the Retirement Association all prior tier 1 contributions previously withdrawn, plus regular interest and further, deposits with the Association the contribution deficiency, if any, between the member's current and former tiers.

Notwithstanding the above, under no circumstances will the redeposit of contributions for previous safety membership entitle a current nonsafety member to have his/her current service converted to safety member service.

4. DEDUCTION OF PAST DUE CONTRIBUTIONS: If, as a result of a clerical or other type of error, retirement contributions are not deducted at the time and manner required by law, or by the regulations of the Board, the member will be permitted to make past due contributions through payroll deductions over a period of time not to exceed one year.

ARTICLE VI. SWORN STATEMENT

Every employee who is to become a member of the Retirement Association shall complete and execute a sworn statement. Such statement shall show the member's date of birth, date of hire by the County or employer member of the Ventura County Employees' Retirement Association, compensation and the name, relationship and address of the member's beneficiary.

ARTICLE VII. DISABILITY HEARING PROCEDURES

1. DISABILITY HEARING PROCEDURES: The Board of Retirement shall maintain Disability Hearing Procedures for the purpose of providing an equitable, fair and impartial method for acting upon applications for rights, benefits and privileges under the County Employees' Retirement Law of 1937, as amended, to the end that applications for disability retirement may be expeditiously processed with a minimum lapse of time, and that, when a hearing is required by law, all parties will have notice of the hearing and an opportunity to appear before the board or duly appointed hearing officer and present their case. The Board of Retirement Disability Hearing Procedures are appended to these bylaws as Attachment A.

ARTICLE VIII. AMENDMENTS

These regulations may be amended by a majority vote of the entire Board of Retirement (5) and shall become effective on the first day of the month following approval by the Ventura County Board of Supervisors.

ARTICLE IX. REPEALS

All former Bylaws, regulations, and resolutions of policy inconsistent with these regulations are hereby repealed.

Bylaws Adopted By the Board of Retirement April 5, 1999.

WILLIAM W. WILSON, CHAIR

Upon the motion of Supervisor Schultz, seconded by Supervisor Flynn, the Board of Retirement Bylaws are hereby APPROVED this 27th day of April 1999.

Susan K. Lacey

SUSAN K. LACEY, CHAIR
BOARD OF SUPERVISORS
COUNTY OF VENTURA

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

BYLAWS - ATTACHMENT A

DISABILITY HEARING PROCEDURES

SEE TAB 6

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY HEARING PROCEDURES

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY HEARING PROCEDURES

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VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY HEARING PROCEDURES

Section 1 - Purpose

These procedures are intended to provide an equitable, fair and impartial method for acting upon applications for rights, benefits and privileges under the County Employees' Retirement Law of 1937, as amended, to the end that applications for disability retirement may be expeditiously processed with a minimum lapse of time, and that when a hearing is required, all parties will have notice of the hearing and an opportunity to appear before the Board or duly appointed hearing officer to present their cases.

Section 2 - Definitions

As used in these hearing procedures, unless the context or subject matter otherwise requires:

a. "Applicant" means (1) a member of the Ventura County Employees' Retirement Association claiming benefits, rights, or privileges under the County Employees' Retirement Law of 1937, as amended, or (2) any person claiming such benefits, rights or privileges on behalf of or through a member.

b. "Party" means any person and his/her representative, if one, disclosed by the records of the retirement system or by the application to have an interest in the subject matter of an application for benefits. The term "Party" shall also include the County of Ventura and districts which are included within the Retirement Association.

c. "Association" means the Ventura County Employees' Retirement Association.

d. "Board" means the Board of Retirement of the Association.

e. "Administrator" means the Board appointed Administrator of the Association.

f. "Hearing Officer" or "Referee" means the designee of the Board to conduct a hearing pursuant to the provisions of Government Code Sections 31533 and 31534.

g. "Medical Advisor" means the County Health Officer or his/her designee.

h. "Legal Advisor" means the office of the County Counsel or other counsel as appointed by the Board.

i. "Employer" means the County of Ventura or any district which is a member of the Association.

j. "Day" means calendar day.

Section 3 - Filing an Application for Disability Retirement

a. An application for disability retirement benefits shall be filed with the Association on a form provided by the Board. The application must be filed while the member is in service, within four months after discontinuance of service, or at any time after discontinuance of service if the member can demonstrate to the Board that he/she has been continuously incapacitated for the performance of his/her duties since the date of discontinuance of service. In order to be considered a valid application, the applicant shall be required to submit at the time of filing the following:

(1) Completed Application for Disability Retirement.

(2) Signed Authorization to Obtain and Release Records and Information.

b. Upon the filing of a valid application, the applicant will have one hundred and twenty (120) days in which to file additional medical or other documentation in support of the application. For good cause shown, the Administrator may grant the applicant a reasonable extension(s) of time within which to file documentation. Notice of the granting of an extension of time shall be provided to all parties. The applicant may waive any or all of his/her time for filing documentation by providing written notification to the Association.

c. The applicant will be permitted to amend the application for disability retirement at any time up to the date the evidentiary hearing begins by giving notice of the exact manner in which the application is being amended to the Administrator and all other parties. Any such amendment that is so noticed within sixty (60) days of the evidentiary hearing date shall entitle any other party to a continuance as a matter of right. Once the evidentiary hearing begins, the application can only be amended with the consent of the Board upon such terms as the Board shall set.

d. Upon the filing of the application, the Administrator shall send a copy of the application and supporting documentation

submitted by the applicant to the employer of the applicant, either the County of Ventura, Risk Management, or the contracting district. The Administrator shall provide timely notification to all parties of all actions taken by the Association relating to the processing of the application.

e. The employer shall have sixty (60) days from the date of notification by the Administrator of the expiration of the applicant's time for the filing of documentation to respond as to whether or not the employer will contest the application. For good cause shown, the Administrator may grant a reasonable extension(s) of time within which to state a position in regard to the application. Notice of the granting of an extension of time shall be provided to all parties.

f. If a determination is made by the employer to not contest the application, the following shall apply:

1. The application for disability retirement, employer's statement of position and analysis of medical documentation, and all supporting documentation will be forwarded directly to the Board for its consideration. Notice of the date on which the Board will hear the application shall be provided to all parties by the Association.

2. If the Board does not adopt the position taken by the employer, the Board may direct that the member submit to one or more medical, psychological or psychiatric examinations, as provided for in section 18 herein. The reports of any such examinations, together with any additional relevant evidence provided by the parties, shall be presented to the Board for a determination on the application at a duly noticed meeting as soon as practical. Alternatively, the matter may be continued to the next disability meeting for an evidentiary hearing to be conducted before the Board on the merits of the application.

Section 4 - Setting of Hearings

a. If a determination is made by the employer to contest the disability retirement application, written notice of such position shall be provided by the employer to the Association. The employer shall advise the Association of the name, address and telephone number of the attorney that will represent the employer in the matter.

b. Upon receipt of notice that the employer will contest the application for disability retirement, the Administrator shall, if the applicant has not advised that he/she is represented by legal counsel, provide the applicant with notice that he/she has thirty (30) days to retain legal representation for his/her hearing before the matter will be assigned to a hearing officer.

c. If the applicant is represented by legal counsel, or at the expiration of the thirty (30) days provided to the applicant to retain legal representation, the Administrator shall appoint a hearing officer from the Board approved panel to preside in this matter. Notice of the appointment of a hearing officer shall be provided in writing to all parties.

d. Each party to a disability retirement hearing shall be entitled to request reassignment of the hearing to another referee in accordance with the provisions of this section. Each party shall be entitled to make only one (1) such request. A Petition for Reassignment must be received by the Association not more than fifteen (15) days after the mailing by the Association of the notification of the assignment of the referee. Requests for such reassignment shall be instituted by the making of a petition supported by a declaration under the penalty of perjury in substantially the following form:

Ventura County Employees' Retirement Association
Petition for Reassignment of Referee
Disability Case No._____

State of California)
) ss.
County of)

_____ declares under penalty of perjury:

That he/she is the attorney for _____. That affiant believes that he/she cannot have a fair and impartial hearing before _____ the referee to whom the case has been assigned by the Association.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.

_____
(Signature)

Section 5 - Notice of Hearing

Unless otherwise directed by the Board, hearings held before the Board, or hearing officer, shall be set on a date to be determined by the Administrator or his/her designee, in consultation with the parties or their designated representatives, but not sooner than sixty (60) days following service of notice, unless an earlier date is otherwise agreed to by all parties.

Section 6 - Continuances

Once the matter is set for hearing, a request for continuance of the hearing date may only be made by a written request for continuance, which may only be approved by the Board or hearing officer upon a showing of good cause.

a. Each party who requests and obtains a continuance or cancellation of a hearing less than fourteen (14) days prior to the hearing date shall fully compensate each other party and the Board of Retirement for all actual losses directly incurred as a result of the continuance or cancellation. Such losses shall include, but not be limited to, the actual fees charged by the hearing officer, court reporter and expert witnesses, if any. Such losses shall not include any retirement or disability benefit claimed by or through the member or the member's surviving spouse or children.

b. The Board shall make the final determination of what losses, beyond hearing officer, court reporter and expert witness fees, were incurred as a result of the continuance or cancellation unless all affected parties have separately agreed upon the total amount to be so paid and the Board may, upon a showing of good cause, find that any or all such costs shall not be reimbursed.

Section 7 - Determination by the Board

Where the evidentiary hearing on the application for disability has been held before the Board, the Board shall determine separately each of the following:

a. All factual issues raised by the application.

b. Whether or not the applicant is permanently physically or mentally incapacitated to perform his/her duties as provided in Government Code Section 31720.

c. Whether or not such incapacity, if any, is a result of injury or disease arising out of and in the course of his/ her employment; and if so, whether such employment contributed substantially to such incapacity.

d. Whether or not the applicant has completed five (5) years of service.

e. The effective date of the disability retirement.

Where the evidentiary hearing on the application for disability retirement has been held before a Board appointed hearing officer, the proposed findings of fact and recommendations of the referee shall be served on the parties by the referee within ninety (90) days of the closing of the record. The parties shall have ten (10) days to submit to the Association written objections thereto which shall be incorporated into the record to be considered by the Board. Upon receiving the proposed findings of fact and the recommendations of the referee, the Board may:

a. Approve and adopt the proposed findings and the recommendations of the referee, or

b. Require a transcript or summary of all the testimony, plus all other evidence received by the referee. Upon receipt thereof the Board shall take such action as in its opinion is indicated by such evidence, or

c. Refer the matter back with or without instructions to the referee for further proceedings, or

d. Set the matter for hearing before itself. At such hearing the Board shall hear and decide the matter as if it had not been referred to the referee.

Section 8 - Conduct of Hearings

Unless the Chair of the Board or referee rules that it is not necessary to so proceed in a particular hearing, all hearings shall proceed in the following manner:

a. Presiding Officer: The Chair of the Board, or hearing officer shall preside over hearings under these rules.

He/she shall exercise such control over the proceedings, including the time allotted to each party, as may be reasonable and necessary. In addition to other duties he/she shall rule on the admissibility of evidence and shall order a party to yield the floor when his/her allotted time has been used.

b. Applications Filed on Behalf of the Member: In cases where the application has been filed by a person or agency other than the member, the member shall be considered to be a party and, in particular, shall be entitled to participate fully at all hearings.

c. Order of Presentation:

(1) The Chair or hearing officer will read the title of the case and ask for appearances for all parties. This information shall be recorded in the minutes of the Board and in the official file of the hearing.

(2) If all parties are ready to proceed, the Chair or hearing officer will mark for identification only, and not as evidence, all papers in the official record of the hearing, which should include, but may not be limited to:

(a) The application for disability retirement.
(b) The hearing notice with proof of service.
(c) Other documents in the official file.

(3) The party filing the application shall present his/her evidence in support of such application. The party filing the application shall have the burden of proof.

(4) Each other party shall then present his/her evidence, in the order determined by the Chair or hearing officer.

(5) Each party will be allowed to cross-examine witnesses.

(6) Upon application to the Board or hearing officer, each party may present rebuttal evidence.

(7) Upon the conclusion of all testimony, the Chair or hearing officer will inquire if all parties are ready to submit the matter for decision.

(8) The hearing will then be closed and the matter submitted to the Board or hearing officer for

decision. If further documentary evidence is to be filed, the Board or hearing officer may allow time for filing and serving such documentary evidence, and order that the matter will be deemed submitted after such period unless any party objects to such documentary evidence within ten (10) days after it is filed. Copies of such documentary evidence shall be served on all parties who appeared at the hearing.

d. Quorum and Voting: No hearing before the Board shall take place unless at least a majority of the entire Board is present. No member of the Board who did not hear all of the evidence may vote on the decision. By agreement of all parties, a Board member who was not present during a portion of the hearing may vote on the decision if he/she has reviewed all portions of the administrative record relating to the absent period, including examining all documentary evidence introduced and reviewing the audio tapes and/or transcripts, as applicable, of all testimony and argument presented.

e. Representation: Any applicant or party shall be entitled to be represented by legal counsel or a representative of his/her choice at any hearing before the Board or hearing officer. After an attorney or representative appears at a hearing on behalf of a party, or after the filing of written notice that the attorney or representative is appearing on behalf of a party, all notices shall thereafter be served upon such counsel or authorized representative. The selection, substitution, or dismissal by the applicant of an attorney or representative shall be made in writing and filed with the Board and served on all parties at the earliest possible date and in compliance with section 284, 285 and 286 of the Code of Civil Procedure. Until this notice is given, the Board and all parties shall continue to recognize the former attorney or representative.

f. Rules of Evidence:

(1) The hearing need not be conducted according to the technical rules of evidence relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence,

but shall not be sufficient, in of itself, to support a finding unless it would be admissible over objection in civil actions. Admissibility of physicians reports is governed by subsection h.

(2) The applicant shall have the burden of proof by a preponderance of the evidence as to all facts necessary to establish the member's right to the benefits sought by the application.

(3) Each party shall serve all documentary evidence that is intended to be introduced at the evidentiary hearing upon the Board and all parties at least twenty (20) days prior to the date of the hearing before the Board or the hearing officer.

(4) Oral evidence shall be taken only upon oath or affirmation.

(5) Each party shall have the right to call and examine witnesses, to introduce exhibits and to cross-examine opposing witnesses on any matter relevant to the issues. If the applicant or any other party does not testify on his own behalf, he/she may be called and examined by any other party to the matter as if under cross-examination.

(6) Refusal of any applicant or party to submit to examination or to answer relevant questions, when such refusal is not protected by a recognized legal privilege, shall be grounds for considering such questions, for the purposes of that hearing, to be answered in a way unfavorable to the refusing party, and such refusal may result in an unfavorable decision on the application of the applicant or the party seeking affirmative relief.

g. Government Records: Certified copies of the reports or records of any governmental agency, division or bureau will be accepted as evidence in lieu of the original thereof.

h. Physicians' Reports and Testimony as Evidence:

(1) The Board favors the production of medical evidence in the form of written reports. These reports should include:

(a) History of the injury or illness;
(b) The patients complaints;

(c) Source of all facts set forth in the history and complaints;
(d) Findings on examinations;
(e) Opinion as to the extent of disability and working ability;
(f) Cause of the disability;
(g) Medical treatment indicated;
(h) Likelihood of permanent disability;
(i) Opinion as to whether or not the patient is permanently incapacitated physically or mentally for the performance of his/her duties;
(j) Opinion as to whether or not the patient's incapacity is the result of injury or disease arising out of and in the course of his/her employment;
(k) Opinion as to whether or not the patient's disability is due to the intemperate use of alcoholic liquor or drugs, or so far as the medical examination discloses, willful misconduct, and
(l) The reasons for the opinions.

(2) No written medical report shall be considered at the hearing unless:

(a) The report has been served on all parties more than twenty (20) days before the hearing, and, if requested pursuant to subsection (3), the physician is produced at the hearing; or
(b) The physician is voluntarily produced at the hearing for cross-examination purposes where the medical report is served within twenty (20) days of the hearing; or
(c) The Board or hearing officer may permit the introduction of medical reports which were served within twenty (20) days of the hearing on the condition that the opposing party be permitted an opportunity to present rebuttal evidence or cross-examine the physician. A continuance of the hearing should be granted if necessary to satisfy these conditions.

(3) The party submitting the written report of a physician shall, if requested by the opposing party, join in a request that the physician appear at the hearing; however, the party instituting the request that the physician be produced for cross-examination shall pay the physician's fee for such appearance. The Board may require that this fee be deposited in advance of the appearance.

(4) Nothing herein shall preclude the Board, if it so desires, from requiring such proof, including medical, psychological and psychiatric examinations at the expense of the applicant.

(5) Chiropractic evidence is acceptable for consideration along with any other medical records or testimony.

i. Objections: During the course of a hearing, a party may object to the admission of evidence (either oral or documentary) being offered by another party. The party objecting shall express the reason(s) for his/her objection(s), and thereafter, the offering party may respond to the objection(s). The Chair or hearing officer shall sustain or overrule the objection(s).

j. Continuances by the Board or Hearing Officer:

(1) The Board or hearing officer may continue any hearing to another time and place, order additional evidence be presented, order additional medical, psychological or psychiatric examinations, or allow other evidence to be gathered and presented, as in its or his/her determination is required for a proper presentation of the case.

(2) Notwithstanding the authority of a hearing officer to grant continuances, no hearing officer may extend the time for submission of briefs, arguments or additional evidence beyond thirty (30) days after the close of any hearing before such hearing officer. In addition, no hearing officer may accept or consider additional briefs, arguments or additional evidence after the time set for filing such materials unless the hearing officer has the written approval of counsel for the Association.

Section 9 - Decision of the Board

a. The Board shall render its decision by the second regularly scheduled disability meeting following the meeting at which the matter is submitted for decision. Any finding or decision of the Board must be made by a majority of the members of the Board voting. A tie vote results in the failure to find in favor of the applicant and constitutes a denial of the application, or that portion of the application on which the vote is taken.

b. Every decision of the Board, or hearing officer, shall include findings of fact which shall specifically include findings with respect to:

(1) Incapacity;

(2) Service-connected sources of incapacity;

(3) Term of service to qualify applicant for disability retirement, and

(4) Effective date of retirement.

All such findings by the Board shall specifically describe the evidence which supports each such finding of fact.

c. In the event that the Board finds that an applicant is permanently mentally or physically incapacitated to perform his/her duties, the relevant finding shall describe the duties of applicant's job and the specific incapacity which prevents the performance of those duties.

d. Upon service of the hearing officer's proposed findings of fact and recommendations, the parties shall have ten (10) days to submit written objections thereto which shall be incorporated into the record to be considered by the Board.

e. When the evidentiary hearing has been conducted before the Board, the prevailing party shall submit a proposed Statement of Decision containing the findings of fact to the Board within fifteen (15) days of the Board's announcement of its intended decision, unless waived by all parties. Written objections to the proposed Statement of Decision may be submitted within ten (10) days from the date the proposed Statement of Decision is delivered. The Board shall make its final decision by the second regularly scheduled disability meeting after the proposed Statement of Decision has been submitted for the Board's consideration. In the event that the prevailing party fails to timely submit the proposed Statement of Decision, the Board may direct its counsel to prepare the Statement of Decision and may charge all or part of such expense to the prevailing party.

Section 10 - Effective Date of Decision

a. The decision shall become effective thirty-five (35) days after the adoption by the Board of its Statement of Decision

or of the proposed findings of fact and the recommendations of the hearing officer, unless:

(1) A petition for reconsideration is filed within that time, or

(2) The Board orders that the decision shall become effective sooner, or

(3) All parties provide a signed written waiver of the right to file a petition for reconsideration and for judicial review of the proceedings before the Board, in which case the decision shall become effective on the date set forth in the waiver, but not earlier than the date on which the Board adopted the Statement of Decision or the findings of fact and recommendations of the hearing officer.

b. When a petition for reconsideration is filed before the effective date of the decision, the filing of such petition shall stay the effective date of the decision until the Board takes action to reaffirm its earlier decision. If the petition for reconsideration is not granted, the decision shall become effective on the date the petition is denied or deemed denied. If the final date for filing a petition for reconsideration falls on a regular meeting date and a petition for reconsideration is filed on that day, the following regular meeting shall for purposes of this section be deemed to be the first regular meeting following the date the decision would otherwise become effective.

Section 11 - Notice of Decision

The Administrator shall give written notice of the decision to the applicant and each other party within five (5) days following the date the decision is rendered. The notice shall be delivered pursuant to section 16. The notice shall contain the decision, the date it was rendered and a statement substantially as follows: "This decision shall become effective thirty-five (35) days after its adoption by Board action unless a petition for reconsideration is filed within that time." If the Board orders that the decision shall become effective sooner, or if all parties have waived the right to file a petition for consideration and judicial review of the proceedings before the Board, the notice shall so state.

Section 12 - Petition for Reconsideration

a. The Board, on its own motion or on petition of any party, may order reconsideration of all or a part of the matter on which the decision was rendered. The power to request reconsideration shall expire when the decision becomes effective. When a petition for reconsideration is filed, it shall be placed on the Board agenda for the first regularly scheduled disability meeting at which all parties are available to attend. If the Board takes no action upon the petition before the final adjournment of that regular meeting, the petition shall be deemed denied on that date. However, the Board may at that time continue the hearing on the petition to another disability meeting date not to exceed ninety (90) days from the date the Board orders the matter continued.

b. A petition for reconsideration shall be in writing and shall set forth all reasons and grounds for requesting reconsideration. The petition for reconsideration must be based upon one or more of the following:

(1) That the Board or hearing officer acted without or in excess of its or his/her powers;

(2) That the findings of fact were procured by fraud;

(3) That the evidence does not justify the findings of fact;

(4) That the applicant has discovered new evidence material to him/her, which he/she could not, with reasonable diligence, have discovered and produced at the hearing, and which is not merely cumulative.

c. The Board will determine the petition on the basis of the information and documentation set forth in, and attached to, the petition. Petitioner may appear, and, with the consent of the Board, be heard on the petition. Petitioner should state in the petition if he/she desires to discuss the merits of the petition at the hearing.

d. The Administrator shall give written notice to all parties of the disposition of the petition within ten (10) days after the Board acts on the petition. If the Board fails to act within the time prescribed in these rules, such notice shall be given within ten (10) days after the final date upon which the petition was granted, denied or deemed denied. In the event that the petition for reconsideration is granted and

further hearing on the case is required, a date for such hearing shall be set, not to exceed ninety (90) days from the date the Board orders the petition granted.

Section 13 - Judicial Review

The Board adopted California Code of Civil Procedure section 1094.6 on September 9, 1985. In those cases where a party is entitled to judicial review of the proceedings before the Board, the petition to the court shall be filed within ninety (90) days from the date on which the decision of the Board becomes final.

Section 14 - Service of Notice

Whenever the rules of the Board require that notice be given, it shall be sufficient that such notice be provided to a party or the party's personal representative either by personal delivery or by mail, deposited in the United States mail, postage prepaid, in a sealed envelope addressed to the person to whom it is to be delivered, at his/her last known address as disclosed by the records of the Association. The delivery is complete at the time of such deposit or personal delivery.

Section 15 - Proceedings Recorded

All proceedings before the Board, or hearing officer, shall be reported by a court reporter at a cost to be paid for by the Association. Any party may request a transcript of the proceedings through the Association upon payment of a reasonable fee, which shall not be less than the estimated cost to the Association of such transcript.

Section 16 - Legal and Investigatory Services

The Board may secure such legal, investigatory, and other such services and advice as is necessary to make a responsible determination on an application for disability retirement. The Board may contract with an attorney in private practice for the legal services and advice it deems necessary.

Section 17 - Medical Examination

In its sole discretion, the Board may, on its own motion or upon

request of one of the parties, and based upon good cause, require an applicant for disability retirement to submit to one or more medical, psychological or psychiatric examinations to determine the existence of the disability and causes therefor. Such examination(s) shall be at the expense of the Association, if ordered upon the Board's own motion. If the additional examination(s) is (are) requested by one of the parties, the Board may require that the requesting party pay all reasonable expenses of such examination(s) as a condition of ordering the applicant to submit to such testing.

Section 18 - Role of the Medical Advisor

The Medical Advisor may advise the Board on general matters regarding applications for disability retirement, including providing the Board with explanations of medical terms, interpretations of medical reports before the Board, and the analysis of other medical evidence before the Board.

The Medical Advisor shall only be required to attend disability meetings when specifically requested to do so by the Board to provide recommendations or advice as discussed below.

To ensure that the rights of the applicant and employer are protected the Board should act at all times to ensure that:

a. All advice and recommendations provided to the Board by the Medical Advisor are based upon evidence that is before the Board. The Medical Advisor should not conduct any independent research on an applicant's claims unless specifically directed by the Board.

b. If the Board determines at the time of any hearing that a recommendation or other advice from the Medical Advisor on any aspect of an individual case is warranted, the Board shall immediately continue the matter to a subsequent hearing date. The Administrator shall request the presence of the Medical Advisor for that hearing, and, if the Medical Advisor prepares a written report for the Board, the Administrator shall serve all parties such report at least ten (10) days prior to the new hearing date.

c. The applicant, or his/her representative, and the employer shall have the right to cross-examine the Medical Advisor under oath before the Board at the time of the hearing, limited to the content of the recommendation or other advice provided to the Board by the Medical Advisor.

Section 19- Inquiries Into Applicant's Conduct

To assist in making a recommendation or determination, and to assure that a disability is not due to intemperate use of alcoholic liquor or drugs, willful misconduct, or violation of law on the part of the applicant, the Board may review the conduct of the applicant, either by inquiry of the applicant, a medical examiner to whom the applicant is referred or any other source of information that Board believes to be reliable.

Section 20 - Issuance of Subpoenas

The Board may issue subpoenas and subpoenas duces tecum. Subpoenas may be signed by the Chair, Vice Chair, Treasurer or the Administrator.

Section 21 - Procedures Furnished to the Parties

A copy of these procedures shall be furnished to the applicant along with the application for disability retirement. All other parties shall receive a copy at the time notice of hearing is given.

Revised April 1999

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION 1367-1374.17

1367. A health care service plan and, if applicable, a specialized health care service plan shall meet the following requirements:

(a) Facilities located in this state including, but not limited to, clinics, hospitals, and skilled nursing facilities to be utilized by the plan shall be licensed by the State Department of Health Services, where licensure is required by law. Facilities not located in this state shall conform to all licensing and other requirements of the jurisdiction in which they are located.

(b) Personnel employed by or under contract to the plan shall be licensed or certified by their respective board or agency, where licensure or certification is required by law.

(c) Equipment required to be licensed or registered by law shall be so licensed or registered, and the operating personnel for that equipment shall be licensed or certified as required by law.

(d) The plan shall furnish services in a manner providing continuity of care and ready referral of patients to other providers at times as may be appropriate consistent with good professional practice.

(e) (1) All services shall be readily available at reasonable times to each enrollee consistent with good professional practice. To the extent feasible, the plan shall make all services readily accessible to all enrollees consistent with Section 1367.03.

(2) To the extent that telemedicine services are appropriately provided through telemedicine, as defined in subdivision (a) of Section 2290.5 of the Business and Professions **Code**, these services shall be considered in determining compliance with Section 1300.67.2 of Title 28 of the California **Code** of Regulations.

(3) The plan shall make all services accessible and appropriate consistent with Section 1367.04.

(f) The plan shall employ and utilize allied health manpower for the furnishing of services to the extent permitted by law and consistent with good medical practice.

(g) The plan shall have the organizational and administrative capacity to provide services to subscribers and enrollees. The plan shall be able to demonstrate to the department that medical decisions

are rendered by qualified medical providers, unhindered by fiscal and administrative management.

(h) (1) Contracts with subscribers and enrollees, including group contracts, and contracts with providers, and other persons furnishing services, equipment, or facilities to or in connection with the plan, shall be fair, reasonable, and consistent with the objectives of this chapter. All contracts with providers shall contain provisions requiring a fast, fair, and cost-effective dispute resolution mechanism under which providers may submit disputes to the plan, and requiring the plan to inform its providers upon contracting with the plan, or upon change to these provisions, of the procedures for processing and resolving disputes, including the location and telephone number where information regarding disputes may be submitted.

(2) A health care service plan shall ensure that a dispute resolution mechanism is accessible to noncontracting providers for the purpose of resolving billing and claims disputes.

(3) On and after January 1, 2002, a health care service plan shall annually submit a report to the department regarding its dispute resolution mechanism. The report shall include information on the number of providers who utilized the dispute resolution mechanism and a summary of the disposition of those disputes.

(i) A health care service plan contract shall provide to subscribers and enrollees all of the basic health care services included in subdivision (b) of Section 1345, except that the director may, for good cause, by rule or order exempt a plan contract or any class of plan contracts from that requirement. The director shall by rule define the scope of each basic health care service that health care service plans are required to provide as a minimum for licensure under this chapter. Nothing in this chapter shall prohibit a health care service plan from charging subscribers or enrollees a copayment or a deductible for a basic health care service or from setting forth, by contract, limitations on maximum coverage of basic health care services, provided that the copayments, deductibles, or limitations are reported to, and held unobjectionable by, the director and set forth to the subscriber or enrollee pursuant to the disclosure provisions of Section 1363.

(j) A health care service plan shall not require registration under the Controlled Substances Act of 1970 (21 U.S.C. Sec. 801 et seq.) as a condition for participation by an optometrist certified to use therapeutic pharmaceutical agents pursuant to Section 3041.3 of the Business and Professions **Code**.

Nothing in this section shall be construed to permit the director

to establish the rates charged subscribers and enrollees for contractual health care services.

The director's enforcement of Article 3.1 (commencing with Section 1357) shall not be deemed to establish the rates charged subscribers and enrollees for contractual health care services.

The obligation of the plan to comply with this section shall not be waived when the plan delegates any services that it is required to perform to its medical groups, independent practice associations, or other contracting entities.

1367.01. (a) A health care service plan and any entity with which it contracts for services that include utilization review or utilization management functions, that prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based in whole or in part on medical necessity, requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, or that delegates these functions to medical groups or independent practice associations or to other contracting providers, shall comply with this section.

(b) A health care service plan that is subject to this section shall have written policies and procedures establishing the process by which the plan prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based in whole or in part on medical necessity, requests by providers of health care services for plan enrollees. These policies and procedures shall ensure that decisions based on the medical necessity of proposed health care services are consistent with criteria or guidelines that are supported by clinical principles and processes. These criteria and guidelines shall be developed pursuant to Section 1363.5. These policies and procedures, and a description of the process by which the plan reviews and approves, modifies, delays, or denies requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, shall be filed with the director for review and approval, and shall be disclosed by the plan to providers and enrollees upon request, and by the plan to the public upon request.

(c) A health care service plan subject to this section, except a plan that meets the requirements of Section 1351.2, shall employ or designate a medical director who holds an unrestricted license to practice medicine in this state issued pursuant to Section 2050 of

the Business and Professions **Code** or pursuant to the Osteopathic Act, or, if the plan is a specialized health care service plan, a clinical director with California licensure in a clinical area appropriate to the type of care provided by the specialized health care service plan. The medical director or clinical director shall ensure that the process by which the plan reviews and approves, modifies, or denies, based in whole or in part on medical necessity, requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, complies with the requirements of this section.

(d) If health plan personnel, or individuals under contract to the plan to review requests by providers, approve the provider's request, pursuant to subdivision (b), the decision shall be communicated to the provider pursuant to subdivision (h).

(e) No individual, other than a licensed physician or a licensed health care professional who is competent to evaluate the specific clinical issues involved in the health care services requested by the provider, may deny or modify requests for authorization of health care services for an enrollee for reasons of medical necessity. The decision of the physician or other health care professional shall be communicated to the provider and the enrollee pursuant to subdivision (h).

(f) The criteria or guidelines used by the health care service plan to determine whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees shall be consistent with clinical principles and processes. These criteria and guidelines shall be developed pursuant to the requirements of Section 1363.5.

(g) If the health care service plan requests medical information from providers in order to determine whether to approve, modify, or deny requests for authorization, the plan shall request only the information reasonably necessary to make the determination.

(h) In determining whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, based in whole or in part on medical necessity, a health care service plan subject to this section shall meet the following requirements:

(1) Decisions to approve, modify, or deny, based on medical necessity, requests by providers prior to, or concurrent with the provision of health care services to enrollees that do not meet the requirements for the 72-hour review required by paragraph (2), shall be made in a timely fashion appropriate for the nature of the

enrollee's condition, not to exceed five business days from the plan's receipt of the information reasonably necessary and requested by the plan to make the determination. In cases where the review is retrospective, the decision shall be communicated to the individual who received services, or to the individual's designee, within 30 days of the receipt of information that is reasonably necessary to make this determination, and shall be communicated to the provider in a manner that is consistent with current law. For purposes of this section, retrospective reviews shall be for care rendered on or after January 1, 2000.

(2) When the enrollee's condition is such that the enrollee faces an imminent and serious threat to his or her health including, but not limited to, the potential loss of life, limb, or other major bodily function, or the normal timeframe for the decisionmaking process, as described in paragraph (1), would be detrimental to the enrollee's life or health or could jeopardize the enrollee's ability to regain maximum function, decisions to approve, modify, or deny requests by providers prior to, or concurrent with, the provision of health care services to enrollees, shall be made in a timely fashion appropriate for the nature of the enrollee's condition, not to exceed 72 hours after the plan's receipt of the information reasonably necessary and requested by the plan to make the determination. Nothing in this section shall be construed to alter the requirements of subdivision (b) of Section 1371.4. Notwithstanding Section 1371.4, the requirements of this division shall be applicable to all health plans and other entities conducting utilization review or utilization management.

(3) Decisions to approve, modify, or deny requests by providers for authorization prior to, or concurrent with, the provision of health care services to enrollees shall be communicated to the requesting provider within 24 hours of the decision. Except for concurrent review decisions pertaining to care that is underway, which shall be communicated to the enrollee's treating provider within 24 hours, decisions resulting in denial, delay, or modification of all or part of the requested health care service shall be communicated to the enrollee in writing within two business days of the decision. In the case of concurrent review, care shall not be discontinued until the enrollee's treating provider has been notified of the plan's decision and a care plan has been agreed upon by the treating provider that is appropriate for the medical needs of that patient.

(4) Communications regarding decisions to approve requests by providers prior to, retrospectively, or concurrent with the provision

of health care services to enrollees shall specify the specific health care service approved. Responses regarding decisions to deny, delay, or modify health care services requested by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees shall be communicated to the enrollee in writing, and to providers initially by telephone or facsimile, except with regard to decisions rendered retrospectively, and then in writing, and shall include a clear and concise explanation of the reasons for the plan's decision, a description of the criteria or guidelines used, and the clinical reasons for the decisions regarding medical necessity. Any written communication to a physician or other health care provider of a denial, delay, or modification of a request shall include the name and telephone number of the health care professional responsible for the denial, delay, or modification.

The telephone number provided shall be a direct number or an extension, to allow the physician or health care provider easily to contact the professional responsible for the denial, delay, or modification. Responses shall also include information as to how the enrollee may file a grievance with the plan pursuant to Section **1368**, and in the case of Medi-Cal enrollees, shall explain how to request an administrative hearing and aid paid pending under Sections 51014.1 and 51014.2 of Title 22 of the California **Code** of Regulations.

(5) If the health care service plan cannot make a decision to approve, modify, or deny the request for authorization within the timeframes specified in paragraph (1) or (2) because the plan is not in receipt of all of the information reasonably necessary and requested, or because the plan requires consultation by an expert reviewer, or because the plan has asked that an additional examination or test be performed upon the enrollee, provided the examination or test is reasonable and consistent with good medical practice, the plan shall, immediately upon the expiration of the timeframe specified in paragraph (1) or (2) or as soon as the plan becomes aware that it will not meet the timeframe, whichever occurs first, notify the provider and the enrollee, in writing, that the plan cannot make a decision to approve, modify, or deny the request for authorization within the required timeframe, and specify the information requested but not received, or the expert reviewer to be consulted, or the additional examinations or tests required. The plan shall also notify the provider and enrollee of the anticipated date on which a decision may be rendered. Upon receipt of all information reasonably necessary and requested by the plan, the plan shall approve, modify, or deny the request for authorization within

the timeframes specified in paragraph (1) or (2), whichever applies.

(6) If the director determines that a health care service plan has failed to meet any of the timeframes in this section, or has failed to meet any other requirement of this section, the director may assess, by order, administrative penalties for each failure. A proceeding for the issuance of an order assessing administrative penalties shall be subject to appropriate notice to, and an opportunity for a hearing with regard to, the person affected, in accordance with subdivision (a) of Section 1397. The administrative penalties shall not be deemed an exclusive remedy for the director. These penalties shall be paid to the State Managed Care Fund.

(i) A health care service plan subject to this section shall maintain telephone access for providers to request authorization for health care services.

(j) A health care service plan subject to this section that reviews requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees shall establish, as part of the quality assurance program required by Section 1370, a process by which the plan's compliance with this section is assessed and evaluated. The process shall include provisions for evaluation of complaints, assessment of trends, implementation of actions to correct identified problems, mechanisms to communicate actions and results to the appropriate health plan employees and contracting providers, and provisions for evaluation of any corrective action plan and measurements of performance.

(k) The director shall review a health care service plan's compliance with this section as part of its periodic onsite medical survey of each plan undertaken pursuant to Section 1380, and shall include a discussion of compliance with this section as part of its report issued pursuant to that section.

(l) This section shall not apply to decisions made for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of religion as set forth in subdivision (a) of Section 1270.

(m) Nothing in this section shall cause a health care service plan to be defined as a health care provider for purposes of any provision of law, including, but not limited to, Section 6146 of the Business and Professions **Code**, Sections 3333.1 and 3333.2 of the Civil **Code**, and Sections 340.5, 364, 425.13, 667.7, and 1295 of the **Code** of Civil Procedure.

(n) This section shall be repealed on January 1, 2008, unless a later enacted statute, that becomes effective on or before January 1,

2008, deletes or extends the dates on which it becomes inoperative and is repealed.

1367.01. (a) A health care service plan and any entity with which it contracts for services that include utilization review or utilization management functions, that prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based in whole or in part on medical necessity, requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, or that delegates these functions to medical groups or independent practice associations or to other contracting providers, shall comply with this section.

(b) A health care service plan that is subject to this section shall have written policies and procedures establishing the process by which the plan prospectively, retrospectively, or concurrently reviews and approves, modifies, delays, or denies, based in whole or in part on medical necessity, requests by providers of health care services for plan enrollees. These policies and procedures shall ensure that decisions based on the medical necessity of proposed health care services are consistent with criteria or guidelines that are supported by clinical principles and processes. These criteria and guidelines shall be developed pursuant to Section 1363.5. These policies and procedures, and a description of the process by which the plan reviews and approves, modifies, delays, or denies requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, shall be filed with the director for review and approval, and shall be disclosed by the plan to providers and enrollees upon request, and by the plan to the public upon request.

(c) A health care service plan subject to this section shall employ or designate a medical director who holds an unrestricted license to practice medicine in this state issued pursuant to Section 2050 of the Business and Professions **Code** or pursuant to the Osteopathic Act, or, if the plan is a specialized health care service plan, a clinical director with California licensure in a clinical area appropriate to the type of care provided by the specialized health care service plan. The medical director or clinical director shall ensure that the process by which the plan reviews and approves, modifies, or denies, based in whole or in part on medical necessity, requests by providers prior to, retrospectively, or concurrent with

the provision of health care services to enrollees, complies with the requirements of this section.

(d) If health plan personnel, or individuals under contract to the plan to review requests by providers, approve the provider's request, pursuant to subdivision (b), the decision shall be communicated to the provider pursuant to subdivision (h).

(e) An individual, other than a licensed physician or a licensed health care professional who is competent to evaluate the specific clinical issues involved in the health care services requested by the provider, may not deny or modify requests for authorization of health care services for an enrollee for reasons of medical necessity. The decision of the physician or other health care professional shall be communicated to the provider and the enrollee pursuant to subdivision (h).

(f) The criteria or guidelines used by the health care service plan to determine whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees shall be consistent with clinical principles and processes. These criteria and guidelines shall be developed pursuant to the requirements of Section 1363.5.

(g) If the health care service plan requests medical information from providers in order to determine whether to approve, modify, or deny requests for authorization, the plan shall request only the information reasonably necessary to make the determination.

(h) In determining whether to approve, modify, or deny requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees, based in whole or in part on medical necessity, every health care service plan subject to this section shall meet the following requirements:

(1) Decisions to approve, modify, or deny, based on medical necessity, requests by providers prior to, or concurrent with the provision of health care services to enrollees that do not meet the requirements for the 72-hour review required by paragraph (2), shall be made in a timely fashion appropriate for the nature of the enrollee's condition, not to exceed five business days from the plan's receipt of the information reasonably necessary and requested by the plan to make the determination. In cases where the review is retrospective, the decision shall be communicated to the individual who received services, or to the individual's designee, within 30 days of the receipt of information that is reasonably necessary to make this determination, and shall be communicated to the provider in a manner that is consistent with current law. For purposes of this

section, retrospective reviews shall be for care rendered on or after January 1, 2000.

(2) When the enrollee's condition is such that the enrollee faces an imminent and serious threat to his or her health including, but not limited to, the potential loss of life, limb, or other major bodily function, or the normal timeframe for the decisionmaking process, as described in paragraph (1), would be detrimental to the enrollee's life or health or could jeopardize the enrollee's ability to regain maximum function, decisions to approve, modify, or deny requests by providers prior to, or concurrent with, the provision of health care services to enrollees, shall be made in a timely fashion appropriate for the nature of the enrollee's condition, not to exceed 72 hours after the plan's receipt of the information reasonably necessary and requested by the plan to make the determination. Nothing in this section shall be construed to alter the requirements of subdivision (b) of Section 1371.4. Notwithstanding Section 1371.4, the requirements of this division shall be applicable to all health plans and other entities conducting utilization review or utilization management.

(3) Decisions to approve, modify, or deny requests by providers for authorization prior to, or concurrent with, the provision of health care services to enrollees shall be communicated to the requesting provider within 24 hours of the decision. Except for concurrent review decisions pertaining to care that is underway, which shall be communicated to the enrollee's treating provider within 24 hours, decisions resulting in denial, delay, or modification of all or part of the requested health care service shall be communicated to the enrollee in writing within two business days of the decision. In the case of concurrent review, care shall not be discontinued until the enrollee's treating provider has been notified of the plan's decision, and a care plan has been agreed upon by the treating provider that is appropriate for the medical needs of that patient.

(4) Communications regarding decisions to approve requests by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees shall specify the specific health care service approved. Responses regarding decisions to deny, delay, or modify health care services requested by providers prior to, retrospectively, or concurrent with the provision of health care services to enrollees shall be communicated to the enrollee in writing, and to providers initially by telephone or facsimile, except with regard to decisions rendered retrospectively, and then in writing, and shall include a clear and concise explanation of the

reasons for the plan's decision, a description of the criteria or guidelines used, and the clinical reasons for the decisions regarding medical necessity. Any written communication to a physician or other health care provider of a denial, delay, or modification of a request shall include the name and telephone number of the health care professional responsible for the denial, delay, or modification. The telephone number provided shall be a direct number or an extension, to allow the physician or health care provider easily to contact the professional responsible for the denial, delay, or modification. Responses shall also include information as to how the enrollee may file a grievance with the plan pursuant to Section **1368**, and in the case of Medi-Cal enrollees, shall explain how to request an administrative hearing and aid paid pending under Sections 51014.1 and 51014.2 of Title 22 of the California **Code** of Regulations.

(5) If the health care service plan cannot make a decision to approve, modify, or deny the request for authorization within the timeframes specified in paragraph (1) or (2) because the plan is not in receipt of all of the information reasonably necessary and requested, or because the plan requires consultation by an expert reviewer, or because the plan has asked that an additional examination or test be performed upon the enrollee, provided the examination or test is reasonable and consistent with good medical practice, the plan shall, immediately upon the expiration of the timeframe specified in paragraph (1) or (2) or as soon as the plan becomes aware that it will not meet the timeframe, whichever occurs first, notify the provider and the enrollee, in writing, that the plan cannot make a decision to approve, modify, or deny the request for authorization within the required timeframe, and specify the information requested but not received, or the expert reviewer to be consulted, or the additional examinations or tests required. The plan shall also notify the provider and enrollee of the anticipated date on which a decision may be rendered. Upon receipt of all information reasonably necessary and requested by the plan, the plan shall approve, modify, or deny the request for authorization within the timeframes specified in paragraph (1) or (2), whichever applies.

(6) If the director determines that a health care service plan has failed to meet any of the timeframes in this section, or has failed to meet any other requirement of this section, the director may assess, by order, administrative penalties for each failure. A proceeding for the issuance of an order assessing administrative penalties shall be subject to appropriate notice to, and an

opportunity for a hearing with regard to, the person affected, in accordance with subdivision (a) of Section 1397. The administrative penalties shall not be deemed an exclusive remedy for the director. These penalties shall be paid to the State Managed Care Fund.

(i) A health care service plan subject to this section shall maintain telephone access for providers to request authorization for health care services.

(j) A health care service plan subject to this section that reviews requests by providers prior to, retrospectively, or concurrent with, the provision of health care services to enrollees shall establish, as part of the quality assurance program required by Section 1370, a process by which the plan's compliance with this section is assessed and evaluated. The process shall include provisions for evaluation of complaints, assessment of trends, implementation of actions to correct identified problems, mechanisms to communicate actions and results to the appropriate health plan employees and contracting providers, and provisions for evaluation of any corrective action plan and measurements of performance.

(k) The director shall review a health care service plan's compliance with this section as part of its periodic onsite medical survey of each plan undertaken pursuant to Section 1380, and shall include a discussion of compliance with this section as part of its report issued pursuant to that section.

(l) This section shall not apply to decisions made for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of religion as set forth in subdivision (a) of Section 1270.

(m) Nothing in this section shall cause a health care service plan to be defined as a health care provider for purposes of any provision of law, including, but not limited to, Section 6146 of the Business and Professions **Code**, Sections 3333.1 and 3333.2 of the Civil **Code**, and Sections 340.5, 364, 425.13, 667.7, and 1295 of the **Code** of Civil Procedure.

(n) This section shall become operative on January 1, 2008.

1367.02. (a) On or before July 1, 1999, for purposes of public disclosure, every health care service plan shall file with the department a description of any policies and procedures related to economic profiling utilized by the plan and its medical groups and individual practice associations. The filing shall describe how these policies and procedures are used in utilization review, peer

review, incentive and penalty programs, and in provider retention and termination decisions. The filing shall also indicate in what manner, if any, the economic profiling system being used takes into consideration risk adjustments that reflect case mix, type and severity of patient illness, age of patients, and other enrollee characteristics that may account for higher or lower than expected costs or utilization of services. The filing shall also indicate how the economic profiling activities avoid being in conflict with subdivision (g) of Section 1367, which requires each plan to demonstrate that medical decisions are rendered by qualified medical providers, unhindered by fiscal and administrative management. Any changes to the policies and procedures shall be filed with the director pursuant to Section 1352. Nothing in this section shall be construed to restrict or impair the department, in its discretion, from utilizing the information filed pursuant to this section for purposes of ensuring compliance with this chapter.

(b) The director shall make each plan's filing available to the public upon request. The director shall not publicly disclose any information submitted pursuant to this section that is determined by the director to be confidential pursuant to state law.

(c) Each plan that uses economic profiling shall, upon request, provide a copy of economic profiling information related to an individual provider, contracting medical group, or individual practice association to the profiled individual, group, or association. In addition, each plan shall require as a condition of contract that its medical groups and individual practice associations that maintain economic profiles of individual providers shall, upon request, provide a copy of individual economic profiling information to the individual providers who are profiled. The economic profiling information provided pursuant to this section shall be provided upon request until 60 days after the date upon which the contract between the plan and the individual provider, medical group, or individual practice association terminates, or until 60 days after the date the contract between the medical group or individual practice association and the individual provider terminates, whichever is applicable.

(d) For the purposes of this article, "economic profiling" shall mean any evaluation of a particular physician, provider, medical group, or individual practice association based in whole or in part on the economic costs or utilization of services associated with medical care provided or authorized by the physician, provider, medical group, or individual practice association.

1367.03. (a) Not later than January 1, 2004, the department shall develop and adopt regulations to ensure that enrollees have access to needed health care services in a timely manner. In developing these regulations, the department shall develop indicators of timeliness of access to care and, in so doing, shall consider the following as indicators of timeliness of access to care:

(1) Waiting times for appointments with physicians, including primary care and specialty physicians.

(2) Timeliness of care in an episode of illness, including the timeliness of referrals and obtaining other services, if needed.

(3) Waiting time to speak to a physician, registered nurse, or other qualified health professional acting within his or her scope of practice who is trained to screen or triage an enrollee who may need care.

(b) In developing these standards for timeliness of access, the department shall consider the following:

(1) Clinical appropriateness.

(2) The nature of the specialty.

(3) The urgency of care.

(4) The requirements of other provisions of law, including Section 1367.01 governing utilization review, that may affect timeliness of access.

(c) The department may adopt standards other than the time elapsed between the time an enrollee seeks health care and obtains care. If the department chooses a standard other than the time elapsed between the time an enrollee first seeks health care and obtains it, the department shall demonstrate why that standard is more appropriate. In developing these standards, the department shall consider the nature of the plan network.

(d) The department shall review and adopt standards, as needed, concerning the availability of primary care physicians, specialty physicians, hospital care, and other health care, so that consumers have timely access to care. In so doing, the department shall consider the nature of physician practices, including individual and group practices as well as the nature of the plan network. The department shall also consider various circumstances affecting the delivery of care, including urgent care, care provided on the same day, and requests for specific providers. If the department finds that health care service plans and health care providers have difficulty meeting these standards, the department may make recommendations to the Assembly Committee on Health and the Senate Committee on Insurance of the Legislature pursuant to subdivision

(i).

(e) In developing standards under subdivision (a), the department shall consider requirements under federal law, requirements under other state programs, standards adopted by other states, nationally recognized accrediting organizations, and professional associations. The department shall further consider the needs of rural areas, specifically those in which health facilities are more than 30 miles apart and any requirements imposed by the State Department of Health Services on health care service plans that contract with the State Department of Health Services to provide Medi-Cal managed care.

(f) (1) Contracts between health care service plans and health care providers shall assure compliance with the standards developed under this section. These contracts shall require reporting by health care providers to health care service plans and by health care service plans to the department to ensure compliance with the standards.

(2) Health care service plans shall report annually to the department on compliance with the standards in a manner specified by the department. The reported information shall allow consumers to compare the performance of plans and their contracting providers in complying with the standards, as well as changes in the compliance of plans with these standards.

(g) (1) When evaluating compliance with the standards, the department shall focus more upon patterns of noncompliance rather than isolated episodes of noncompliance.

(2) The director may investigate and take enforcement action against plans regarding noncompliance with the requirements of this section. Where substantial harm to an enrollee has occurred as a result of plan noncompliance, the director may, by order, assess administrative penalties subject to appropriate notice of, and the opportunity for, a hearing in accordance with Section 1397. The plan may provide to the director, and the director may consider, information regarding the plan's overall compliance with the requirements of this section. The administrative penalties shall not be deemed an exclusive remedy available to the director. These penalties shall be paid to the State Managed Care Fund. The director shall periodically evaluate grievances to determine if any audit, investigative, or enforcement actions should be undertaken by the department.

(3) The director may, after appropriate notice and opportunity for hearing in accordance with Section 1397, by order, assess administrative penalties if the director determines that a health care service plan has knowingly committed, or has performed with a

frequency that indicates a general business practice, either of the following:

(A) Repeated failure to act promptly and reasonably to assure timely access to care consistent with this chapter.

(B) Repeated failure to act promptly and reasonably to require contracting providers to assure timely access that the plan is required to perform under this chapter and that have been delegated by the plan to the contracting provider when the obligation of the plan to the enrollee or subscriber is reasonably clear.

(C) The administrative penalties available to the director pursuant to this section are not exclusive, and may be sought and employed in any combination with civil, criminal, and other administrative remedies deemed warranted by the director to enforce this chapter.

(4) The administrative penalties authorized pursuant to this section shall be paid to the State Managed Care Fund.

(h) The department shall work with the patient advocate to assure that the quality of care report card incorporates information provided pursuant to subdivision (f) regarding the degree to which health care service plans and health care providers comply with the requirements for timely access to care.

(i) The department shall report to the Assembly Committee on Health and the Senate Committee on Insurance of the Legislature on March 1, 2003, and on March 1, 2004, regarding the progress toward the implementation of this section.

(j) Every three years, the department shall review information regarding compliance with the standards developed under this section and shall make recommendations for changes that further protect enrollees.

1367.04. (a) Not later than January 1, 2006, the department shall develop and adopt regulations establishing standards and requirements to provide health care service plan enrollees with appropriate access to language assistance in obtaining health care services.

(b) In developing the regulations, the department shall require every health care service plan and specialized health care service plan to assess the linguistic needs of the enrollee population, excluding Medi-Cal enrollees, and to provide for translation and interpretation for medical services, as indicated. A health care service plan that participates in the Healthy Families Program may assess the Healthy Families Program enrollee population separately from the remainder of its enrollee population for purposes of

subparagraph (A) of paragraph (1). A health care service plan that chooses to separate its Healthy Families Program enrollment from the remainder of its enrollee population shall treat the Healthy Families Program population separately for purposes of determining whether subparagraph (A) of paragraph (1) is applicable, and shall also treat the Healthy Families Program population separately for purposes of applying the percentage and numerical thresholds in subparagraph (A) of paragraph (1). The regulations shall include the following:

(1) Requirements for the translation of vital documents that include the following:

(A) A requirement that all vital documents, as defined pursuant to subparagraph (B), be translated into an indicated language, as follows:

(i) A health care service plan with an enrollment of 1,000,000 or more shall translate vital documents into the top two languages other than English as determined by the needs assessment as required by this subdivision and any additional languages when 0.75 percent or 15,000 of the enrollee population, whichever number is less, excluding Medi-Cal enrollment and treating Healthy Families Program enrollment separately indicates in the needs assessment as required by this subdivision a preference for written materials in that language.

(ii) A health care service plan with an enrollment of 300,000 or more but less than 1,000,000 shall translate vital documents into the top one language other than English as determined by the needs assessment as required by this subdivision and any additional languages when 1 percent or 6,000 of the enrollee population, whichever number is less, excluding Medi-Cal enrollment and treating Healthy Families Program enrollment separately indicates in the needs assessment as required by this subdivision a preference for written materials in that language.

(iii) A health care service plan with an enrollment of less than 300,000 shall translate vital documents into a language other than English when 3,000 or more or 5 percent of the enrollee population, whichever number is less, excluding Medi-Cal enrollment and treating Healthy Families Program enrollment separately indicates in the needs assessment as required by this subdivision a preference for written materials in that language.

(B) Specification of vital documents produced by the plan that are required to be translated. The specification of vital documents shall not exceed that of the Department of Health and Human Services (HHS) Office of Civil Rights (OCR) Policy Guidance (65 Federal Register 52762 (August 30, 2000)), but shall include all of the

following:

(i) Applications.

(ii) Consent forms.

(iii) Letters containing important information regarding eligibility and participation criteria.

(iv) Notices pertaining to the denial, reduction, modification, or termination of services and benefits, and the right to file a grievance or appeal.

(v) Notices advising limited-English-proficient persons of the availability of free language assistance and other outreach materials that are provided to enrollees.

(vi) Translated documents shall not include a health care service plan's explanation of benefits or similar claim processing information that is sent to enrollees, unless the document requires a response by the enrollee.

(C) (i) For those documents described in subparagraph (B) that are not standardized but contain enrollee specific information, health care service plans shall not be required to translate the documents into the threshold languages identified by the needs assessment as required by this subdivision, but rather shall include with the documents a written notice of the availability of interpretation services in the threshold languages identified by the needs assessment as required by this subdivision.

(ii) Upon request, the enrollee shall receive a written translation of the documents described in clause (i). The health care service plan shall have up to, but not to exceed, 21 days to comply with the enrollee's request for a written translation. If an enrollee requests a translated document, all timeframes and deadline requirements related to the document that apply to the health care service plan and enrollees under the provisions of this chapter and under any regulations adopted pursuant to this chapter shall begin to run upon the health care service plan's issuance of the translated document.

(iii) For grievances that require expedited plan review and response in accordance with subdivision (b) of Section **1368**.01, the health care service plan may satisfy this requirement by providing notice of the availability and access to oral interpretation services.

(D) A requirement that health care service plans advise limited-English-proficient enrollees of the availability of interpreter services.

(2) Standards to ensure the quality and accuracy of the written translations and that a translated document meets the same standards

required for the English language version of the document. The English language documents shall determine the rights and obligations of the parties, and the translated documents shall be admissible in evidence only if there is a dispute regarding a substantial difference in the material terms and conditions of the English language document and the translated document.

(3) Requirements for surveying the language preferences and needs assessments of health care service plan enrollees within one year of the effective date of the regulations that permit health care service plans to utilize various survey methods, including, but not limited to, the use of existing enrollment and renewal processes, subscriber newsletters, or other mailings. Health care service plans shall update the needs assessment, demographic profile, and language translation requirements every three years.

(4) Requirements for individual enrollee access to interpretation services.

(5) Standards to ensure the quality and timeliness of oral interpretation services provided by health care service plans.

(c) In developing the regulations, standards, and requirements, the department shall consider the following:

(1) Publications and standards issued by federal agencies, such as the Culturally and Linguistically Appropriate Services (CLAS) in Health Care issued by the United States Department of Health and Human Services Office of Minority Health in December 2000, and the Department of Health and Human Services (HHS) Office of Civil Rights (OCR) Policy Guidance (65 Federal Register 52762 (August 30, 2000)).

(2) Other cultural and linguistic requirements under state programs, such as Medi-Cal Managed Care Policy Letters, cultural and linguistic requirements imposed by the State Department of Health Services on health care service plans that contract to provide Medi-Cal managed care services, and cultural and linguistic requirements imposed by the Managed Risk Medical Insurance Board on health care service plans that contract to provide services in the Healthy Families Program.

(3) Standards adopted by other states pertaining to language assistance requirements for health care service plans.

(4) Standards established by California or nationally recognized accrediting, certifying, or licensing organizations and medical and health care interpreter professional associations regarding interpretation services.

(5) Publications, guidelines, reports, and recommendations issued by state agencies or advisory committees, such as the report card to

the public on the comparative performance of plans and reports on cultural and linguistic services issued by the Office of Patient Advocate and the report to the Legislature from the Task Force on Culturally and Linguistically Competent Physicians and Dentists established by Section 852 of the Business and Professions **Code**.

(6) Examples of best practices relating to language assistance services by health care providers and health care service plans, including existing practices.

(7) Information gathered from complaints to the HMO Helpline and consumer assistance centers regarding language assistance services.

(8) The cost of compliance and the availability of translation and interpretation services and professionals.

(9) Flexibility to accommodate variations in plan networks and method of service delivery. The department shall allow for health care service plan flexibility in determining compliance with the standards for oral and written interpretation services.

(d) The department shall work to ensure that the biennial reports required by this section, and the data collected for those reports, are consistent with reports required by government-sponsored programs and do not require duplicative or conflicting data collection or reporting.

(e) The department shall seek public input from a wide range of interested parties through advisory bodies established by the director.

(f) A contract between a health care service plan and a health care provider shall require compliance with the standards developed under this section. In furtherance of this section, the contract shall require providers to cooperate with the plan by providing any information necessary to assess compliance.

(g) The department shall report biennially to the Legislature and advisory bodies established by the director regarding plan compliance with the standards, including results of compliance audits made in conjunction with other audits and reviews. The reported information shall also be included in the publication required under subparagraph (B) of paragraph (3) of subdivision (c) of Section **1368**.02. The department shall also utilize the reported information to make recommendations for changes that further enhance standards pursuant to this section. The department may also delay or otherwise phase-in implementation of standards and requirements in recognition of costs and availability of translation and interpretation services and professionals.

(h) (1) Except for contracts with the State Department of Health Services Medi-Cal program, the standards developed under this section

shall be considered the minimum required for compliance.

(2) The regulations shall provide that a health plan is in compliance if the plan is required to meet the same or similar standards by the Medi-Cal program, either by contract or state law, if the standards provide as much access to cultural and linguistic services as the standards established by this section for an equal or higher number of enrollees and therefore meet or exceed the standards of the regulations established pursuant to this section, and the department determines that the health care service plan is in compliance with the standards required by the Medi-Cal program. To meet this requirement, the department shall not be required to perform individual audits. The department shall, to the extent feasible, rely on audits, reports, or other oversight and enforcement methods used by the State Department of Health Services.

(3) The determination pursuant to paragraph (2) shall only apply to the enrollees covered by the Medi-Cal program standards. A health care service plan subject to paragraph (2) shall comply with the standards established by this section with regard to enrollees not covered by the Medi-Cal program.

(i) Nothing in this section shall prohibit a government purchaser from including in their contracts additional translation or interpretation requirements, to meet linguistic or cultural needs, beyond those set forth pursuant to this section.

1367.05. (a) Nothing in this chapter shall prohibit a health care service plan from entering into a contract with a dental college approved by the Board of Dental Examiners of California under which the dental college provides for or arranges for the provision of dental care to enrollees of the plan through the practice of dentistry by either of the following:

(1) Bona fide students of dentistry or dental hygiene operating under subdivision (b) of Section 1626 of the Business and Professions **Code**.

(2) Bona fide clinicians or instructors operating under subdivision (c) of Section 1626 of the Business and Professions **Code**.

(b) A plan that contracts with a dental college for the delivery of dental care pursuant to subdivision (a) shall disclose to enrollees in the disclosure form and the evidence of coverage, or the combined evidence of coverage and disclosure form, and, if the plan provides a listing of providers to the enrollees, in the listing of

providers, that the dental care provided by the dental college will be provided by students of dentistry or dental hygiene and clinicians or instructors of the dental college.

1367.06. (a) A health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed on or after January 1, 2005, that covers outpatient prescription drug benefits shall include coverage for inhaler spacers when medically necessary for the management and treatment of pediatric asthma.

(b) If a subscriber has coverage for outpatient prescription drugs, a health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed on or after January 1, 2005, shall include coverage for the following equipment and supplies when medically necessary for the management and treatment of pediatric asthma:

(1) Nebulizers, including face masks and tubing.

(2) Peak flow meters.

(c) The quantity of the equipment and supplies required to be covered pursuant to subdivisions (a) and (b) may be limited by the health care service plan if the limitations do not inhibit appropriate compliance with treatment as prescribed by the enrollee's physician and surgeon. A health care service plan shall provide for an expeditious process for approving additional or replacement inhaler spacers, nebulizers, and peak flow meters when medically necessary for an enrollee to maintain compliance with his or her treatment regimen. The process required by Section 1367.24 may be used to satisfy the requirements of this section for an inhaler spacer.

(d) Education for pediatric asthma, including education to enable an enrollee to properly use the device identified in subdivisions (a) and (b), shall be consistent with current professional medical practice.

(e) The coverage required by this section shall be provided under the same general terms and conditions, including copayments and deductibles, applicable to all other benefits provided by the plan.

(f) A health care service plan shall disclose the benefits under this section in its evidence of coverage and disclosure forms.

(g) A health care service plan may not reduce or eliminate coverage as a result of the requirements of this section.

(h) Nothing in this section shall be construed to deny or restrict

in any way the department's authority to ensure plan compliance with this chapter, if a plan provides coverage for prescription drugs.

1367.07. Within one year after a health care service plan's assessment pursuant to subdivision (b) of Section 1367.06, the health care service plan shall report to the department, in a format specified by the department, regarding internal policies and procedures related to cultural appropriateness in each of the following contexts:

(a) Collection of data regarding the enrollee population pursuant to the health care service plan's assessment conducted in accordance with subdivision (b) of Section 1367.06.

(b) Education of health care service plan staff who have routine contact with enrollees regarding the diverse needs of the enrollee population.

(c) Recruitment and retention efforts that encourage workforce diversity.

(d) Evaluation of the health care service plan's programs and services with respect to the plan's enrollee population, using processes such as an analysis of complaints and satisfaction survey results.

(e) The periodic provision of information regarding the ethnic diversity of the plan's enrollee population and any related strategies to plan providers. Plans may use existing means of communication.

(f) The periodic provision of educational information to plan enrollees on the plan's services and programs. Plans may use existing means of communications.

1367.09. (a) An enrollee with coverage for Medicare benefits who is discharged from an acute care hospital shall be allowed to return to a skilled nursing facility in which the enrollee resided prior to hospitalization, or the skilled nursing unit of a continuing care retirement community or multilevel facility in which the enrollee is a resident for continuing treatment related to the acute care hospital stay, if all of the following conditions are met:

(1) The enrollee is a resident of a continuing care retirement community, as defined in paragraph (10) of subdivision (a) of Section 1771, or is a resident of a multilevel facility, as defined in

paragraph (9) of subdivision (d) of Section 15432 of the Government **Code**, or has resided for at least 60 days in a skilled nursing facility, as defined in Section 1250, that serves the needs of special populations, including religious and cultural groups.

(2) The primary care physician, and the treating physician if appropriate, in consultation with the patient, determines that the medical care needs of the enrollee, including continuity of care, can be met in the skilled nursing facility, or the skilled nursing unit of the continuing care retirement community, or multilevel facility. If a determination not to return the patient to the facility is made, the physician shall document reasons in the patient's medical record and share that written explanation with the patient.

(3) The skilled nursing facility, continuing care retirement facility, or multilevel facility is within the service area and agrees to abide by the plan's standards and terms and conditions related to the following:

(A) Utilization review, quality assurance, peer review, and access to health care services.

(B) Management and administrative procedures, including data and financial reporting that may be required by the plan.

(C) Licensing and certification as required by Section 1367.

(D) Appropriate certification of the facility by the Health Care Financing Administration or other federal and state agencies.

(4) (A) The skilled nursing facility, multilevel facility, or continuing care retirement community agrees to accept reimbursement from the health care service plan for covered services at either of the following rates:

(i) The rate applicable to similar skilled nursing coverage for facilities participating in the plan.

(ii) Upon mutual agreement, at a rate negotiated in good faith by the health care service plan or designated agent on an individual, per enrollee, contractual basis.

(B) Reimbursement shall not necessarily be based on actual costs and may be comparable to similar skilled nursing facility reimbursement methods available for other plan contracted facilities available to the individual member.

(b) The health care service plan, or designated agent, shall be required to reimburse the skilled nursing facility, continuing care retirement facility, or multilevel facility at the rate agreed to in paragraph (4) of subdivision (a).

(c) No skilled nursing facility, multilevel facility, or continuing care retirement community shall collect, or attempt to collect, or maintain any action of law, against a subscriber or

enrollee to collect reimbursement owed by the health care service plan for health care services provided pursuant to this section, or for any amount in excess of the payment amount that the facility has agreed to accept in its agreement with the health care service plan.

(d) Reimbursement by the health care service plan or designated agent shall be for those services included in the Medicare risk contract between the health care service plan and enrollee.

(e) Nothing in this section requires a skilled nursing facility, continuing care retirement facility, or multilevel facility to accept as a skilled nursing unit patient anyone other than a resident of the facility.

(f) This section shall apply to a health care service plan contract that is issued, amended, or renewed on or after January 1, 1999.

1367.1. Subdivision (i) of Section 1367 shall apply to transitionally licensed plans only insofar as it relates to contracts entered into, amended, delivered, or renewed in this state on or after October 1, 1977.

1367.2. (a) On and after January 1, 1990, every health care service plan that covers hospital, medical, or surgical expenses on a group basis shall offer coverage for the treatment of alcoholism under such terms and conditions as may be agreed upon between the group subscriber and the health care service plan. Every plan shall communicate the availability of such coverage to all group subscribers and to all prospective group subscribers with whom they are negotiating.

(b) If the group subscriber or policyholder agrees to such coverage or to coverage for treatment of chemical dependency, or nicotine use, the treatment may take place in facilities licensed to provide alcoholism or chemical dependency services under Chapter 2 (commencing with Section 1250) of Division 2.

1367.3. (a) On and after January 1, 1993, every health care service plan that covers hospital, medical, or surgical expenses on a group basis shall offer benefits for the comprehensive preventive care of

children. This section shall apply to children 17 and 18 years of age, except as provided in paragraph (4) of subdivision (b). Every plan shall communicate the availability of these benefits to all group contractholders and to all prospective group contractholders with whom they are negotiating. This section shall apply to a plan which, by rule or order of the director, has been exempted from subdivision (i) of Section 1367, insofar as that section and the rules thereunder relate to the provision of the preventive health care services described herein.

(b) For purposes of this section, benefits for the comprehensive preventive care of children shall comply with both of the following:

(1) Be consistent with both of the following:

(A) The Recommendations for Preventive Pediatric Health Care, as adopted by the American Academy of Pediatrics in September of 1987.

(B) The most current version of the Recommended Childhood Immunization Schedule/United States, jointly adopted by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices, and the American Academy of Family Physicians, unless the State Department of Health Services determines, within 45 days of the published date of the schedule, that the schedule is not consistent with the purposes of this section.

(2) Provide for the following:

(A) Periodic health evaluations.

(B) Immunizations.

(C) Laboratory services in connection with periodic health evaluations.

(D) For health care service plan contracts within the scope of this section that are issued, amended, or renewed on and after January 1, 1993, screening for blood lead levels in children at risk for lead poisoning, as determined by a physician and surgeon affiliated with the plan, when the screening is prescribed by a physician and surgeon affiliated with the plan. This subparagraph shall be applicable to all children and shall not be limited to children 17 and 18 years of age.

1367.35. (a) On and after January 1, 1993, every health care service plan that covers hospital, medical, or surgical expenses on a group basis shall provide benefits for the comprehensive preventive care of children 16 years of age or younger under terms and conditions agreed upon between the group subscriber and the plan.

Every plan shall communicate the availability of these benefits to all group contractholders and to all prospective group contractholders with whom they are negotiating. This section shall apply to each plan that, by rule or order of the director, has been exempted from subdivision (i) of Section 1367, insofar as that section and the rules thereunder relate to the provision of the preventive health care services described in this section.

(b) For purposes of this section, benefits for the comprehensive preventive care of children shall comply with both of the following:

(1) Be consistent with both of the following:

(A) The Recommendations for Preventive Pediatric Health Care, as adopted by the American Academy of Pediatrics in September of 1987.

(B) The most current version of the Recommended Childhood Immunization Schedule/United States, jointly adopted by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices, and the American Academy of Family Physicians, unless the State Department of Health Services determines, within 45 days of the published date of the schedule, that the schedule is not consistent with the purposes of this section.

(2) Provide for all of the following:

(A) Periodic health evaluations.

(B) Immunizations.

(C) Laboratory services in connection with periodic health evaluations.

1367.36. (a) A risk-based contract between a health care service plan and a physician or physician group that is issued, amended, delivered, or renewed in this state on or after January 1, 2001, shall not include a provision that requires a physician or a physician group to assume financial risk for the acquisition costs of required immunizations for children as a condition of accepting the risk-based contract. A physician or physician group shall not be required to assume financial risk for immunizations that are not part of the current contract.

(b) Beginning January 1, 2001, with respect to immunizations for children that are not part of the current contract between a health care service plan and a physician or physician group, the health care service plan shall reimburse a physician or physician group at the lowest of the following, until the contract is renegotiated: (1) the physician's actual acquisition cost, (2) the "average wholesale

price" as published in the Drug Topics Red Book, or (3) the lowest acquisition cost through sources made available to the physician by the health care service plan. Reimbursements shall be made within 45 days of receipt by the plan of documents from the physician demonstrating that the immunizations were performed, consistent with Section 1371 or through an alternative funding mechanism mutually agreed to by the health care service plan and the physician or physician group. The alternative funding mechanism shall be based on reimbursements consistent with this subdivision.

(c) Physicians and physician groups may assume financial risk for providing required immunizations, if the immunizations have experiential data that has been negotiated and agreed upon by the health care service plan and the physician risk-bearing organization. However, a health care service plan shall not require a physician risk-bearing organization to accept financial risk or impose additional risk on a physician risk-bearing organization in violation of subdivision (a).

(d) A health care service plan shall not include the acquisition costs associated with required immunizations for children in the capitation rate of a physician who is individually capitated.

1367.4. No plan issuing, providing, or administering any contract of individual or group coverage providing medical, surgical, or dental expense benefits applied for and issued on or after January 1, 1986, shall refuse to cover, or refuse to continue to cover, or limit the amount, extent, or kind of coverage available to an individual, or charge a different rate for the same coverage solely because of blindness or partial blindness.

"Blindness or partial blindness" means central visual acuity of not more than 20/200 in the better eye, after correction, or visual acuity greater than 20/200 but with a limitation in the fields of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees, certified by a licensed physician and surgeon who specializes in diseases of the eye or a licensed optometrist.

1367.45. (a) Every individual or group health care service plan contract that is issued, amended, or renewed on or after January 1, 2002, that covers hospital, medical, or surgery expenses shall provide coverage for a vaccine for acquired immune deficiency

syndrome (AIDS) that is approved for marketing by the federal Food and Drug Administration and that is recommended by the United States Public Health Service.

(b) This section may not be construed to require a health care service plan to provide coverage for any clinical trials relating to an AIDS vaccine or for any AIDS vaccine that has been approved by the federal Food and Drug Administration in the form of an investigational new drug application.

(c) A health care service plan that contracts directly with an individual provider or provider organization may not delegate the risk adjusted treatment cost of providing services under this section unless the requirements of Section 1375.5 are met.

(d) Nothing in this section is to be construed in any manner to limit or impede a health care service plan's power or responsibility to negotiate the most cost-effective price for vaccine purchases.

(e) Nothing in this section shall be construed to deny or restrict in any way the department's authority to ensure plan compliance with this chapter when a plan provides coverage for prescription drugs.

1367.5. No health care service plan contract that is issued, amended, renewed, or delivered on and after January 1, 2002, shall contain a provision that prohibits or restricts any health facilities' compliance with the requirements of Section 1262.5.

1367.51. (a) Every health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed on or after January 1, 2000, and that covers hospital, medical, or surgical expenses shall include coverage for the following equipment and supplies for the management and treatment of insulin-using diabetes, non-insulin-using diabetes, and gestational diabetes as medically necessary, even if the items are available without a prescription:

(1) Blood glucose monitors and blood glucose testing strips.

(2) Blood glucose monitors designed to assist the visually impaired.

(3) Insulin pumps and all related necessary supplies.

(4) Ketone urine testing strips.

(5) Lancets and lancet puncture devices.

(6) Pen delivery systems for the administration of insulin.

(7) Podiatric devices to prevent or treat diabetes-related complications.

(8) Insulin syringes.

(9) Visual aids, excluding eyewear, to assist the visually impaired with proper dosing of insulin.

(b) Every health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed on or after January 1, 2000, that covers prescription benefits shall include coverage for the following prescription items if the items are determined to be medically necessary:

(1) Insulin.

(2) Prescriptive medications for the treatment of diabetes.

(3) Glucagon.

(c) The copayments and deductibles for the benefits specified in subdivisions (a) and (b) shall not exceed those established for similar benefits within the given plan.

(d) Every plan shall provide coverage for diabetes outpatient self-management training, education, and medical nutrition therapy necessary to enable an enrollee to properly use the equipment, supplies, and medications set forth in subdivisions (a) and (b), and additional diabetes outpatient self-management training, education, and medical nutrition therapy upon the direction or prescription of those services by the enrollee's participating physician. If a plan delegates outpatient self-management training to contracting providers, the plan shall require contracting providers to ensure that diabetes outpatient self-management training, education, and medical nutrition therapy are provided by appropriately licensed or registered health care professionals.

(e) The diabetes outpatient self-management training, education, and medical nutrition therapy services identified in subdivision (d) shall be provided by appropriately licensed or registered health care professionals as prescribed by a participating health care professional legally authorized to prescribe the service. These benefits shall include, but not be limited to, instruction that will enable diabetic patients and their families to gain an understanding of the diabetic disease process, and the daily management of diabetic therapy, in order to thereby avoid frequent hospitalizations and complications.

(f) The copayments for the benefits specified in subdivision (d) shall not exceed those established for physician office visits by the

plan.

(g) Every health care service plan governed by this section shall disclose the benefits covered pursuant to this section in the plan's evidence of coverage and disclosure forms.

(h) A health care service plan may not reduce or eliminate coverage as a result of the requirements of this section.

(i) Nothing in this section shall be construed to deny or restrict in any way the department's authority to ensure plan compliance with this chapter when a plan provides coverage for prescription drugs.

1367.54. Every group health care service plan contract that provides maternity benefits, except for a specialized health care service plan contract, that is issued, amended, renewed, or delivered on or after January 1, 1999, and every individual health care service plan contract of a type and form first offered for sale on or after January 1, 1999, that provides maternity benefits, except a specialized health care service plan contract, shall provide coverage for participation in the Expanded Alpha Feto Protein (AFP) program, which is a statewide prenatal testing program administered by the State Department of Health Services. Notwithstanding any other provision of law, a health care service plan that provides maternity benefits shall not require participation in the statewide prenatal testing program administered by the State Department of Health Services as a prerequisite to eligibility for, or receipt of, any other service.

1367.6. (a) Every health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed on or after January 1, 2000, shall provide coverage for screening for, diagnosis of, and treatment for, breast cancer.

(b) No health care service plan contract shall deny enrollment or coverage to an individual solely due to a family history of breast cancer, or who has had one or more diagnostic procedures for breast disease but has not developed or been diagnosed with breast cancer.

(c) Every health care service plan contract shall cover screening and diagnosis of breast cancer, consistent with generally accepted medical practice and scientific evidence, upon the referral of the enrollee's participating physician.

(d) Treatment for breast cancer under this section shall include

coverage for prosthetic devices or reconstructive surgery to restore and achieve symmetry for the patient incident to a mastectomy. Coverage for prosthetic devices and reconstructive surgery shall be subject to the copayment, or deductible and coinsurance conditions, that are applicable to the mastectomy and all other terms and conditions applicable to other benefits.

(e) As used in this section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician and surgeon.

(f) As used in this section, "prosthetic devices" means the provision of initial and subsequent devices pursuant to an order of the patient's physician and surgeon.

1367.61. Every health care service plan contract which provides for the surgical procedure known as a laryngectomy and which is issued, amended, delivered, or renewed in this state on or after January 1, 1993, shall include coverage for prosthetic devices to restore a method of speaking for the patient incident to the laryngectomy.

Coverage for prosthetic devices shall be subject to the deductible and coinsurance conditions applied to the laryngectomy and all other terms and conditions applicable to other benefits. As used in this section, "laryngectomy" means the removal of all or part of the larynx for medically necessary reasons, as determined by a licensed physician and surgeon.

Any provision in any contract issued, amended, delivered, or renewed in this state on or after January 1, 1993, which is in conflict with this section shall be of no force or effect.

As used in this section, "prosthetic devices" means and includes the provision of initial and subsequent prosthetic devices, including installation accessories, pursuant to an order of the patient's physician and surgeon. "Prosthetic devices" does not include electronic voice producing machines.

1367.62. (a) No health care service plan contract that is issued, amended, renewed, or delivered on or after the effective date of the act adding this section, that provides maternity coverage, shall do any of the following:

(1) Restrict benefits for inpatient hospital care to a time period less than 48 hours following a normal vaginal delivery and less than 96 hours following a delivery by caesarean section. However,

coverage for inpatient hospital care may be for a time period less than 48 or 96 hours if both of the following conditions are met:

(A) The decision to discharge the mother and newborn before the 48- or 96-hour time period is made by the treating physicians in consultation with the mother.

(B) The contract covers a postdischarge followup visit for the mother and newborn within 48 hours of discharge, when prescribed by the treating physician. The visit shall be provided by a licensed health care provider whose scope of practice includes postpartum care and newborn care. The visit shall include, at a minimum, parent education, assistance and training in breast or bottle feeding, and the performance of any necessary maternal or neonatal physical assessments. The treating physician shall disclose to the mother the availability of a postdischarge visit, including an in-home visit, physician office visit, or plan facility visit. The treating physician, in consultation with the mother, shall determine whether the postdischarge visit shall occur at home, the plan's facility, or the treating physician's office after assessment of certain factors. These factors shall include, but not be limited to, the transportation needs of the family, and environmental and social risks.

(2) Reduce or limit the reimbursement of the attending provider for providing care to an individual enrollee in accordance with the coverage requirements.

(3) Provide monetary or other incentives to an attending provider to induce the provider to provide care to an individual enrollee in a manner inconsistent with the coverage requirements.

(4) Deny a mother or her newborn eligibility, or continued eligibility, to enroll or to renew coverage solely to avoid the coverage requirements.

(5) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum coverage requirements.

(6) Restrict inpatient benefits for the second day of hospital care in a manner that is less than favorable to the mother or her newborn than those provided during the preceding portion of the hospital stay.

(7) Require the treating physician to obtain authorization from the health care service plan prior to prescribing any services covered by this section.

(b) (1) Every health care service plan shall include notice of the coverage specified in subdivision (a) in the plan's evidence of coverage for evidences of coverage issued on or after January 1, 1998, and except as specified in paragraph (2), shall provide

additional written notice of this coverage during the course of the enrollee's prenatal care. The contract may require the treating physician or the enrollee's medical group to provide this additional written notice of coverage during the course of the enrollee's prenatal care.

(2) Health care service plans that issue contracts that provide for coverage of the type commonly referred to as "preferred provider organizations" shall provide additional written notice to all females between the ages of 10 and 50 who are covered by those contracts of the coverage under subdivision (a) within 60 days of the effective date of this act. The plan shall provide additional written notice of the coverage specified in subdivision (a) during the course of prenatal care if both of the following conditions are met:

(A) The plan previously notified subscribers that hospital stays for delivery would be inconsistent with the requirement in subparagraph (A) of paragraph (1) of subdivision (a).

(B) The plan received notice, whether by receipt of a claim, a request for preauthorization for pregnancy-related services, or other actual notice that the enrollee is pregnant.

(c) Nothing in this section shall be construed to prohibit a plan from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

1367.63. (a) Every health care service plan contract, except a specialized health care service plan contract, that is issued, amended, renewed, or delivered in this state on or after July 1, 1999, shall cover reconstructive surgery, as defined in subdivision (c), that is necessary to achieve the purposes specified in paragraphs (1) or (2) of subdivision (c). Nothing in this section shall be construed to require a plan to provide coverage for cosmetic surgery, as defined in subdivision (d).

(b) No individual, other than a licensed physician competent to evaluate the specific clinical issues involved in the care requested, may deny initial requests for authorization of coverage for treatment pursuant to this section. For a treatment authorization request submitted by a podiatrist or an oral and maxillofacial surgeon, the request may be reviewed by a similarly licensed individual, competent to evaluate the specific clinical issues involved in the care requested.

(c) "Reconstructive surgery" means surgery performed to correct or repair abnormal structures of the body caused by congenital defects,

developmental abnormalities, trauma, infection, tumors, or disease to do either of the following:

(1) To improve function.

(2) To create a normal appearance, to the extent possible.

(d) "Cosmetic surgery" means surgery that is performed to alter or reshape normal structures of the body in order to improve appearance.

(e) In interpreting the definition of reconstructive surgery, a health care service plan may utilize prior authorization and utilization review that may include, but need not be limited to, any of the following:

(1) Denial of the proposed surgery if there is another more appropriate surgical procedure that will be approved for the enrollee.

(2) Denial of the proposed surgery or surgeries if the procedure or procedures, in accordance with the standard of care as practiced by physicians specializing in reconstructive surgery, offer only a minimal improvement in the appearance of the enrollee.

(3) Denial of payment for procedures performed without prior authorization.

(4) For services provided under the Medi-Cal program (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions **Code**), denial of the proposed surgery if the procedure offers only a minimal improvement in the appearance of the enrollee, as may be defined in any regulations that may be promulgated by the State Department of Health Services.

1367.635. (a) Every health care service plan contract that is issued, amended, renewed, or delivered on or after January 1, 1999, that provides coverage for surgical procedures known as mastectomies and lymph node dissections, shall do all of the following:

(1) Allow the length of a hospital stay associated with those procedures to be determined by the attending physician and surgeon in consultation with the patient, consistent with sound clinical principles and processes. No health care service plan shall require a treating physician and surgeon to receive prior approval from the plan in determining the length of hospital stay following those procedures.

(2) Cover prosthetic devices or reconstructive surgery, including devices or surgery to restore and achieve symmetry for the patient incident to the mastectomy. Coverage for prosthetic devices and

reconstructive surgery shall be subject to the deductible and coinsurance conditions applicable to other benefits.

(3) Cover all complications from a mastectomy, including lymphedema.

(b) As used in this section, all of the following definitions apply:

(1) "Coverage for prosthetic devices or reconstructive surgery" means any initial and subsequent reconstructive surgeries or prosthetic devices, and followup care deemed necessary by the attending physician and surgeon.

(2) "Prosthetic devices" means and includes the provision of initial and subsequent prosthetic devices pursuant to an order of the patient's physician and surgeon.

(3) "Mastectomy" shall have the same meaning as in Section 1367.6.

(4) "To restore and achieve symmetry" means that, in addition to coverage of prosthetic devices and reconstructive surgery for the diseased breast on which the mastectomy was performed, prosthetic devices and reconstructive surgery for a healthy breast is also covered if, in the opinion of the attending physician and surgeon, this surgery is necessary to achieve normal symmetrical appearance.

(c) No individual, other than a licensed physician and surgeon competent to evaluate the specific clinical issues involved in the care requested, may deny requests for authorization of health care services pursuant to this section.

(d) No health care service plan shall do any of the following in providing the coverage described in subdivision (a):

(1) Reduce or limit the reimbursement of the attending provider for providing care to an individual enrollee or subscriber in accordance with the coverage requirements.

(2) Provide monetary or other incentives to an attending provider to induce the provider to provide care to an individual enrollee or subscriber in a manner inconsistent with the coverage requirements.

(3) Provide monetary payments or rebates to an individual enrollee or subscriber to encourage acceptance of less than the coverage requirements.

(e) On or after July 1, 1999, every health care service plan shall include notice of the coverage required by this section in the plan's evidence of coverage.

(f) Nothing in this section shall be construed to limit retrospective utilization review and quality assurance activities by the plan.

1367.64. (a) Every individual or group health care service plan contract, except for a specialized health care service plan contract, that is issued, amended, or renewed on or after January 1, 1999, shall be deemed to provide coverage for the screening and diagnosis of prostate cancer, including, but not limited to, prostate-specific antigen testing and digital rectal examinations, when medically necessary and consistent with good professional practice.

(b) Nothing in this section shall be construed to establish a new mandated benefit or to prevent application of deductible or copayment provisions in a policy or plan, nor shall this section be construed to require that a policy or plan be extended to cover any other procedures under an individual or a group health care service plan contract. Nothing in this section shall be construed to authorize an enrollee to receive the services required to be covered by this section if those services are furnished by a nonparticipating provider, unless the enrollee is referred to that provider by a participating physician or nurse practitioner providing care.

1367.65. (a) On or after January 1, 2000, every health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed shall be deemed to provide coverage for mammography for screening or diagnostic purposes upon referral by a participating nurse practitioner, participating certified nurse midwife, or participating physician, providing care to the patient and operating within the scope of practice provided under existing law.

(b) Nothing in this section shall be construed to prevent application of copayment or deductible provisions in a plan, nor shall this section be construed to require that a plan be extended to cover any other procedures under an individual or a group health care service plan contract. Nothing in this section shall be construed to authorize a plan enrollee to receive the services required to be covered by this section if those services are furnished by a nonparticipating provider, unless the plan enrollee is referred to that provider by a participating physician, nurse practitioner, or certified nurse midwife providing care.

1367.66. Every individual or group health care service plan contract, except for a specialized health care service plan, that is issued, amended, or renewed, on or after January 1, 2002, and that includes coverage for treatment or surgery of cervical cancer shall also be deemed to provide coverage for an annual cervical cancer screening test upon the referral of the patient's physician and surgeon, a nurse practitioner, or certified nurse midwife, providing care to the patient and operating within the scope of practice otherwise permitted for the licensee.

The coverage for an annual cervical cancer screening test provided pursuant to this section shall include the conventional Pap test, a human papillomavirus screening test that is approved by the federal Food and Drug Administration, and the option of any cervical cancer screening test approved by the federal Food and Drug Administration, upon the referral of the patient's health care provider.

Nothing in this section shall be construed to establish a new mandated benefit or to prevent application of deductible or copayment provisions in an existing plan contract. The Legislature intends in this section to provide that cervical cancer screening services are deemed to be covered if the plan contract includes coverage for cervical cancer treatment or surgery.

1367.665. Every individual or group health care service plan contract, except for a specialized health care service plan contract, that is issued, amended, delivered, or renewed on or after July 1, 2000, shall be deemed to provide coverage for all generally medically accepted cancer screening tests, subject to all terms and conditions that would otherwise apply.

1367.67. Every health care service plan contract that provides hospital, medical, or surgical coverage, that is issued, amended, delivered, or renewed in this state on or after January 1, 1994, shall be deemed to include coverage for services related to diagnosis, treatment, and appropriate management of osteoporosis. The services may include, but need not be limited to, all Food and Drug Administration approved technologies, including bone mass measurement technologies as deemed medically appropriate.

1367.68. (a) Any provision in a health care service plan contract entered into, amended, or renewed in this state on or after July 1, 1995, that excludes coverage for any surgical procedure for any condition directly affecting the upper or lower jawbone, or associated bone joints, shall have no force or effect as to any enrollee if that provision results in any failure to provide medically-necessary basic health care services to the enrollee pursuant to the plan's definition of medical necessity.

(b) For purposes of this section, "plan contract" means every plan contract, except a specialized health care service plan contract, that covers hospital, medical, or surgical expenses.

(c) Nothing in this section shall be construed to prohibit a plan from excluding coverage for dental services provided that any exclusion does not result in any failure to provide medically-necessary basic health care services.

1367.69. (a) On or after January 1, 1995, every health care service plan contract that provides hospital, medical, or surgical coverage, that is issued, amended, delivered, or renewed in this state, shall include obstetrician-gynecologists as eligible primary care physicians, provided they meet the plan's eligibility criteria for all specialists seeking primary care physician status.

(b) For purposes of this section, the term "primary care physician" means a physician, as defined in Section 14254 of the Welfare and Institutions **Code**, who has the responsibility for providing initial and primary care to patients, for maintaining the continuity of patient care, and for initiating referral for specialist care. This means providing care for the majority of health care problems, including, but not limited to, preventive services, acute and chronic conditions, and psychosocial issues.

1367.695. (a) The Legislature finds and declares that the unique, private, and personal relationship between women patients and their obstetricians and gynecologists warrants direct access to obstetrical and gynecological physician services.

(b) Commencing January 1, 1999, every health care service plan contract issued, amended, renewed, or delivered in this state, except

a specialized health care service plan, shall allow an enrollee the option to seek obstetrical and gynecological physician services directly from a participating obstetrician and gynecologist or directly from a participating family practice physician and surgeon designated by the plan as providing obstetrical and gynecological services.

(c) In implementing this section, a health care service plan may establish reasonable provisions governing utilization protocols and the use of obstetricians and gynecologists, or family practice physicians and surgeons, as provided for in subdivision (b), participating in the plan network, medical group, or independent practice association, provided that these provisions shall be consistent with the intent of this section and shall be those customarily applied to other physicians and surgeons, such as primary care physicians and surgeons, to whom the enrollee has direct access, and shall not be more restrictive for the provision of obstetrical and gynecological physician services. An enrollee shall not be required to obtain prior approval from another physician, another provider, or the health care service plan prior to obtaining direct access to obstetrical and gynecological physician services, but the plan may establish reasonable requirements for the participating obstetrician and gynecologist or family practice physician and surgeon, as provided for in subdivision (b), to communicate with the enrollee's primary care physician and surgeon regarding the enrollee's condition, treatment, and any need for followup care.

(d) This section shall not be construed to diminish the provisions of Section 1367.69.

(e) The Department of Managed Health Care shall report to the Legislature, on or before January 1, 2000, on the implementation of this section.

1367.7. On and after January 1, 1980, every health care service plan contract that covers hospital, medical, or surgical expenses on a group basis, and which offers maternity coverage in such groups, shall also offer coverage for prenatal diagnosis of genetic disorders of the fetus by means of diagnostic procedures in cases of high-risk pregnancy. Every health care service plan shall communicate the availability of such coverage to all group contract holders and to all groups with whom they are negotiating.

1367.71. (a) Every health care service plan contract, other than a specialized health care service plan contract, that is issued, amended, renewed, or delivered on or after January 1, 2000, shall be deemed to cover general anesthesia and associated facility charges for dental procedures rendered in a hospital or surgery center setting, when the clinical status or underlying medical condition of the patient requires dental procedures that ordinarily would not require general anesthesia to be rendered in a hospital or surgery center setting. The health care service plan may require prior authorization of general anesthesia and associated charges required for dental care procedures in the same manner that prior authorization is required for other covered diseases or conditions.

(b) This section shall apply only to general anesthesia and associated facility charges for only the following enrollees, and only if the enrollees meet the criteria in subdivision (a):

(1) Enrollees who are under seven years of age.

(2) Enrollees who are developmentally disabled, regardless of age.

(3) Enrollees whose health is compromised and for whom general anesthesia is medically necessary, regardless of age.

(c) Nothing in this section shall require the health care service plan to cover any charges for the dental procedure itself, including, but not limited to, the professional fee of the dentist. Coverage for anesthesia and associated facility charges pursuant to this section shall be subject to all other terms and conditions of the plan that apply generally to other benefits.

(d) Nothing in this section shall be construed to allow a health care service plan to deny coverage for basic health care services, as defined in Section 1345.

(e) A health care service plan may include coverage specified in subdivision (a) at any time prior to January 1, 2000.

1367.8. No plan issuing, providing, or administering any individual or group health care service plan entered into, amended, or issued on or after January 1, 1981, shall refuse to cover, or refuse to continue to cover, or limit the amount, extent or kind of coverage available to an individual, or charge a different rate for the same coverage solely because of a physical or mental impairment, except where the refusal, limitation or rate differential is based on sound actuarial principles applied to actual experience, or, if

insufficient actual experience is available, then to sound underwriting practices.

This section shall not apply to a health maintenance organization qualified pursuant to Title XIII of the federal Public Health Service Act if such organization gives public notice 30 days in advance, in a newspaper of general circulation published in the area served by the health maintenance organization, of its open enrollment period required by such act.

1367.9. No health care service plan contract which covers hospital, medical, or surgical expenses shall be issued, amended, delivered, or renewed in this state on or after January 1, 1981, if it contains any exclusion, reduction, or other limitations, as to coverage, deductibles, or coinsurance or copayment provisions applicable solely to conditions attributable to diethylstilbestrol or exposure to diethylstilbestrol.

Any provision in any contract issued, amended, delivered, or renewed in this state on or after January 1, 1981, which is in conflict with this section shall be of no force or effect.

1367.10. (a) Every health care service plan shall include within its disclosure form and within its evidence of coverage a statement clearly describing how participation in the plan may affect the choice of physician, hospital, or other health care providers, the basic method of reimbursement, including the scope and general methods of payment made to its contracting providers of health care services, and whether financial bonuses or any other incentives are used. The disclosure form and evidence of coverage shall indicate that if an enrollee wishes to know more about these issues, the enrollee may request additional information from the health care service plan, the enrollee's provider, or the provider's medical group or independent practice association regarding the information required pursuant to subdivision (b).

(b) If a plan, medical group, independent practice association, or participating health care provider uses or receives financial bonuses or any other incentives, the plan, medical group, independent practice association, or health care provider shall provide a written summary to any person who requests it that includes all of the following:

(1) A general description of the bonus and any other incentive arrangements used in its compensation agreements. Nothing in this section shall be construed to require disclosure of trade secrets or commercial or financial information that is privileged or confidential, such as payment rates, as determined by the director, pursuant to state law.

(2) A description regarding whether, and in what manner, the bonuses and any other incentives are related to a provider's use of referral services.

(c) The statements and written information provided pursuant to subdivisions (a) and (b) shall be communicated in clear and simple language that enables consumers to evaluate and compare health care service plans.

(d) The plan shall clearly inform prospective enrollees that participation in that plan will affect the person's choice of provider by placing the following statement in a conspicuous place on all material required to be given to prospective enrollees including promotional and descriptive material, disclosure forms, and certificates and evidences of coverage:

PLEASE READ THE FOLLOWING INFORMATION SO YOU WILL KNOW FROM WHOM OR WHAT GROUP OF PROVIDERS HEALTH CARE MAY BE OBTAINED

It is not the intent of this section to require that the names of individual health care providers be enumerated to prospective enrollees.

If the health care service plan provides a list of providers to patients or contracting providers, the plan shall include within the provider listing a notification that enrollees may contact the plan in order to obtain a list of the facilities with which the health care service plan is contracting for subacute care and/or transitional inpatient care.

1367.11. (a) Every health care service plan issued, amended, or renewed on or after January 1, 1987, that offers coverage for medical transportation services, shall contain a provision providing for direct reimbursement to any provider of covered medical transportation services if the provider has not received payment for those services from any other source.

(b) Subdivision (a) shall not apply to any transaction between a provider of medical transportation services and a health care service plan if the parties have entered into a contract providing for

direct payment.

(c) For purposes of this subdivision, "direct reimbursement" means the following:

The enrollee shall file a claim for the medical transportation service with the plan; the plan shall pay the medical transportation provider directly; and the medical transportation provider shall not demand payment from the enrollee until having received payment from the plan, at which time the medical transportation provider may demand payment from the enrollee for any unpaid portion of the provider's fee.

1367.12. No health care service plan that administers Medicare coverage and federal employee programs may require that more than one form be submitted per claim in order to receive payment or reimbursement under any or all of those policies or programs.

1367.15. (a) This section shall apply to individual health care service plan contracts and plan contracts sold to employer groups with fewer than two eligible employees as defined in subdivision (b) of Section 1357 covering hospital, medical, or surgical expenses, which is issued, amended, delivered, or renewed on or after January 1, 1994.

(b) As used in this section, "block of business" means individual plan contracts or plan contracts sold to employer groups with fewer than two eligible employees as defined in subdivision (b) of Section 1357, with distinct benefits, services, and terms. A "closed block of business" means a block of business for which a health care service plan ceases to actively offer or sell new plan contracts.

(c) No block of business shall be closed by a health care service plan unless (1) the plan permits an enrollee to receive health care services from any block of business that is not closed and which provides comparable benefits, services, and terms, with no additional underwriting requirement, or (2) the plan pools the experience of the closed block of business with all appropriate blocks of business that are not closed for the purpose of determining the premium rate of any plan contract within the closed block, with no rate penalty or surcharge beyond that which reflects the experience of the combined pool.

(d) A block of business shall be presumed closed if either of the following is applicable:

(1) There has been an overall reduction in that block of 12 percent in the number of in force plan contracts for a period of 12 months.

(2) That block has less than 1,000 enrollees in this state. This presumption shall not apply to a block of business initiated within the previous 24 months, but notification of that block shall be provided to the director pursuant to subdivision (e).

The fact that a block of business does not meet one of the presumptions set forth in this subdivision shall not preclude a determination that it is closed as defined in subdivision (b).

(e) A health care service plan shall notify the director in writing within 30 days of its decision to close a block of business or, in the absence of an actual decision to close a block of business, within 30 days of its determination that a block of business is within the presumption set forth in subdivision (d). When the plan decides to close a block, the written notice shall fully disclose all information necessary to demonstrate compliance with the requirements of subdivision (c). When the plan determines that a block is within the presumption, the written notice shall fully disclose all information necessary to demonstrate that the presumption is applicable. In the case of either notice, the plan shall provide additional information within 15 days after any request of the director.

(f) A health care service plan shall preserve for a period of not less than five years in an identified location and readily accessible for review by the director all books and records relating to any action taken by a plan pursuant to subdivision (c).

(g) No health care service plan shall offer or sell any contract, or provide misleading information about the active or closed status of a block of business, for the purpose of evading this section.

(h) A health care service plan shall bring any blocks of business closed prior to the effective date of this section into compliance with the terms of this section no later than December 31, 1994.

(i) This section shall not apply to health care service plan contracts providing small employer health coverage to individuals or employer groups with fewer than two eligible employees if that coverage is provided pursuant to Article 3.1 (commencing with Section 1357) and, with specific reference to coverage for individuals or employer groups with fewer than two eligible employees, is approved by the director pursuant to Section 1357.15, provided a plan electing to sell coverage pursuant to this subdivision shall do so until such

time as the plan ceases to market coverage to small employers and complies with subdivision (c) of Section 1357.11.

(j) This section shall not apply to coverage of Medicare services pursuant to contracts with the United States government, Medicare supplement, dental, vision, or conversion coverage.

1367.18. (a) Every health care service plan, except a specialized health care service plan, that covers hospital, medical, or surgical expenses on a group basis shall offer coverage for orthotic and prosthetic devices and services under the terms and conditions that may be agreed upon between the group subscriber and the plan. Every plan shall communicate the availability of that coverage to all group contractholders and to all prospective group contractholders with whom they are negotiating. Any coverage for prosthetic devices shall include original and replacement devices, as prescribed by a physician and surgeon or doctor of podiatric medicine acting within the scope of his or her license. Any coverage for orthotic devices shall provide for coverage when the device, including original and replacement devices, is prescribed by a physician and surgeon or doctor of podiatric medicine acting within the scope of his or her license, or is ordered by a licensed health care provider acting within the scope of his or her license. Every plan shall have the right to conduct a utilization review to determine medical necessity prior to authorizing these services.

(b) Notwithstanding subdivision (a), on and after July 1, 2007, the amount of the benefit for orthotic and prosthetic devices and services shall be no less than the annual and lifetime benefit maximums applicable to the basic health care services required to be provided under Section 1367. If the contract does not include any annual or lifetime benefit maximums applicable to basic health care services, the amount of the benefit for orthotic and prosthetic devices and services shall not be subject to an annual or lifetime maximum benefit level. Any copayment, coinsurance, deductible, and maximum out-of-pocket amount applied to the benefit for orthotic and prosthetic devices and services shall be no more than the most common amounts applied to the basic health care services required to be provided under Section 1367.

1367.19. On and after January 1, 1991, every health care service

plan, except a specialized health care service plan, that covers hospital, medical, or surgical expenses on a group basis shall offer coverage as an option for special footwear needed by persons who suffer from foot disfigurement under such terms and conditions as may be agreed upon between the group contract holder and the plan.

As used in this section, foot disfigurement shall include, but not be limited to, disfigurement from cerebral palsy, arthritis, polio, spinabifida, diabetes, and foot disfigurement caused by accident or developmental disability.

1367.20. Every health care service plan that provides prescription drug benefits and maintains one or more drug formularies shall provide to members of the public, upon request, a copy of the most current list of prescription drugs on the formulary of the plan by major therapeutic category, with an indication of whether any drugs on the list are preferred over other listed drugs. If the health care service plan maintains more than one formulary, the plan shall notify the requester that a choice of formulary lists is available.

1367.20. Every health care service plan that provides prescription drug benefits and maintains one or more drug formularies shall provide to members of the public, upon request, a copy of the most current list of prescription drugs on the formulary of the plan by major therapeutic category, with an indication of whether any drugs on the list are preferred over other listed drugs. If the health care service plan maintains more than one formulary, the plan shall notify the requester that a choice of formulary lists is available.

1367.21. (a) No health care service plan contract which covers prescription drug benefits shall be issued, amended, delivered, or renewed in this state if the plan limits or excludes coverage for a drug on the basis that the drug is prescribed for a use that is different from the use for which that drug has been approved for marketing by the federal Food and Drug Administration (FDA), provided that all of the following conditions have been met:

(1) The drug is approved by the FDA.

(2) (A) The drug is prescribed by a participating licensed health care professional for the treatment of a life-threatening condition;

or

(B) The drug is prescribed by a participating licensed health care professional for the treatment of a chronic and seriously debilitating condition, the drug is medically necessary to treat that condition, and the drug is on the plan formulary. If the drug is not on the plan formulary, the participating subscriber's request shall be considered pursuant to the process required by Section 1367.24.

(3) The drug has been recognized for treatment of that condition by one of the following:

(A) The American Medical Association Drug Evaluations.

(B) The American Hospital Formulary Service Drug Information.

(C) The United States Pharmacopoeia Dispensing Information, Volume 1, "Drug Information for the Health Care Professional."

(D) Two articles from major peer reviewed medical journals that present data supporting the proposed off-label use or uses as generally safe and effective unless there is clear and convincing contradictory evidence presented in a major peer reviewed medical journal.

(b) It shall be the responsibility of the participating prescriber to submit to the plan documentation supporting compliance with the requirements of subdivision (a), if requested by the plan.

(c) Any coverage required by this section shall also include medically necessary services associated with the administration of a drug, subject to the conditions of the contract.

(d) For purposes of this section, "life-threatening" means either or both of the following:

(1) Diseases or conditions where the likelihood of death is high unless the course of the disease is interrupted.

(2) Diseases or conditions with potentially fatal outcomes, where the end point of clinical intervention is survival.

(e) For purposes of this section, "chronic and seriously debilitating" means diseases or conditions that require ongoing treatment to maintain remission or prevent deterioration and cause significant long-term morbidity.

(f) The provision of drugs and services when required by this section shall not, in itself, give rise to liability on the part of the plan.

(g) Nothing in this section shall be construed to prohibit the use of a formulary, copayment, technology assessment panel, or similar mechanism as a means for appropriately controlling the utilization of a drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the FDA.

(h) If a plan denies coverage pursuant to this section on the basis that its use is experimental or investigational, that decision is subject to review under Section 1370.4.

(i) Health care service plan contracts for the delivery of Medi-Cal services under the Waxman-Duffy Prepaid Health Plan Act (Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions **Code**) are exempt from the requirements of this section.

1367.215. (a) Every health care service plan contract that covers prescription drug benefits shall provide coverage for appropriately prescribed pain management medications for terminally ill patients when medically necessary. The plan shall approve or deny the request by the provider for authorization of coverage for an enrollee who has been determined to be terminally ill in a timely fashion, appropriate for the nature of the enrollee's condition, not to exceed 72 hours of the plan's receipt of the information requested by the plan to make the decision. If the request is denied or if additional information is required, the plan shall contact the provider within one working day of the determination, with an explanation of the reason for the denial or the need for additional information. The requested treatment shall be deemed authorized as of the expiration of the applicable timeframe. The provider shall contact the plan within one business day of proceeding with the deemed authorized treatment, to do all of the following:

(1) Confirm that the timeframe has expired.

(2) Provide enrollee identification.

(3) Notify the plan of the provider or providers performing the treatment.

(4) Notify the plan of the facility or location where the treatment was rendered.

(b) This section does not apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the federal Food and Drug Administration. Coverage for different-use drugs is subject to Section 1367.21.

(c) Nothing in this section shall be construed to deny or restrict in any way the department's authority to ensure plan compliance with this chapter when a plan provides coverage for prescription drugs.

1367.22. (a) A health care service plan contract, issued, amended, or renewed on or after July 1, 1999, that covers prescription drug benefits shall not limit or exclude coverage for a drug for an enrollee if the drug previously had been approved for coverage by the plan for a medical condition of the enrollee and the plan's prescribing provider continues to prescribe the drug for the medical condition, provided that the drug is appropriately prescribed and is considered safe and effective for treating the enrollee's medical condition. Nothing in this section shall preclude the prescribing provider from prescribing another drug covered by the plan that is medically appropriate for the enrollee, nor shall anything in this section be construed to prohibit generic drug substitutions as authorized by Section 4073 of the Business and Professions **Code**. For purposes of this section, a prescribing provider shall include a provider authorized to write a prescription, pursuant to subdivision (a) of Section 4059 of the Business and Professions **Code**, to treat a medical condition of an enrollee.

(b) This section does not apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the federal Food and Drug Administration. Coverage for different-use drugs is subject to Section 1367.21.

(c) This section shall not be construed to restrict or impair the application of any other provision of this chapter, including, but not limited to, Section 1367, which includes among its requirements that plans furnish services in a manner providing continuity of care and demonstrate that medical decisions are rendered by qualified medical providers unhindered by fiscal and administrative management.

(d) This section does not prohibit a health care service plan from charging a subscriber or enrollee a copayment or a deductible for prescription drug benefits or from setting forth, by contract, limitations on maximum coverage of prescription drug benefits, provided that the copayments, deductibles, or limitations are reported to, and held unobjectionable by, the director and set forth to the subscriber or enrollee pursuant to the disclosure provisions of Section 1363.

1367.23. (a) On and after January 1, 1994, every group health care service plan contract, which is issued, amended, or renewed, shall

include a provision requiring the health care service plan to notify the group contractholders in writing of the cancellation of the plan contract and shall include in their contract with group contractholders a provision requiring the group contractholder to mail promptly to each subscriber a legible, true copy of any notice of cancellation of the plan contract which may be received from the plan and to provide promptly to the plan proof of that mailing and the date thereof.

(b) The notice of cancellation from the group contractholder to the subscriber required by subdivision (a) shall include information regarding the conversion rights of persons covered under the plan contract upon termination of the plan contract. This information shall be in clear and easily understandable language.

1367.24. (a) Every health care service plan that provides prescription drug benefits shall maintain an expeditious process by which prescribing providers may obtain authorization for a medically necessary nonformulary prescription drug. On or before July 1, 1999, every health care service plan that provides prescription drug benefits shall file with the department a description of its process, including timelines, for responding to authorization requests for nonformulary drugs. Any changes to this process shall be filed with the department pursuant to Section 1352. Each plan shall provide a written description of its most current process, including timelines, to its prescribing providers. For purposes of this section, a prescribing provider shall include a provider authorized to write a prescription, pursuant to subdivision (a) of Section 4040 of the Business and Professions **Code**, to treat a medical condition of an enrollee.

(b) Any plan that disapproves a request made pursuant to subdivision (a) by a prescribing provider to obtain authorization for a nonformulary drug shall provide the reasons for the disapproval in a notice provided to the enrollee. The notice shall indicate that the enrollee may file a grievance with the plan if the enrollee objects to the disapproval, including any alternative drug or treatment offered by the plan. The notice shall comply with subdivision (b) of Section **1368**.02.

(c) The process described in subdivision (a) by which prescribing providers may obtain authorization for medically necessary nonformulary drugs shall not apply to a nonformulary drug that has been prescribed for an enrollee in conformance with the provisions of

Section 1367.22.

(d) The process described in subdivision (a) by which enrollees may obtain medically necessary nonformulary drugs, including specified timelines for responding to prescribing provider authorization requests, shall be described in evidence of coverage and disclosure forms, as required by subdivision (a) of Section 1363, issued on or after July 1, 1999.

(e) Every health care service plan that provides prescription drug benefits shall maintain, as part of its books and records under Section 1381, all of the following information, which shall be made available to the director upon request:

(1) The complete drug formulary or formularies of the plan, if the plan maintains a formulary, including a list of the prescription drugs on the formulary of the plan by major therapeutic category with an indication of whether any drugs are preferred over other drugs.

(2) Records developed by the pharmacy and therapeutic committee of the plan, or by others responsible for developing, modifying, and overseeing formularies, including medical groups, individual practice associations, and contracting pharmaceutical benefit management companies, used to guide the drugs prescribed for the enrollees of the plan, that fully describe the reasoning behind formulary decisions.

(3) Any plan arrangements with prescribing providers, medical groups, individual practice associations, pharmacists, contracting pharmaceutical benefit management companies, or other entities that are associated with activities of the plan to encourage formulary compliance or otherwise manage prescription drug benefits.

(f) If a plan provides prescription drug benefits, the department shall, as part of its periodic onsite medical survey of each plan undertaken pursuant to Section 1380, review the performance of the plan in providing those benefits, including, but not limited to, a review of the procedures and information maintained pursuant to this section, and describe the performance of the plan as part of its report issued pursuant to Section 1380.

(g) The director shall not publicly disclose any information reviewed pursuant to this section that is determined by the director to be confidential pursuant to state law.

(h) For purposes of this section, "authorization" means approval by the health care service plan to provide payment for the prescription drug.

(i) Nonformulary prescription drugs shall include any drug for which an enrollee's copayment or out-of-pocket costs are different than the copayment for a formulary prescription drug, except as

otherwise provided by law or regulation or in cases in which the drug has been excluded in the plan contract pursuant to Section 1342.7.

(j) Nothing in this section shall be construed to restrict or impair the application of any other provision of this chapter, including, but not limited to, Section 1367, which includes among its requirements that a health care service plan furnish services in a manner providing continuity of care and demonstrate that medical decisions are rendered by qualified medical providers unhindered by fiscal and administrative management.

1367.25. (a) Every group health care service plan contract, except for a specialized health care service plan contract, that is issued, amended, renewed, or delivered on or after January 1, 2000, and every individual health care service plan contract that is amended, renewed, or delivered on or after January 1, 2000, except for a specialized health care service plan contract, shall provide coverage for the following, under general terms and conditions applicable to all benefits:

(1) A health care service plan contract that provides coverage for outpatient prescription drug benefits shall include coverage for a variety of federal Food and Drug Administration approved prescription contraceptive methods designated by the plan. In the event the patient's participating provider, acting within his or her scope of practice, determines that none of the methods designated by the plan is medically appropriate for the patient's medical or personal history, the plan shall also provide coverage for another federal Food and Drug Administration approved, medically appropriate prescription contraceptive method prescribed by the patient's provider.

(2) Outpatient prescription benefits for an enrollee shall be the same for an enrollee's covered spouse and covered nonspouse dependents.

(b) Notwithstanding any other provision of this section, a religious employer may request a health care service plan contract without coverage for federal Food and Drug Administration approved contraceptive methods that are contrary to the religious employer's religious tenets. If so requested, a health care service plan contract shall be provided without coverage for contraceptive methods.

(1) For purposes of this section, a "religious employer" is an entity for which each of the following is true:

(A) The inculcation of religious values is the purpose of the

entity.

(B) The entity primarily employs persons who share the religious tenets of the entity.

(C) The entity serves primarily persons who share the religious tenets of the entity.

(D) The entity is a nonprofit organization as described in Section 6033(a)(2)(A)i or iii, of the Internal Revenue **Code** of 1986, as amended.

(2) Every religious employer that invokes the exemption provided under this section shall provide written notice to prospective enrollees prior to enrollment with the plan, listing the contraceptive health care services the employer refuses to cover for religious reasons.

(c) Nothing in this section shall be construed to exclude coverage for prescription contraceptive supplies ordered by a health care provider with prescriptive authority for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for prescription contraception that is necessary to preserve the life or health of an enrollee.

(d) Nothing in this section shall be construed to deny or restrict in any way the department's authority to ensure plan compliance with this chapter when a plan provides coverage for prescription drugs.

(e) Nothing in this section shall be construed to require an individual or group health care service plan to cover experimental or investigational treatments.

1367.26. (a) A health care service plan shall provide, upon request, a list of the following contracting providers, within the enrollee's or prospective enrollee's general geographic area:

(1) Primary care providers.

(2) Medical groups.

(3) Independent practice associations.

(4) Hospitals.

(5) All other available contracting physicians, psychologists, acupuncturists, optometrists, podiatrists, chiropractors, licensed clinical social workers, marriage and family therapists, and nurse midwives to the extent their services may be accessed and are covered through the contract with the plan.

(b) This list shall indicate which providers have notified the plan that they have closed practices or are otherwise not accepting new patients at that time.

(c) The list shall indicate that it is subject to change without notice and shall provide a telephone number that enrollees can contact to obtain information regarding a particular provider. This information shall include whether or not that provider has indicated that he or she is accepting new patients.

(d) A health care service plan shall provide this information in written form to its enrollees or prospective enrollees upon request. A plan may, with the permission of the enrollee, satisfy the requirements of this section by directing the enrollee or prospective enrollee to the plan's provider listings on its website. Plans shall ensure that the information provided is updated at least quarterly. A plan may satisfy this update requirement by providing an insert or addendum to any existing provider listing. This requirement shall not mandate a complete republishing of a plan's provider directory.

(e) Each plan shall make information available, upon request, concerning a contracting provider's professional degree, board certifications and any recognized subspeciality qualifications a specialist may have.

(f) Nothing in this section shall prohibit a plan from requiring its contracting providers, contracting provider groups, or contracting specialized health care plans to satisfy these requirements. If a plan delegates the responsibility of complying with this section to its contracting providers, contracting provider groups, or contracting specialized health care plans, the plan shall ensure that the requirements of this section are met.

(g) Every health care service plan shall allow enrollees to request the information required by this section through their toll-free telephone number or in writing.

1368. (a) Every plan shall do all of the following:

(1) Establish and maintain a grievance system approved by the department under which enrollees may submit their grievances to the plan. Each system shall provide reasonable procedures in accordance with department regulations that shall ensure adequate consideration of enrollee grievances and rectification when appropriate.

(2) Inform its subscribers and enrollees upon enrollment in the plan and annually thereafter of the procedure for processing and resolving grievances. The information shall include the location and telephone number where grievances may be submitted.

(3) Provide forms for grievances to be given to subscribers and

enrollees who wish to register written grievances. The forms used by plans licensed pursuant to Section 1353 shall be approved by the director in advance as to format.

(4) (A) Provide for a written acknowledgment within five calendar days of the receipt of a grievance, except as noted in subparagraph (B). The acknowledgment shall advise the complainant of the following:

(i) That the grievance has been received.

(ii) The date of receipt.

(iii) The name of the plan representative and the telephone number and address of the plan representative who may be contacted about the grievance.

(B) Grievances received by telephone, by facsimile, by e-mail, or online through the plan's Web site pursuant to Section **1368**.015, that are not coverage disputes, disputed health care services involving medical necessity, or experimental or investigational treatment and that are resolved by the next business day following receipt are exempt from the requirements of subparagraph (A) and paragraph (5). The plan shall maintain a log of all these grievances. The log shall be periodically reviewed by the plan and shall include the following information for each complaint:

(i) The date of the call.

(ii) The name of the complainant.

(iii) The complainant's member identification number.

(iv) The nature of the grievance.

(v) The nature of the resolution.

(vi) The name of the plan representative who took the call and resolved the grievance.

(5) Provide subscribers and enrollees with written responses to grievances, with a clear and concise explanation of the reasons for the plan's response. For grievances involving the delay, denial, or modification of health care services, the plan response shall describe the criteria used and the clinical reasons for its decision, including all criteria and clinical reasons related to medical necessity. If a plan, or one of its contracting providers, issues a decision delaying, denying, or modifying health care services based in whole or in part on a finding that the proposed health care services are not a covered benefit under the contract that applies to the enrollee, the decision shall clearly specify the provisions in the contract that exclude that coverage.

(6) Keep in its files all copies of grievances, and the responses thereto, for a period of five years.

(b) (1) (A) After either completing the grievance process

described in subdivision (a), or participating in the process for at least 30 days, a subscriber or enrollee may submit the grievance to the department for review. In any case determined by the department to be a case involving an imminent and serious threat to the health of the patient, including, but not limited to, severe pain, the potential loss of life, limb, or major bodily function, or in any other case where the department determines that an earlier review is warranted, a subscriber or enrollee shall not be required to complete the grievance process or to participate in the process for at least 30 days before submitting a grievance to the department for review.

(B) A grievance may be submitted to the department for review and resolution prior to any arbitration.

(C) Notwithstanding subparagraphs (A) and (B), the department may refer any grievance that does not pertain to compliance with this chapter to the State Department of Health Services, the California Department of Aging, the federal Health Care Financing Administration, or any other appropriate governmental entity for investigation and resolution.

(2) If the subscriber or enrollee is a minor, or is incompetent or incapacitated, the parent, guardian, conservator, relative, or other designee of the subscriber or enrollee, as appropriate, may submit the grievance to the department as the agent of the subscriber or enrollee. Further, a provider may join with, or otherwise assist, a subscriber or enrollee, or the agent, to submit the grievance to the department. In addition, following submission of the grievance to the department, the subscriber or enrollee, or the agent, may authorize the provider to assist, including advocating on behalf of the subscriber or enrollee. For purposes of this section, a "relative" includes the parent, stepparent, spouse, adult son or daughter, grandparent, brother, sister, uncle, or aunt of the subscriber or enrollee.

(3) The department shall review the written documents submitted with the subscriber's or the enrollee's request for review, or submitted by the agent on behalf of the subscriber or enrollee. The department may ask for additional information, and may hold an informal meeting with the involved parties, including providers who have joined in submitting the grievance or who are otherwise assisting or advocating on behalf of the subscriber or enrollee. If after reviewing the record, the department concludes that the grievance, in whole or in part, is eligible for review under the independent medical review system established pursuant to Article 5.55 (commencing with Section 1374.30), the department shall immediately notify the subscriber or enrollee, or agent, of that

option and shall, if requested orally or in writing, assist the subscriber or enrollee in participating in the independent medical review system.

(4) If after reviewing the record of a grievance, the department concludes that a health care service eligible for coverage and payment under a health care service plan contract has been delayed, denied, or modified by a plan, or by one of its contracting providers, in whole or in part due to a determination that the service is not medically necessary, and that determination was not communicated to the enrollee in writing along with a notice of the enrollee's potential right to participate in the independent medical review system, as required by this chapter, the director shall, by order, assess administrative penalties. A proceeding for the issuance of an order assessing administrative penalties shall be subject to appropriate notice of, and the opportunity for, a hearing with regard to the person affected in accordance with Section 1397. The administrative penalties shall not be deemed an exclusive remedy available to the director. These penalties shall be paid to the State Managed Care Fund.

(5) The department shall send a written notice of the final disposition of the grievance, and the reasons therefor, to the subscriber or enrollee, the agent, to any provider that has joined with or is otherwise assisting the subscriber or enrollee, and to the plan, within 30 calendar days of receipt of the request for review unless the director, in his or her discretion, determines that additional time is reasonably necessary to fully and fairly evaluate the relevant grievance. In any case not eligible for the independent medical review system established pursuant to Article 5.55 (commencing with Section 1374.30), the department's written notice shall include, at a minimum, the following:

(A) A summary of its findings and the reasons why the department found the plan to be, or not to be, in compliance with any applicable laws, regulations, or orders of the director.

(B) A discussion of the department's contact with any medical provider, or any other independent expert relied on by the department, along with a summary of the views and qualifications of that provider or expert.

(C) If the enrollee's grievance is sustained in whole or part, information about any corrective action taken.

(6) In any department review of a grievance involving a disputed health care service, as defined in subdivision (b) of Section 1374.30, that is not eligible for the independent medical review system established pursuant to Article 5.55 (commencing with Section

1374.30), in which the department finds that the plan has delayed, denied, or modified health care services that are medically necessary, based on the specific medical circumstances of the enrollee, and those services are a covered benefit under the terms and conditions of the health care service plan contract, the department's written notice shall do either of the following:

(A) Order the plan to promptly offer and provide those health care services to the enrollee.

(B) Order the plan to promptly reimburse the enrollee for any reasonable costs associated with urgent care or emergency services, or other extraordinary and compelling health care services, when the department finds that the enrollee's decision to secure those services outside of the plan network was reasonable under the circumstances.

The department's order shall be binding on the plan.

(7) Distribution of the written notice shall not be deemed a waiver of any exemption or privilege under existing law, including, but not limited to, Section 6254.5 of the Government **Code**, for any information in connection with and including the written notice, nor shall any person employed or in any way retained by the department be required to testify as to that information or notice.

(8) The director shall establish and maintain a system of aging of grievances that are pending and unresolved for 30 days or more that shall include a brief explanation of the reasons each grievance is pending and unresolved for 30 days or more.

(9) A subscriber or enrollee, or the agent acting on behalf of a subscriber or enrollee, may also request voluntary mediation with the plan prior to exercising the right to submit a grievance to the department. The use of mediation services shall not preclude the right to submit a grievance to the department upon completion of mediation. In order to initiate mediation, the subscriber or enrollee, or the agent acting on behalf of the subscriber or enrollee, and the plan shall voluntarily agree to mediation. Expenses for mediation shall be borne equally by both sides. The department shall have no administrative or enforcement responsibilities in connection with the voluntary mediation process authorized by this paragraph.

(c) The plan's grievance system shall include a system of aging of grievances that are pending and unresolved for 30 days or more. The plan shall provide a quarterly report to the director of grievances pending and unresolved for 30 or more days with separate categories of grievances for Medicare enrollees and Medi-Cal enrollees. The plan shall include with the report a brief explanation of the reasons

each grievance is pending and unresolved for 30 days or more. The plan may include the following statement in the quarterly report that is made available to the public by the director:
"Under Medicare and Medi-Cal law, Medicare enrollees and Medi-Cal enrollees each have separate avenues of appeal that are not available to other enrollees. Therefore, grievances pending and unresolved may reflect enrollees pursuing their Medicare or Medi-Cal appeal rights."
If requested by a plan, the director shall include this statement in a written report made available to the public and prepared by the director that describes or compares grievances that are pending and unresolved with the plan for 30 days or more. Additionally, the director shall, if requested by a plan, append to that written report a brief explanation, provided in writing by the plan, of the reasons why grievances described in that written report are pending and unresolved for 30 days or more. The director shall not be required to include a statement or append a brief explanation to a written report that the director is required to prepare under this chapter, including Sections 1380 and 1397.5.

(d) Subject to subparagraph (C) of paragraph (1) of subdivision (b), the grievance or resolution procedures authorized by this section shall be in addition to any other procedures that may be available to any person, and failure to pursue, exhaust, or engage in the procedures described in this section shall not preclude the use of any other remedy provided by law.

(e) Nothing in this section shall be construed to allow the submission to the department of any provider grievance under this section. However, as part of a provider's duty to advocate for medically appropriate health care for his or her patients pursuant to Sections 510 and 2056 of the Business and Professions **Code**, nothing in this subdivision shall be construed to prohibit a provider from contacting and informing the department about any concerns he or she has regarding compliance with or enforcement of this chapter.

1368.01. (a) The grievance system shall require the plan to resolve grievances within 30 days.

(b) The grievance system shall include a requirement for expedited plan review of grievances for cases involving an imminent and serious threat to the health of the patient, including, but not limited to, severe pain, potential loss of life, limb, or major

bodily function. When the plan has notice of a case requiring expedited review, the grievance system shall require the plan to immediately inform enrollees and subscribers in writing of their right to notify the department of the grievance. The grievance system shall also require the plan to provide enrollees, subscribers, and the department with a written statement on the disposition or pending status of the grievance no later than three days from receipt of the grievance. Paragraph (4) of subdivision (a) of Section **1368** shall not apply to grievances handled pursuant to this section.

1368.015. (a) Effective July 1, 2003, every plan with a Web site shall provide an online form through its Web site that subscribers or enrollees can use to file with the plan a grievance, as described in Section **1368**, online.

(b) The Web site shall have an easily accessible online grievance submission procedure that shall be accessible through a hyperlink on the Web site's home page or member services portal clearly identified as "GRIEVANCE FORM." All information submitted through this process shall be processed through a secure server.

(c) The online grievance submission process shall be approved by the Department of Managed Health Care and shall meet the following requirements:

(1) It shall utilize an online grievance form in HTML format that allows the user to enter required information directly into the form.

(2) It shall allow the subscriber or enrollee to preview the grievance that will be submitted, including the opportunity to edit the form prior to submittal.

(3) It shall include a current hyperlink to the California Department of Managed Health Care Web site, and shall include a statement in a legible font that is clearly distinguishable from other content on the page and is in a legible size and type, containing the following language:

"The California Department of Managed Health Care is responsible for regulating health care service plans. If you have a grievance against your health plan, you should first telephone your health plan at (insert health plan's telephone number) and use your health plan's grievance process before contacting the department. Utilizing this grievance procedure does not prohibit any potential legal rights or remedies that may be available to you. If you need help with a grievance involving an emergency, a grievance that has not been

satisfactorily resolved by your health plan, or a grievance that has remained unresolved for more than 30 days, you may call the department for assistance. You may also be eligible for an Independent Medical Review (IMR). If you are eligible for IMR, the IMR process will provide an impartial review of medical decisions made by a health plan related to the medical necessity of a proposed service or treatment, coverage decisions for treatments that are experimental or investigational in nature and payment disputes for emergency or urgent medical services. The department also has a toll-free telephone number (1-888-HMO-2219) and a TDD line (1-877-688-9891) for the hearing and speech impaired. The department's Internet Web site http://www.hmohelp.ca.gov has complaint forms, IMR application forms and instructions online."

The plan shall update the URL, hyperlink, and telephone numbers in this statement as necessary.

(d) A plan that utilizes a hardware system that does not have the minimum system requirements to support the software necessary to meet the requirements of this section is exempt from these requirements until January 1, 2006.

(e) For purposes of this section, the following terms shall have the following meanings:

(1) "Homepage" means the first page or welcome page of a Web site that serves as a starting point for navigation of the Web site.

(2) "HTML" means Hypertext Markup Language, the authoring language used to create documents on the World Wide Web, which defines the structure and layout of a Web document.

(3) "Hyperlink" means a special HTML **code** that allows text or graphics to serve as a link that, when clicked on, takes a user to another place in the same document, to another document, or to another Web site or Web page.

(4) "Member services portal" means the first page or welcome page of a Web site that can be reached directly by the Web site's homepage and that serves as a starting point for a navigation of member services available on the Web site.

(5) "Secure server" means an Internet connection to a Web site that encrypts and decrypts transmissions, protecting them against third-party tampering and allowing for the secure transfer of data.

(6) "URL" or "Uniform Resource Locator" means the address of a Web site or the location of a resource on the World Wide Web that allows a browser to locate and retrieve the Web site or the resource.

(7) "Web site" means a site or location on the World Wide Web.

(f) Every health care service plan, except a plan that primarily serves Medi-Cal or Healthy Families Program enrollees, shall maintain

a Web site.

1368.02. (a) The director shall establish and maintain a toll-free telephone number for the purpose of receiving complaints regarding health care service plans regulated by the director.

(b) Every health care service plan shall publish the department's toll-free telephone number, the department's TDD line for the hearing and speech impaired, the plan's telephone number, and the department's Internet address, on every plan contract, on every evidence of coverage, on copies of plan grievance procedures, on plan complaint forms, and on all written notices to enrollees required under the grievance process of the plan, including any written communications to an enrollee that offer the enrollee the opportunity to participate in the grievance process of the plan and on all written responses to grievances. The department's telephone number, the department's TDD line, the plan's telephone number, and the department's Internet address shall be displayed by the plan in each of these documents in 12-point boldface type in the following regular type statement:

"The California Department of Managed Health Care is responsible for regulating health care service plans. If you have a grievance against your health plan, you should first telephone your health plan at (insert health plan's telephone number) and use your health plan's grievance process before contacting the department. Utilizing this grievance procedure does not prohibit any potential legal rights or remedies that may be available to you. If you need help with a grievance involving an emergency, a grievance that has not been satisfactorily resolved by your health plan, or a grievance that has remained unresolved for more than 30 days, you may call the department for assistance. You may also be eligible for an Independent Medical Review (IMR). If you are eligible for IMR, the IMR process will provide an impartial review of medical decisions made by a health plan related to the medical necessity of a proposed service or treatment, coverage decisions for treatments that are experimental or investigational in nature and payment disputes for emergency or urgent medical services. The department also has a toll-free telephone number (1-888-HMO-2219) and a TDD line (1-877-688-9891) for the hearing and speech impaired. The department's Internet Web site http://www.hmohelp.ca.gov has complaint forms, IMR application forms and instructions online."

(c) (1) There is within the department an Office of Patient Advocate, which shall be known and may be cited as the Gallegos-Rosenthal Patient Advocate Program, to represent the interests of enrollees served by health care service plans regulated by the department. The goal of the office shall be to help enrollees secure health care services to which they are entitled under the laws administered by the department.

(2) The office shall be headed by a patient advocate recommended to the Governor by the Secretary of the Business, Transportation and Housing Agency. The patient advocate shall be appointed by and serve at the pleasure of the Governor.

(3) The duties of the office shall be determined by the secretary, in consultation with the director, and shall include, but not be limited to:

(A) Developing educational and informational guides for consumers describing enrollee rights and responsibilities, and informing enrollees on effective ways to exercise their rights to secure health care services. The guides shall be easy to read and understand, available in English and other languages, and shall be made available to the public by the department, including access on the department's Internet Web site and through public outreach and educational programs.

(B) Compiling an annual publication, to be made available on the department's Internet Web site, of a quality of care report card, including, but not limited to, health care service plans.

(C) Rendering advice and assistance to enrollees regarding procedures, rights, and responsibilities related to the use of health care service plan grievance systems, the department's system for reviewing unresolved grievances, and the independent review process.

(D) Making referrals within the department regarding studies, investigations, audits, or enforcement that may be appropriate to protect the interests of enrollees.

(E) Coordinating and working with other government and nongovernment patient assistance programs and health care ombudsperson programs.

(4) The director, in consultation with the patient advocate, shall provide for the assignment of personnel to the office. The department may employ or contract with experts when necessary to carry out functions of the office. The annual budget for the office shall be separately identified in the annual budget request of the department.

(5) The office shall have access to department records including,

but not limited to, information related to health care service plan audits, surveys, and enrollee grievances. The department shall assist the office in compelling the production and disclosure of any information the office deems necessary to perform its duties, from entities regulated by the department, if the information is determined by the department's legal counsel to be subject, under existing law, to production or disclosure to the department.

(6) The patient advocate shall annually issue a public report on the activities of the office, and shall appear before the appropriate policy and fiscal committees of the Senate and Assembly, if requested, to report and make recommendations on the activities of the office.

1368.03. (a) The department may require enrollees and subscribers to participate in a plan's grievance process for up to 30 days before pursuing a grievance through the department or the independent medical review system. However, the department may not impose this waiting period for expedited review cases covered by subdivision (b) of Section **1368**.01 or in any other case where the department determines that an earlier review is warranted.

(b) Notwithstanding subdivision (a), the department may refer any grievance issue that does not pertain to compliance with this chapter to the State Department of Health Services, the California Department of Aging, the federal Health Care Financing Administration, or any other appropriate governmental entity for investigation and resolution.

(c) This section shall become operative on January 1, 2001, and then only if Assembly Bill 55 of the 1999-2000 Regular Session is enacted.

1368.04. (a) The director shall investigate and take enforcement action against plans regarding grievances reviewed and found by the department to involve noncompliance with the requirements of this chapter, including grievances that have been reviewed pursuant to the independent medical review system established pursuant to Article 5.55 (commencing with Section 1374.30). Where substantial harm to an enrollee has occurred as a result of plan noncompliance, the director shall, by order, assess administrative penalties subject to appropriate notice of, and the opportunity for, a hearing with regard to the person affected in accordance with Section 1397. The administrative penalties shall not be deemed an exclusive remedy

available to the director. These penalties shall be paid to the State Managed Care Fund. The director shall periodically evaluate grievances to determine if any audit, investigative, or enforcement actions should be undertaken by the department.

(b) The director may, after appropriate notice and opportunity for hearing in accordance with Section 1397, by order, assess administrative penalties if the director determines that a health care service plan has knowingly committed, or has performed with a frequency that indicates a general business practice, either of the following:

(1) Repeated failure to act promptly and reasonably to investigate and resolve grievances in accordance with Section **1368**.01.

(2) Repeated failure to act promptly and reasonably to resolve grievances when the obligation of the plan to the enrollee or subscriber is reasonably clear.

(c) The administrative penalties available to the director pursuant to this section are not exclusive, and may be sought and employed in any combination with civil, criminal, and other administrative remedies deemed warranted by the director to enforce this chapter.

(d) The administrative penalties authorized pursuant to this section shall be paid to the State Managed Care Fund.

1368.1. (a) A plan that denies coverage to an enrollee with a terminal illness, which for the purposes of this section refers to an incurable or irreversible condition that has a high probability of causing death within one year or less, for treatment, services, or supplies deemed experimental, as recommended by a participating plan provider, shall provide to the enrollee within five business days all of the following information:

(1) A statement setting forth the specific medical and scientific reasons for denying coverage.

(2) A description of alternative treatment, services, or supplies covered by the plan, if any. Compliance with this subdivision by a plan shall not be construed to mean that the plan is engaging in the unlawful practice of medicine.

(3) Copies of the plan's grievance procedures or complaint form, or both. The complaint form shall provide an opportunity for the enrollee to request a conference as part of the plan's grievance system provided under Section **1368**.

(b) Upon receiving a complaint form requesting a conference pursuant to paragraph (3) of subdivision (a), the plan shall provide the enrollee, within 30 calendar days, an opportunity to attend a conference, to review the information provided to the enrollee pursuant to paragraphs (1) and (2) of subdivision (a), conducted by a plan representative having authority to determine the disposition of the complaint. The plan shall allow attendance, in person, at the conference, by an enrollee, a designee of the enrollee, or both, or, if the enrollee is a minor or incompetent, the parent, guardian, or conservator of the enrollee, as appropriate. However, the conference required by this subdivision shall be held within five business days if the treating participating physician determines, after consultation with the health plan medical director or his or her designee, based on standard medical practice, that the effectiveness of either the proposed treatment, services, or supplies or any alternative treatment, services, or supplies covered by the plan, would be materially reduced if not provided at the earliest possible date.

(c) Nothing in this section shall limit the responsibilities, rights, or authority provided in Sections 1370 and 1370.1.

1368.2. (a) On and after January 1, 2002, every group health care service plan contract, except a specialized health care service plan contract, which is issued, amended, or renewed, shall include a provision for hospice care.

(b) The hospice care shall at a minimum be equivalent to hospice care provided by the federal Medicare program pursuant to Title XVIII of the Social Security Act.

(c) The hospice care provided under this section is not required to include preliminary services set forth in subdivision (d) of Section 1749. However, an enrollee who receives those preliminary services shall remain eligible for coverage of curative treatment by a health care service plan during the course of preliminary services and prior to the election of hospice services.

(d) The following are applicable to this section and to paragraph (7) of subdivision (b) of Section 1345:

(1) The definitions in Section 1746, except for subdivisions (o) and (p) of that section.

(2) The "federal regulations" which means the regulations adopted for hospice care under Title XVIII of the Social Security Act in Title 42 of the **Code** of Federal Regulations, Chapter IV, Part 418,

except Subparts A, B, G, and H, and any amendments or successor provisions thereto.

(e) The director no later than January 1, 2001, shall adopt regulations to implement this section. The regulations shall meet all of the following requirements:

(1) Be consistent with all material elements of the federal regulations that are not by their terms applicable only to eligible Medicare beneficiaries. If there is a conflict between a federal regulation and any state regulation, other than those adopted pursuant to this section, the director shall adopt the regulation that is most favorable for plan subscribers, members or enrollees to receive hospice care.

(2) Be consistent with any other applicable federal or state laws.

(3) Be consistent with the definitions of Section 1746, except for subdivisions (o) and (p) of that section.

(f) This section is not applicable to the subscribers, members, or enrollees of a health care service plan who elect to receive hospice care under the Medicare program.

1368.5. (a) Every health care service plan that offers coverage for a service that is within the scope of practice of a duly licensed pharmacist may pay or reimburse the cost of the service performed by a pharmacist for the plan if the pharmacist otherwise provides services for the plan.

(b) Payment or reimbursement may be made pursuant to this section for a service performed by a duly licensed pharmacist only when all of the following conditions are met:

(1) The service performed is within the lawful scope of practice of the pharmacist.

(2) The coverage otherwise provides reimbursement for identical services performed by other licensed health care providers.

(c) Nothing in this section shall require the plan to pay a claim to more than one provider for duplicate service or be interpreted to limit physician reimbursement.

1369. Every plan shall establish procedures to permit subscribers and enrollees to participate in establishing the public policy of the plan. For purposes of this section, public policy means acts

performed by a plan or its employees and staff to assure the comfort, dignity, and convenience of patients who rely on the plan's facilities to provide health care services to them, their families, and the public.

1370. Every plan shall establish procedures in accordance with department regulations for continuously reviewing the quality of care, performance of medical personnel, utilization of services and facilities, and costs. Notwithstanding any other provision of law, there shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any person who participates in plan or provider quality of care or utilization reviews by peer review committees which are composed chiefly of physicians and surgeons or dentists, psychologists, or optometrists, or any of the above, for any act performed during the reviews if the person acts without malice, has made a reasonable effort to obtain the facts of the matter, and believes that the action taken is warranted by the facts, and neither the proceedings nor the records of the reviews shall be subject to discovery, nor shall any person in attendance at the reviews be required to testify as to what transpired thereat. Disclosure of the proceedings or records to the governing body of a plan or to any person or entity designated by the plan to review activities of the plan or provider committees shall not alter the status of the records or of the proceedings as privileged communications.

The above prohibition relating to discovery or testimony shall not apply to the statements made by any person in attendance at a review who is a party to an action or proceeding the subject matter of which was reviewed, or to any person requesting hospital staff privileges, or in any action against an insurance carrier alleging bad faith by the carrier in refusing to accept a settlement offer within the policy limits, or to the director in conducting surveys pursuant to Section 1380.

This section shall not be construed to confer immunity from liability on any health care service plan. In any case in which, but for the enactment of the preceding provisions of this section, a cause of action would arise against a health care service plan, the cause of action shall exist notwithstanding the provisions of this section.

1370.1. Nothing in this article shall be construed to prevent a plan from utilizing subcommittees to participate in peer review activities, nor to prevent a plan from delegating the responsibilities required by Section 1370, as it determines to be appropriate, to subcommittees including subcommittees composed of a majority of nonphysician health care providers licensed pursuant to the Business and Professions **Code**, so long as the plan controls the scope of authority delegated and may revoke all or part of this authority at any time. Persons who participate in the subcommittees shall be entitled to the same immunity from monetary liability and actions for civil damages as persons who participate in plan or provider peer review committees pursuant to Section 1370.

1370.2. Upon an appeal to the plan of a contested claim, the plan shall refer the claim to the medical director or other appropriately licensed health care provider. This health care provider or the medical director shall review the appeal and, if he or she determines that he or she is competent to evaluate the specific clinical issues presented in the claim, shall make a determination on the appealed claim. If the health care provider or medical director determines that he or she is not competent to evaluate the specific clinical issues of the appealed claim, prior to making a determination, he or she shall consult with an appropriately licensed health care provider who is competent to evaluate the specific clinical issues presented in the claim. For the purposes of this section, "competent to evaluate the specific clinical issues" means that the reviewer has education, training, and relevant expertise that is pertinent for evaluating the specific clinical issues that serve as the basis of the contested claim. The requirements of this section shall apply to claims that are contested on the basis of a clinical issue, the necessity for treatment, or the type of treatment proposed or utilized. The plan shall determine whether or not to use an appropriate specialist provider in the review of contested claims.

1370.4. (a) Every health care service plan shall provide an external, independent review process to examine the plan's coverage decisions regarding experimental or investigational therapies for individual enrollees who meet all of the following criteria:

(1) (A) The enrollee has a life-threatening or seriously debilitating condition.

(B) For purposes of this section, "life-threatening" means either or both of the following:

(i) Diseases or conditions where the likelihood of death is high unless the course of the disease is interrupted.

(ii) Diseases or conditions with potentially fatal outcomes, where the end point of clinical intervention is survival.

(C) For purposes of this section, "seriously debilitating" means diseases or conditions that cause major irreversible morbidity.

(2) The enrollee's physician certifies that the enrollee has a condition, as defined in paragraph (1), for which standard therapies have not been effective in improving the condition of the enrollee, for which standard therapies would not be medically appropriate for the enrollee, or for which there is no more beneficial standard therapy covered by the plan than the therapy proposed pursuant to paragraph (3).

(3) Either (A) the enrollee's physician, who is under contract with or employed by the plan, has recommended a drug, device, procedure or other therapy that the physician certifies in writing is likely to be more beneficial to the enrollee than any available standard therapies, or (B) the enrollee, or the enrollee's physician who is a licensed, board-certified or board-eligible physician qualified to practice in the area of practice appropriate to treat the enrollee's condition, has requested a therapy that, based on two documents from the medical and scientific evidence, as defined in subdivision (d), is likely to be more beneficial for the enrollee than any available standard therapy. The physician certification pursuant to this subdivision shall include a statement of the evidence relied upon by the physician in certifying his or her recommendation. Nothing in this subdivision shall be construed to require the plan to pay for the services of a nonparticipating physician provided pursuant to this subdivision, that are not otherwise covered pursuant to the plan contact.

(4) The enrollee has been denied coverage by the plan for a drug, device, procedure, or other therapy recommended or requested pursuant to paragraph (3).

(5) The specific drug, device, procedure, or other therapy recommended pursuant to paragraph (3) would be a covered service, except for the plan's determination that the therapy is experimental or investigational.

(b) The plan's decision to delay, deny, or modify experimental or investigational therapies shall be subject to the independent medical

review process under Article 5.55 (commencing with Section 1374.30) except that, in lieu of the information specified in subdivision (b) of Section 1374.33, an independent medical reviewer shall base his or her determination on relevant medical and scientific evidence, including, but not limited to, the medical and scientific evidence defined in subdivision (d).

(c) The independent medical review process shall also meet the following criteria:

(1) The plan shall notify eligible enrollees in writing of the opportunity to request the external independent review within five business days of the decision to deny coverage.

(2) If the enrollee's physician determines that the proposed therapy would be significantly less effective if not promptly initiated, the analyses and recommendations of the experts on the panel shall be rendered within seven days of the request for expedited review. At the request of the expert, the deadline shall be extended by up to three days for a delay in providing the documents required. The timeframes specified in this paragraph shall be in addition to any otherwise applicable timeframes contained in subdivision (c) of Section 1374.33.

(3) Each expert's analysis and recommendation shall be in written form and state the reasons the requested therapy is or is not likely to be more beneficial for the enrollee than any available standard therapy, and the reasons that the expert recommends that the therapy should or should not be provided by the plan, citing the enrollee's specific medical condition, the relevant documents provided, and the relevant medical and scientific evidence, including, but not limited to, the medical and scientific evidence as defined in subdivision (d), to support the expert's recommendation.

(4) Coverage for the services required under this section shall be provided subject to the terms and conditions generally applicable to other benefits under the plan contract.

(d) For the purposes of subdivision (b), "medical and scientific evidence" means the following sources:

(1) Peer-reviewed scientific studies published in or accepted for publication by medical journals that meet nationally recognized requirements for scientific manuscripts and that submit most of their published articles for review by experts who are not part of the editorial staff.

(2) Peer-reviewed literature, biomedical compendia, and other medical literature that meet the criteria of the National Institutes of Health's National Library of Medicine for indexing in Index Medicus, Excerpta Medicus (EMBASE), Medline, and MEDLARS data base

Health Services Technology Assessment Research (HSTAR).
(3) Medical journals recognized by the Secretary of Health and Human Services, under Section 1861(t)(2) of the Social Security Act.

(4) The following standard reference compendia: The American Hospital Formulary Service-Drug Information, the American Medical Association Drug Evaluation, the American Dental Association Accepted Dental Therapeutics, and the United States Pharmacopoeia-Drug Information.
(5) Findings, studies, or research conducted by or under the auspices of federal government agencies and nationally recognized federal research institutes, including the Federal Agency for Health Care Policy and Research, National Institutes of Health, National Cancer Institute, National Academy of Sciences, Health Care Financing Administration, Congressional Office of Technology Assessment, and any national board recognized by the National Institutes of Health for the purpose of evaluating the medical value of health services.
(6) Peer-reviewed abstracts accepted for presentation at major medical association meetings.
(e) The independent review process established by this section shall be required on and after January 1, 2001.

1370.6. (a) For an enrollee diagnosed with cancer and accepted into a phase I, phase II, phase III, or phase IV clinical trial for cancer, every health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed in this state, shall provide coverage for all routine patient care costs related to the clinical trial if the enrollee's treating physician, who is providing covered health care services to the enrollee under the enrollee's health benefit plan contract, recommends participation in the clinical trial after determining that participation in the clinical trial has a meaningful potential to benefit the enrollee. For purposes of this section, a clinical trial's endpoints shall not be defined exclusively to test toxicity, but shall have a therapeutic intent.
(b) (1) "Routine patient care costs" means the costs associated with the provision of health care services, including drugs, items, devices, and services that would otherwise be covered under the plan or contract if those drugs, items, devices, and services were not provided in connection with an approved clinical trial program, including:

(A) Health care services typically provided absent a clinical trial.

(B) Health care services required solely for the provision of the investigational drug, item, device, or service.

(C) Health care services required for the clinically appropriate monitoring of the investigational item or service.

(D) Health care services provided for the prevention of complications arising from the provision of the investigational drug, item, device, or service.

(E) Health care services needed for the reasonable and necessary care arising from the provision of the investigational drug, item, device, or service, including the diagnosis or treatment of the complications.

(2) For purposes of this section, "routine patient care costs" does not include the costs associated with the provision of any of the following:

(A) Drugs or devices that have not been approved by the federal Food and Drug Administration and that are associated with the clinical trial.

(B) Services other than health care services, such as travel, housing, companion expenses, and other nonclinical expenses, that an enrollee may require as a result of the treatment being provided for purposes of the clinical trial.

(C) Any item or service that is provided solely to satisfy data collection and analysis needs and that is not used in the clinical management of the patient.

(D) Health care services that, except for the fact that they are being provided in a clinical trial, are otherwise specifically excluded from coverage under the enrollee's health plan.

(E) Health care services customarily provided by the research sponsors free of charge for any enrollee in the trial.

(3) Nothing in this section shall require a health care service plan contracting with the State Department of Health Services for the purpose of providing Medi-Cal benefits to enrolled beneficiaries or contracting with the Managed Risk Medical Insurance Board for the purposes of providing benefits under the Healthy Families Program, the Access for Infants and Mothers Program, or the California Major Risk Medical Insurance Program, to be responsible for reimbursement of services excluded from their contract because another entity is responsible by statute or otherwise for reimbursement of the service provider.

(c) The treatment shall be provided in a clinical trial that either:

(1) Involves a drug that is exempt under federal regulations from a new drug application.

(2) Is approved by one of the following:

(A) One of the National Institutes of Health.

(B) The federal Food and Drug Administration, in the form of an investigational new drug application.

(C) The United States Department of Defense.

(D) The United States Veterans' Administration.

(d) In the case of health care services provided by a participating provider, the payment rate shall be at the agreed-upon rate. In the case of a nonparticipating provider, the payment shall be at the negotiated rate the plan would otherwise pay to a participating provider for the same services, less any applicable copayments and deductibles.

(e) Nothing in this section shall be construed to prohibit a health care service plan from restricting coverage for clinical trials to participating hospitals and physicians in California unless the protocol for the clinical trial is not provided for at a California hospital or by a California physician.

(f) The provision of services when required by this section shall not, in itself, give rise to liability on the part of the health care service plan.

(g) Nothing in this section shall be construed to limit, prohibit, or modify an enrollee's rights to the independent review process available under Section 1370.4 or to the Independent Medical Review System available under Article 5.55 (commencing with Section 1374.30).

(h) Nothing in this section shall be construed to otherwise limit or modify any existing requirements under the provisions of this chapter or to prevent application of copayment or deductible provisions in a plan.

(i) Copayments and deductibles applied to services delivered in a clinical trial shall be the same as those applied to the same services if not delivered in a clinical trial.

1371. A health care service plan, including a specialized health care service plan, shall reimburse claims or any portion of any claim, whether in state or out of state, as soon as practical, but no later than 30 working days after receipt of the claim by the health care service plan, or if the health care service plan is a health maintenance organization, 45 working days after receipt of the claim

by the health care service plan, unless the claim or portion thereof is contested by the plan in which case the claimant shall be notified, in writing, that the claim is contested or denied, within 30 working days after receipt of the claim by the health care service plan, or if the health care service plan is a health maintenance organization, 45 working days after receipt of the claim by the health care service plan. The notice that a claim is being contested shall identify the portion of the claim that is contested and the specific reasons for contesting the claim.

If an uncontested claim is not reimbursed by delivery to the claimants' address of record within the respective 30 or 45 working days after receipt, interest shall accrue at the rate of 15 percent per annum beginning with the first calendar day after the 30- or 45-working-day period. A health care service plan shall automatically include in its payment of the claim all interest that has accrued pursuant to this section without requiring the claimant to submit a request for the interest amount. Any plan failing to comply with this requirement shall pay the claimant a ten dollar ($10) fee.

For the purposes of this section, a claim, or portion thereof, is reasonably contested where the plan has not received the completed claim and all information necessary to determine payer liability for the claim, or has not been granted reasonable access to information concerning provider services. Information necessary to determine payer liability for the claim includes, but is not limited to, reports of investigations concerning fraud and misrepresentation, and necessary consents, releases, and assignments, a claim on appeal, or other information necessary for the plan to determine the medical necessity for the health care services provided.

If a claim or portion thereof is contested on the basis that the plan has not received all information necessary to determine payer liability for the claim or portion thereof and notice has been provided pursuant to this section, then the plan shall have 30 working days or, if the health care service plan is a health maintenance organization, 45 working days after receipt of this additional information to complete reconsideration of the claim. If a plan has received all of the information necessary to determine payer liability for a contested claim and has not reimbursed a claim it has determined to be payable within 30 working days of the receipt of that information, or if the plan is a health maintenance organization, within 45 working days of receipt of that information, interest shall accrue and be payable at a rate of 15 percent per annum beginning with the first calendar day after the 30- or

45-working day period.

The obligation of the plan to comply with this section shall not be deemed to be waived when the plan requires its medical groups, independent practice associations, or other contracting entities to pay claims for covered services.

1371.1. Whenever a health care service plan , including a specialized health care service plan, determines that in reimbursing a claim for provider services an institutional or professional provider has been overpaid, and then notifies the provider in writing through a separate notice identifying the overpayment and the amount of the overpayment, the provider shall reimburse the health care service plan within 30 working days of receipt by the provider of the notice of overpayment unless the overpayment or portion thereof is contested by the provider in which case the health care service plan shall be notified, in writing, within 30 working days. The notice that an overpayment is being contested shall identify the portion of the overpayment that is contested and the specific reasons for contesting the overpayment.

If the provider does not make reimbursement for an uncontested overpayment within 30 working days after receipt, interest shall accrue at the rate of 10 percent per annum beginning with the first calendar day after the 30-working day period.

1371.2. No health care service plan, including a specialized health care service plan, shall request reimbursement for overpayment or reduce the level of payment to a provider based solely on the allegation that the provider has entered into a contract with any other licensed health care service plan for participation in a benefit plan that has been approved by the director.

1371.22. If a contract between a health care service plan and a provider requires that the provider accept, as payment from the plan, the lowest payment rate charged by the provider to any patient or third party, this contract provision shall not be deemed to apply to, or take into consideration, any cash payments made to the provider by individual patients who do not have any private or public form of

health care coverage for the service rendered by the provider, as described in subdivision (c) of Section 657 of the Business and Professions **Code**. This section shall apply to a provider contract that is issued, amended, or renewed on or after the effective date of this section.

1371.25. A plan, any entity contracting with a plan, and providers are each responsible for their own acts or omissions, and are not liable for the acts or omissions of, or the costs of defending, others. Any provision to the contrary in a contract with providers is void and unenforceable. Nothing in this section shall preclude a finding of liability on the part of a plan, any entity contracting with a plan, or a provider, based on the doctrines of equitable indemnity, comparative negligence, contribution, or other statutory or common law bases for liability.

1371.3. On and after January 1, 1994, every group health care service plan that provides hospital, medical, or surgical expense benefits for plan members and their dependents shall authorize and permit assignment of the enrollee's or subscriber's right to any reimbursement for health care services covered under the plan contract to the State Department of Health Services when health care services are provided to a Medi-Cal beneficiary. This section, however, shall not apply to a Medi-Cal beneficiary for health care services provided pursuant to a contract with the State Department of Health Services under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions **Code**.

1371.35. (a) A health care service plan, including a specialized health care service plan, shall reimburse each complete claim, or portion thereof, whether in state or out of state, as soon as practical, but no later than 30 working days after receipt of the complete claim by the health care service plan, or if the health care service plan is a health maintenance organization, 45 working days after receipt of the complete claim by the health care service plan. However, a plan may contest or deny a claim, or portion thereof, by notifying the claimant, in writing, that the claim is contested or

denied, within 30 working days after receipt of the claim by the health care service plan, or if the health care service plan is a health maintenance organization, 45 working days after receipt of the claim by the health care service plan. The notice that a claim, or portion thereof, is contested shall identify the portion of the claim that is contested, by revenue **code**, and the specific information needed from the provider to reconsider the claim. The notice that a claim, or portion thereof, is denied shall identify the portion of the claim that is denied, by revenue **code**, and the specific reasons for the denial. A plan may delay payment of an uncontested portion of a complete claim for reconsideration of a contested portion of that claim so long as the plan pays those charges specified in subdivision (b).

(b) If a complete claim, or portion thereof, that is neither contested nor denied, is not reimbursed by delivery to the claimant's address of record within the respective 30 or 45 working days after receipt, the plan shall pay the greater of fifteen dollars ($15) per year or interest at the rate of 15 percent per annum beginning with the first calendar day after the 30- or 45-working-day period. A health care service plan shall automatically include the fifteen dollars ($15) per year or interest due in the payment made to the claimant, without requiring a request therefor.

(c) For the purposes of this section, a claim, or portion thereof, is reasonably contested if the plan has not received the completed claim. A paper claim from an institutional provider shall be deemed complete upon submission of a legible emergency department report and a completed UB 92 or other format adopted by the National Uniform Billing Committee, and reasonable relevant information requested by the plan within 30 working days of receipt of the claim. An electronic claim from an institutional provider shall be deemed complete upon submission of an electronic equivalent to the UB 92 or other format adopted by the National Uniform Billing Committee, and reasonable relevant information requested by the plan within 30 working days of receipt of the claim. However, if the plan requests a copy of the emergency department report within the 30 working days after receipt of the electronic claim from the institutional provider, the plan may also request additional reasonable relevant information within 30 working days of receipt of the emergency department report, at which time the claim shall be deemed complete. A claim from a professional provider shall be deemed complete upon submission of a completed HCFA 1500 or its electronic equivalent or other format adopted by the National Uniform Billing Committee, and reasonable relevant information requested by the plan within 30

working days of receipt of the claim. The provider shall provide the plan reasonable relevant information within 10 working days of receipt of a written request that is clear and specific regarding the information sought. If, as a result of reviewing the reasonable relevant information, the plan requires further information, the plan shall have an additional 15 working days after receipt of the reasonable relevant information to request the further information, notwithstanding any time limit to the contrary in this section, at which time the claim shall be deemed complete.

(d) This section shall not apply to claims about which there is evidence of fraud and misrepresentation, to eligibility determinations, or in instances where the plan has not been granted reasonable access to information under the provider's control. A plan shall specify, in a written notice sent to the provider within the respective 30- or 45-working days of receipt of the claim, which, if any, of these exceptions applies to a claim.

(e) If a claim or portion thereof is contested on the basis that the plan has not received information reasonably necessary to determine payer liability for the claim or portion thereof, then the plan shall have 30 working days or, if the health care service plan is a health maintenance organization, 45 working days after receipt of this additional information to complete reconsideration of the claim. If a claim, or portion thereof, undergoing reconsideration is not reimbursed by delivery to the claimant's address of record within the respective 30 or 45 working days after receipt of the additional information, the plan shall pay the greater of fifteen dollars ($15) per year or interest at the rate of 15 percent per annum beginning with the first calendar day after the 30- or 45-working-day period. A health care service plan shall automatically include the fifteen dollars ($15) per year or interest due in the payment made to the claimant, without requiring a request therefor.

(f) The obligation of the plan to comply with this section shall not be deemed to be waived when the plan requires its medical groups, independent practice associations, or other contracting entities to pay claims for covered services. This section shall not be construed to prevent a plan from assigning, by a written contract, the responsibility to pay interest and late charges pursuant to this section to medical groups, independent practice associations, or other entities.

(g) A plan shall not delay payment on a claim from a physician or other provider to await the submission of a claim from a hospital or other provider, without citing specific rationale as to why the delay

was necessary and providing a monthly update regarding the status of the claim and the plan's actions to resolve the claim, to the provider that submitted the claim.

(h) A health care service plan shall not request or require that a provider waive its rights pursuant to this section.

(i) This section shall not apply to capitated payments.

(j) This section shall apply only to claims for services rendered to a patient who was provided emergency services and care as defined in Section 1317.1 in the United States on or after September 1, 1999.

(k) This section shall not be construed to affect the rights or obligations of any person pursuant to Section 1371.

(l) This section shall not be construed to affect a written agreement, if any, of a provider to submit bills within a specified time period.

1371.36. (a) A health care service plan shall not deny payment of a claim on the basis that the plan, medical group, independent practice association, or other contracting entity did not provide authorization for health care services that were provided in a licensed acute care hospital and that were related to services that were previously authorized, if all of the following conditions are met:

(1) It was medically necessary to provide the services at the time.

(2) The services were provided after the plan's normal business hours.

(3) The plan does not maintain a system that provides for the availability of a plan representative or an alternative means of contact through an electronic system, including voicemail or electronic mail, whereby the plan can respond to a request for authorization within 30 minutes of the time that a request was made.

(b) This section shall not apply to investigational or experimental therapies, or other noncovered services.

1371.36. (a) A health care service plan shall not deny payment of a claim on the basis that the plan, medical group, independent practice association, or other contracting entity did not provide

authorization for health care services that were provided in a licensed acute care hospital and that were related to services that were previously authorized, if all of the following conditions are met:

(1) It was medically necessary to provide the services at the time.

(2) The services were provided after the plan's normal business hours.

(3) The plan does not maintain a system that provides for the availability of a plan representative or an alternative means of contact through an electronic system, including voicemail or electronic mail, whereby the plan can respond to a request for authorization within 30 minutes of the time that a request was made.

(b) This section shall not apply to investigational or experimental therapies, or other noncovered services.

1371.37. (a) A health care service plan is prohibited from engaging in an unfair payment pattern, as defined in this section.

(b) Consistent with subdivision (a) of Section 1371.39, the director may investigate a health care service plan to determine whether it has engaged in an unfair payment pattern.

(c) An "unfair payment pattern," as used in this section, means any of the following:

(1) Engaging in a demonstrable and unjust pattern, as defined by the department, of reviewing or processing complete and accurate claims that results in payment delays.

(2) Engaging in a demonstrable and unjust pattern, as defined by the department, of reducing the amount of payment or denying complete and accurate claims.

(3) Failing on a repeated basis to pay the uncontested portions of a claim within the timeframes specified in Section 1371, 1371.1, or 1371.35.

(4) Failing on a repeated basis to automatically include the interest due on claims pursuant to Section 1371.

(d) (1) Upon a final determination by the director that a health care service plan has engaged in an unfair payment pattern, the director may:

(A) Impose monetary penalties as permitted under this chapter.

(B) Require the health care service plan for a period of three years from the date of the director's determination, or for a shorter

period prescribed by the director, to pay complete and accurate claims from the provider within a shorter period of time than that required by Section 1371. The provisions of this subparagraph shall not become operative until January 1, 2002.

(C) Include a claim for costs incurred by the department in any administrative or judicial action, including investigative expenses and the cost to monitor compliance by the plan.

(2) For any overpayment made by a health care service plan while subject to the provisions of paragraph (1), the provider shall remain liable to the plan for repayment pursuant to Section 1371.1.

(e) The enforcement remedies provided in this section are not exclusive and shall not limit or preclude the use of any otherwise available criminal, civil, or administrative remedy.

(f) The penalties set forth in this section shall not preclude, suspend, affect, or impact any other duty, right, responsibility, or obligation under a statute or under a contract between a health care service plan and a provider.

(g) A health care service plan may not delegate any statutory liability under this section.

(h) For the purposes of this section, "complete and accurate claim" has the same meaning as that provided in the regulations adopted by the department pursuant to subdivision (a) of Section 1371.38.

(i) On or before December 31, 2001, the department shall report to the Legislature and the Governor information regarding the development of the definition of "unjust pattern" as used in this section. This report shall include, but not be limited to, a description of the process used and a list of the parties involved in the department's development of this definition as well as recommendations for statutory adoption.

(j) The department shall make available upon request and on its web site, information regarding actions taken pursuant to this section, including a description of the activities that were the basis for the action.

1371.37. (a) A health care service plan is prohibited from engaging in an unfair payment pattern, as defined in this section.

(b) Consistent with subdivision (a) of Section 1371.39, the director may investigate a health care service plan to determine whether it has engaged in an unfair payment pattern.

(c) An "unfair payment pattern," as used in this section, means any of the following:

(1) Engaging in a demonstrable and unjust pattern, as defined by

the department, of reviewing or processing complete and accurate claims that results in payment delays.

(2) Engaging in a demonstrable and unjust pattern, as defined by the department, of reducing the amount of payment or denying complete and accurate claims.

(3) Failing on a repeated basis to pay the uncontested portions of a claim within the timeframes specified in Section 1371, 1371.1, or 1371.35.

(4) Failing on a repeated basis to automatically include the interest due on claims pursuant to Section 1371.

(d) (1) Upon a final determination by the director that a health care service plan has engaged in an unfair payment pattern, the director may:

(A) Impose monetary penalties as permitted under this chapter.

(B) Require the health care service plan for a period of three years from the date of the director's determination, or for a shorter period prescribed by the director, to pay complete and accurate claims from the provider within a shorter period of time than that required by Section 1371. The provisions of this subparagraph shall not become operative until January 1, 2002.

(C) Include a claim for costs incurred by the department in any administrative or judicial action, including investigative expenses and the cost to monitor compliance by the plan.

(2) For any overpayment made by a health care service plan while subject to the provisions of paragraph (1), the provider shall remain liable to the plan for repayment pursuant to Section 1371.1.

(e) The enforcement remedies provided in this section are not exclusive and shall not limit or preclude the use of any otherwise available criminal, civil, or administrative remedy.

(f) The penalties set forth in this section shall not preclude, suspend, affect, or impact any other duty, right, responsibility, or obligation under a statute or under a contract between a health care service plan and a provider.

(g) A health care service plan may not delegate any statutory liability under this section.

(h) For the purposes of this section, "complete and accurate claim" has the same meaning as that provided in the regulations adopted by the department pursuant to subdivision (a) of Section 1371.38.

(i) On or before December 31, 2001, the department shall report to the Legislature and the Governor information regarding the development of the definition of "unjust pattern" as used in this section. This report shall include, but not be limited to, a description of the process used and a list of the parties involved in

the department's development of this definition as well as recommendations for statutory adoption.

(j) The department shall make available upon request and on its website, information regarding actions taken pursuant to this section, including a description of the activities that were the basis for the action.

1371.38. (a) The department shall, on or before July 1, 2001, adopt regulations that ensure that plans have adopted a dispute resolution mechanism pursuant to subdivision (h) of Section 1367. The regulations shall require that any dispute resolution mechanism of a plan is fair, fast, and cost-effective for contracting and noncontracting providers and define the term "complete and accurate claim, including attachments and supplemental information or documentation."

(b) On or before December 31, 2001, the department shall report to the Governor and the Legislature its recommendations for any additional statutory requirements relating to plan and provider dispute resolution mechanisms.

1371.38. (a) The department shall, on or before July 1, 2001, adopt regulations that ensure that plans have adopted a dispute resolution mechanism pursuant to subdivision (h) of Section 1367. The regulations shall require that any dispute resolution mechanism of a plan is fair, fast, and cost-effective for contracting and non-contracting providers and define the term "complete and accurate claim, including attachments and supplemental information or documentation."

(b) On or before December 31, 2001, the department shall report to the Governor and the Legislature its recommendations for any additional statutory requirements relating to plan and provider dispute resolution mechanisms.

1371.39. (a) Providers may report to the department's Office of Plan and Provider Relations, either through the toll-free provider line (877-525-1295) or e-mail address (plans-providers@dmhc.ca.gov), instances in which the provider believes a plan is engaging in an unfair payment pattern.

(b) Plans may report to the department's Office of Plan and Provider Relations, either through the toll-free provider line (877-525-1295) or e-mail address (plans-providers@dmhc.ca.gov), instances in which the plan believes a provider is engaging in an unfair billing pattern.

(1) "Unfair billing pattern" means engaging in a demonstrable and unjust pattern of unbundling of claims, upcoding of claims, or other demonstrable and unjustified billing patterns, as defined by the department.

(2) The department shall convene appropriate state agencies to make recommendations by July 1, 2001, to the Legislature and the Governor for the purpose of developing a system for responding to unfair billing patterns as defined in this section. This section shall include a process by which information is made available to the public regarding actions taken against providers for unfair billing patterns and the activities that were the basis for the action.

(c) On or before December 31, 2001, the department shall report to the Legislature and the Governor information regarding the development of the definition of "unfair billing pattern" as used in this section. This report shall include, but not be limited to, a description of the process used and a list of the parties involved in the department's development of this definition as well as recommendations for statutory adoption.

1371.39. (a) Providers may report to the department's Office of Plan and Provider Relations, either through the toll-free provider line (877-525-1295) or e-mail address (plans-providers@dmhc.ca.gov), instances in which the provider believes a plan is engaging in an unfair payment pattern.

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(1) "Unfair billing pattern" means engaging in a demonstrable and unjust pattern of unbundling of claims, upcoding of claims, or other demonstrable and unjustified billing patterns, as defined by the department.

(2) The department shall convene appropriate state agencies to make recommendations by July 1, 2001, to the Legislature and the Governor for the purpose of developing a system for responding to

unfair billing patterns as defined in this section. This section shall include a process by which information is made available to the public regarding actions taken against providers for unfair billing patterns and the activities that were the basis for the action.

(c) On or before December 31, 2001, the department shall report to the Legislature and the Governor information regarding the development of the definition of "unfair billing pattern" as used in this section. This report shall include, but not be limited to, a description of the process used and a list of the parties involved in the department's development of this definition as well as recommendations for statutory adoption.

1371.4. (a) A health care service plan, or its contracting medical providers, shall provide 24-hour access for enrollees and providers to obtain timely authorization for medically necessary care, for circumstances where the enrollee has received emergency services and care is stabilized, but the treating provider believes that the enrollee may not be discharged safely. A physician and surgeon shall be available for consultation and for resolving disputed requests for authorizations. A health care service plan that does not require prior authorization as a prerequisite for payment for necessary medical care following stabilization of an emergency medical condition or active labor need not satisfy the requirements of this subdivision.

(b) A health care service plan shall reimburse providers for emergency services and care provided to its enrollees, until the care results in stabilization of the enrollee, except as provided in subdivision (c). As long as federal or state law requires that emergency services and care be provided without first questioning the patient's ability to pay, a health care service plan shall not require a provider to obtain authorization prior to the provision of emergency services and care necessary to stabilize the enrollee's emergency medical condition.

(c) Payment for emergency services and care may be denied only if the health care service plan reasonably determines that the emergency services and care were never performed; provided that a health care service plan may deny reimbursement to a provider for a medical screening examination in cases when the plan enrollee did not require emergency services and care and the enrollee reasonably should have known that an emergency did not exist. A health care service plan may require prior authorization as a prerequisite for payment for

necessary medical care following stabilization of an emergency medical condition.

(d) If there is a disagreement between the health care service plan and the provider regarding the need for necessary medical care, following stabilization of the enrollee, the plan shall assume responsibility for the care of the patient either by having medical personnel contracting with the plan personally take over the care of the patient within a reasonable amount of time after the disagreement, or by having another general acute care hospital under contract with the plan agree to accept the transfer of the patient as provided in Section 1317.2, Section 1317.2a, or other pertinent statute. However, this requirement shall not apply to necessary medical care provided in hospitals outside the service area of the health care service plan. If the health care service plan fails to satisfy the requirements of this subdivision, further necessary care shall be deemed to have been authorized by the plan. Payment for this care may not be denied.

(e) A health care service plan may delegate the responsibilities enumerated in this section to the plan's contracting medical providers.

(f) Subdivisions (b), (c), (d), (g), and (h) shall not apply with respect to a nonprofit health care service plan that has 3,500,000 enrollees and maintains a prior authorization system that includes the availability by telephone within 30 minutes of a practicing emergency department physician.

(g) The Department of Managed Health Care shall adopt by July 1, 1995, on an emergency basis, regulations governing instances when an enrollee requires medical care following stabilization of an emergency medical condition, including appropriate timeframes for a health care service plan to respond to requests for treatment authorization.

(h) The Department of Managed Health Care shall adopt, by July 1, 1999, on an emergency basis, regulations governing instances when an enrollee in the opinion of the treating provider requires necessary medical care following stabilization of an emergency medical condition, including appropriate timeframes for a health care service plan to respond to a request for treatment authorization from a treating provider who has a contract with a plan.

(i) The definitions set forth in Section 1317.1 shall control the construction of this section.

(j) (1) A health care service plan that meets the criteria set forth in paragraphs (3) and (4) of subdivision (a) of Section 1262.8 and that is contacted by a hospital pursuant to Section 1262.8 shall,

within 30 minutes of the time the hospital makes the initial telephone call requesting information, do all of the following:

(A) Discuss the enrollee's medical record with the noncontracting physician and surgeon or an appropriate representative of the hospital.

(B) Transmit any appropriate portion of the enrollee's medical record requested by the appropriate hospital representative or the noncontracting physician and surgeon to the hospital by facsimile transmission or electronic mail, whichever method is requested by the appropriate hospital representative or the noncontracting physician and surgeon. The health care service plan shall transmit the record in a manner that complies with all legal requirements to protect the enrollee's privacy.

(C) Either authorize poststabilization care or inform the hospital that it will arrange for the prompt transfer of the enrollee to another hospital.

(2) A health care service plan that meets the criteria set forth in paragraphs (3) and (4) of subdivision (a) of Section 1262.8 and that is contacted by a hospital pursuant to Section 1262.8 shall reimburse the hospital for poststabilization care rendered to the enrollee if any of the following occur:

(A) The health care service plan authorizes the hospital to provide poststabilization care.

(B) The health care service plan does not respond to the hospital's initial contact or does not make a decision regarding whether to authorize poststabilization care or to promptly transfer the enrollee within the timeframe set forth in paragraph (1).

(C) There is an unreasonable delay in the transfer of the enrollee, and the noncontracting physician and surgeon determines that the enrollee requires poststabilization care.

(3) Paragraphs (1) and (2) do not apply to a physician and surgeon who provides medical services at the hospital.

(4) A health care service plan that meets the criteria set forth in paragraphs (3) and (4) of subdivision (a) of Section 1262.8 shall not require a hospital representative or a noncontracting physician and surgeon to make more than one telephone call pursuant to Section 1262.8 to the number provided in advance by the health care service plan. The representative of the hospital that makes the telephone call may be, but is not required to be, a physician and surgeon.

(5) An enrollee who is billed by a hospital in violation of Section 1262.8 may report receipt of the bill to the health care service plan and the department. The department shall forward that report to the State Department of Health Services.

(6) For purposes of this section, "poststabilization care" means medically necessary care following stabilization of an emergency medical condition.

1371.5. (a) No health care service plan that provides basic health care services shall require prior authorization or refuse to pay for any ambulance or ambulance transport services, referred to in paragraph (6) of subdivision (b) of Section 1345, provided to an enrollee as a result of a "911" emergency response system request for assistance if either of the following conditions apply:

(1) The request was made for an emergency medical condition and ambulance transport services were required.

(2) An enrollee reasonably believed that the medical condition was an emergency medical condition and reasonably believed that the condition required ambulance transport services.

(b) As used in this section, "emergency medical condition" has the same meaning as in Section 1317.1.

(c) The determination as to whether an enrollee reasonably believed that the medical condition was an emergency medical condition that required an emergency response shall not be based solely upon a retrospective analysis of the level of care eventually provided to, or a final discharge of, the person who received emergency assistance.

(d) A health care service plan shall not be required to pay for any ambulance or ambulance transport services if the health care service plan determines that the ambulance or ambulance transport services were never performed, an emergency condition did not exist, or upon findings of fraud, incorrect billings, the provision of services that were not covered under the member's current benefit plan, or membership that was invalid at the time services were delivered for the pending emergency claim.

1371.8. A health care service plan that authorizes a specific type of treatment by a provider shall not rescind or modify this authorization after the provider renders the health care service in good faith and pursuant to the authorization. This section shall not be construed to expand or alter the benefits available to the enrollee or subscriber under a plan.

1372. Subject to the applicable provisions of this chapter, a plan may offer one or more plan contracts or specialized health care service plan contracts, except that a specialized health care service plan contract shall not offer one or more basic health care services except as may be permitted by rule or order of the director. Advertising, disclosure forms, contract forms, and evidences of coverage for more than one type of plan contract or specialized health care service plan contract, or both, may not be used except as authorized by the director pursuant to this chapter.

1373. (a) A plan contract may not provide an exception for other coverage if the other coverage is entitlement to Medi-Cal benefits under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions **Code**, or medicaid benefits under Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States **Code**.

Each plan contract shall be interpreted not to provide an exception for the Medi-Cal or medicaid benefits.

A plan contract shall not provide an exemption for enrollment because of an applicant's entitlement to Medi-Cal benefits under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions **Code**, or medicaid benefits under Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States **Code**.

A plan contract may not provide that the benefits payable thereunder are subject to reduction if the individual insured has entitlement to the Medi-Cal or medicaid benefits.

(b) A plan contract that provides coverage, whether by specific benefit or by the effect of general wording, for sterilization operations or procedures shall not impose any disclaimer, restriction on, or limitation of, coverage relative to the covered individual's reason for sterilization.

As used in this section, "sterilization operations or procedures" shall have the same meaning as that specified in Section 10120 of the Insurance **Code**.

(c) Every plan contract that provides coverage to the spouse or dependents of the subscriber or spouse shall grant immediate accident

and sickness coverage, from and after the moment of birth, to each newborn infant of any subscriber or spouse covered and to each minor child placed for adoption from and after the date on which the adoptive child's birth parent or other appropriate legal authority signs a written document, including, but not limited to, a health facility minor release report, a medical authorization form, or a relinquishment form, granting the subscriber or spouse the right to control health care for the adoptive child or, absent this written document, on the date there exists evidence of the subscriber's or spouse's right to control the health care of the child placed for adoption. No plan may be entered into or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn infants of, or children placed for adoption with, a subscriber or spouse covered as required by this subdivision.

(d) Every plan contract that provides that coverage of a dependent child of a subscriber shall terminate upon attainment of the limiting age for dependent children specified in the plan, shall also provide in substance that attainment of the limiting age shall not operate to terminate the coverage of the child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (2) chiefly dependent upon the subscriber for support and maintenance, provided proof of the incapacity and dependency is furnished to the plan by the member within 31 days of the request for the information by the plan or group plan contractholder and subsequently as may be required by the plan or group plan contractholder, but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

(e) A plan contract that provides coverage, whether by specific benefit or by the effect of general wording, for both an employee and one or more covered persons dependent upon the employee and provides for an extension of the coverage for any period following a termination of employment of the employee shall also provide that this extension of coverage shall apply to dependents upon the same terms and conditions precedent as applied to the covered employee, for the same period of time, subject to payment of premiums, if any, as required by the terms of the policy and subject to any applicable collective bargaining agreement.

(f) A group contract shall not discriminate against handicapped persons or against groups containing handicapped persons. Nothing in this subdivision shall preclude reasonable provisions in a plan contract against liability for services or reimbursement of the

handicap condition or conditions relating thereto, as may be allowed by rules of the director.

(g) Every group contract shall set forth the terms and conditions under which subscribers and enrollees may remain in the plan in the event the group ceases to exist, the group contract is terminated or an individual subscriber leaves the group, or the enrollees' eligibility status changes.

(h) (1) A health care service plan or specialized health care service plan may provide for coverage of, or for payment for, professional mental health services, or vision care services, or for the exclusion of these services. If the terms and conditions include coverage for services provided in a general acute care hospital or an acute psychiatric hospital as defined in Section 1250 and do not restrict or modify the choice of providers, the coverage shall extend to care provided by a psychiatric health facility as defined in Section 1250.2 operating pursuant to licensure by the State Department of Mental Health. A health care service plan that offers outpatient mental health services but does not cover these services in all of its group contracts shall communicate to prospective group contractholders as to the availability of outpatient coverage for the treatment of mental or nervous disorders.

(2) No plan shall prohibit the member from selecting any psychologist who is licensed pursuant to the Psychology Licensing Law (Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions **Code**), any optometrist who is the holder of a certificate issued pursuant to Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions **Code** or, upon referral by a physician and surgeon licensed pursuant to the Medical Practice Act (Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions **Code**), (i) any marriage and family therapist who is the holder of a license under Section 4980.50 of the Business and Professions **Code**, (ii) any licensed clinical social worker who is the holder of a license under Section 4996 of the Business and Professions **Code**, (iii) any registered nurse licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions **Code**, who possesses a master's degree in psychiatric-mental health nursing and is listed as a psychiatric-mental health nurse by the Board of Registered Nursing, or (iv) any advanced practice registered nurse certified as a clinical nurse specialist pursuant to Article 9 (commencing with Section 2838) of Chapter 6 of Division 2 of the Business and Professions **Code** who participates in expert clinical practice in the specialty of psychiatric-mental health nursing, to perform the

particular services covered under the terms of the plan, and the certificate holder is expressly authorized by law to perform these services.

(3) Nothing in this section shall be construed to allow any certificate holder or licensee enumerated in this section to perform professional mental health services beyond his or her field or fields of competence as established by his or her education, training and experience.

(4) For the purposes of this section, "marriage and family therapist" means a licensed marriage and family therapist who has received specific instruction in assessment, diagnosis, prognosis, and counseling, and psychotherapeutic treatment of premarital, marriage, family, and child relationship dysfunctions which is equivalent to the instruction required for licensure on January 1, 1981.

(5) Nothing in this section shall be construed to allow a member to select and obtain mental health or psychological or vision care services from a certificate or license holder who is not directly affiliated with or under contract to the health care service plan or specialized health care service plan to which the member belongs. All health care service plans and individual practice associations that offer mental health benefits shall make reasonable efforts to make available to their members the services of licensed psychologists. However, a failure of a plan or association to comply with the requirements of the preceding sentence shall not constitute a misdemeanor.

(6) As used in this subdivision, "individual practice association" means an entity as defined in subsection (5) of Section 1307 of the federal Public Health Service Act (42 U.S.C. Sec. 300e-1, subsec. (5)).

(7) Health care service plan coverage for professional mental health services may include community residential treatment services that are alternatives to inpatient care and that are directly affiliated with the plan or to which enrollees are referred by providers affiliated with the plan.

(i) If the plan utilizes arbitration to settle disputes, the plan contracts shall set forth the type of disputes subject to arbitration, the process to be utilized, and how it is to be initiated.

(j) A plan contract that provides benefits that accrue after a certain time of confinement in a health care facility shall specify what constitutes a day of confinement or the number of consecutive hours of confinement that are requisite to the commencement of

benefits.

1373.1. Every group plan entered into, amended, or renewed on or after January 1, 1977, which provides hospital, medical, or surgical expense benefits for employees or subscribers and their dependents, and which contains provisions granting the employee or subscriber the right to convert the coverage in the event of termination of employment or membership, shall include in such conversion provisions the same conversion rights and conditions to a covered dependent spouse of the employee or subscriber in the event the covered dependent spouse ceases to be a qualified family member by reason of termination of marriage or death of the employee or subscriber. Such conversion rights shall not require a physical examination or a statement of health.

1373.2. Every group health care service plan entered into, amended, or renewed on or after January 1, 1976, which provides hospital, medical, or surgical expense benefits for employees or subscribers and their dependents and which contains provisions granting the employee or subscriber the right to convert the coverage in the event of termination of employment or membership, shall include in such conversion provisions the same conversion rights and conditions to a covered dependent spouse of the employee or subscriber in the event the covered dependent spouse ceases to be a qualified family member by reason of termination of marriage.

1373.3. An enrollee shall not be prohibited from selecting as a primary care physician any available primary care physician who contracts with the plan in the service area where the enrollee lives or works. This section shall apply to any plan contract issued, amended, renewed, or delivered on or after January 1, 1996.

1373.4. (a) No health care service plan contract that is issued, amended, renewed, or delivered on or after July 1, 2003, that

provides maternity coverage shall do either of the following:

(1) Contain a copayment or deductible for inpatient hospital maternity services that exceeds the most common amount of the copayment or deductible contained in the contract for inpatient services provided for other covered medical conditions.

(2) Contain a copayment or deductible for ambulatory care maternity services that exceeds the most common amount of the copayment or deductible contained in the contract for ambulatory care services provided for other covered medical conditions.

(b) No health care service plan that provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions as to involuntary complications of pregnancy, unless the provisions apply generally to all benefits paid under the plan.

(c) If the pregnancy is interrupted, the maternity deductible charged for prenatal care and delivery shall be based on the value of the medical services received, providing it is never more than two-thirds of the plan's maternity deductible.

(d) For purposes of this section, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

(e) This section shall not permit copayments or deductibles in the Medi-Cal program that are not otherwise authorized under state or federal law.

(f) This section shall become operative on July 1, 2003.

1373.5. When a husband and wife are both employed as employees, and both have enrolled themselves and their eligible family members under a group health care service plan provided by their respective employers, and each spouse is covered as an employee under the terms of the same master contract, each spouse may claim on his or her behalf, or on behalf of his or her enrolled dependents, the combined maximum contractual benefits to which an employee is entitled under the terms of the master contract, not to exceed in the aggregate 100 percent of the charge for the covered expense or service.

This section shall apply to every group plan entered into, delivered, amended, or renewed in this state on or after January 1,

1978.

1373.6. This section does not apply to a specialized health care service plan contract or to a plan contract that primarily or solely supplements Medicare. The director may adopt rules consistent with federal law to govern the discontinuance and replacement of plan contracts that primarily or solely supplement Medicare.

(a) (1) Every group contract entered into, amended, or renewed on or after September 1, 2003, that provides hospital, medical, or surgical expense benefits for employees or members shall provide that an employee or member whose coverage under the group contract has been terminated by the employer shall be entitled to convert to nongroup membership, without evidence of insurability, subject to the terms and conditions of this section.

(2) If the health care service plan provides coverage under an individual health care service plan contract, other than conversion coverage under this section, it shall offer one of the two plans that it is required to offer to a federally eligible defined individual pursuant to Section 1366.35. The plan shall provide this coverage at the same rate established under Section 1399.805 for a federally eligible defined individual. A health care service plan that is federally qualified under the federal Health Maintenance Organization Act (42 U.S.C. Sec. 300e et seq.) may charge a rate for the coverage that is consistent with the provisions of that act.

(3) If the health care service plan does not provide coverage under an individual health care service plan contract, it shall offer a health benefit plan contract that is the same as a health benefit contract offered to a federally eligible defined individual pursuant to Section 1366.35. The health care service plan may offer either the most popular health maintenance organization model plan or the most popular preferred provider organization plan, each of which has the greatest number of enrolled individuals for its type of plan as of January 1 of the prior year, as reported by plans that provide coverage under an individual health care service plan contract to the department or the Department of Insurance by January 31, 2003, and annually thereafter. A health care service plan subject to this paragraph shall provide this coverage with the same cost-sharing terms and at the same premium as a health care service plan providing coverage to that individual under an individual health care service plan contract pursuant to Section 1399.805. The health care service plan shall file the health benefit plan it will offer, including the

premium it will charge and the cost-sharing terms of the plan, with the Department of Managed Health Care.

(b) A conversion contract shall not be required to be made available to an employee or member if termination of his or her coverage under the group contract occurred for any of the following reasons:

(1) The group contract terminated or an employer's participation terminated and the group contract is replaced by similar coverage under another group contract within 15 days of the date of termination of the group coverage or the subscriber's participation.

(2) The employee or member failed to pay amounts due the health care service plan.

(3) The employee or member was terminated by the health care service plan from the plan for good cause.

(4) The employee or member knowingly furnished incorrect information or otherwise improperly obtained the benefits of the plan.

(5) The employer's hospital, medical, or surgical expense benefit program is self-insured.

(c) A conversion contract is not required to be issued to any person if any of the following facts are present:

(1) The person is covered by or is eligible for benefits under Title XVIII of the United States Social Security Act.

(2) The person is covered by or is eligible for hospital, medical, or surgical benefits under any arrangement of coverage for individuals in a group, whether insured or self-insured.

(3) The person is covered for similar benefits by an individual policy or contract.

(4) The person has not been continuously covered during the three-month period immediately preceding that person's termination of coverage.

(d) Benefits of a conversion contract shall meet the requirements for benefits under this chapter.

(e) Unless waived in writing by the plan, written application and first premium payment for the conversion contract shall be made not later than 63 days after termination from the group. A conversion contract shall be issued by the plan which shall be effective on the day following the termination of coverage under the group contract if the written application and the first premium payment for the conversion contract are made to the plan not later than 63 days after the termination of coverage, unless these requirements are waived in writing by the plan.

(f) The conversion contract shall cover the employee or member and his or her dependents who were covered under the group contract on the date of their termination from the group.

(g) A notification of the availability of the conversion coverage shall be included in each evidence of coverage. However, it shall be the sole responsibility of the employer to notify its employees of the availability, terms, and conditions of the conversion coverage which responsibility shall be satisfied by notification within 15 days of termination of group coverage. Group coverage shall not be deemed terminated until the expiration of any continuation of the group coverage. For purposes of this subdivision, the employer shall not be deemed the agent of the plan for purposes of notification of the availability, terms, and conditions of conversion coverage.

(h) As used in this section, "hospital, medical, or surgical benefits under state or federal law" do not include benefits under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions **Code**, or Title XIX of the United States Social Security Act.

(i) Every group contract entered into, amended, or renewed before September 1, 2003, shall be subject to the provisions of this section as it read prior to its amendment by Assembly Bill 1401 of the 2001-02 Regular Session.

1373.62. (a) (1) This section shall apply only to a health care service plan offering hospital, medical, or surgical benefits in the individual market in California and shall not apply to a specialized health care service plan, a health care service plan contract in the Medi-Cal program (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions **Code**), a health care service plan conversion contract offered pursuant to Section 1373.6, or a health care service plan contract in the Healthy Families Program (Part 6.2 (commencing with Section 12693) of Division 2 of the Insurance **Code**).

(2) A local initiative, as defined in subdivision (v) of Section 53810 of Title 22 of the California **Code** of Regulations, that is awarded a contract by the State Department of Health Services pursuant to subdivision (b) of Section 53800 of Title 22 of the California **Code** of Regulations shall not be subject to the requirements of this section.

(b) For the purposes of this section, "program" means the

California Major Risk Medical Insurance Program (Part 6.5 (commencing with Section 12700) of Division 2 of the Insurance **Code**).

(c) (1) Each health care service plan subject to this section shall offer a standard benefit plan. The calendar year limit on benefits under the plan shall be at least two hundred thousand dollars ($200,000), and the lifetime maximum benefit under the plan shall be at least seven hundred fifty thousand dollars ($750,000). No health care service plan is required to provide calendar year benefits or a lifetime maximum benefit under the plan that exceed these limits. In calculating the calendar year and lifetime maximum benefits for any person receiving coverage through a standard benefit plan, the health care service plan shall not include any health care benefits or services that person received while enrolled in the program.

(2) The standard benefit plan of a health care service plan participating in the program shall be the same benefit design it offers through the program, except for the annual limit required under paragraph (1). If the health care service plan offers more than one benefit design in the program, it shall offer only one of those benefit designs as its standard benefit plan.

(3) (A) The standard benefit plan of a health care service plan that is not a participating health plan within the program shall be any one benefit design that is offered through the program by a health care service plan participating in the program, except for the annual limit required under paragraph (1).

(B) A health care service plan that is not a participating health plan in the program that is under common ownership with, is affiliated with, or files consolidated income tax returns with, a health insurer that is also an insurer in the individual market may satisfy the requirements of this section and Section 10127.15 of the Insurance **Code** if either the plan or insurer offers a standard benefit plan.

(C) A health care service plan that is not a participating health plan in the program that is under common ownership with, is affiliated with, or files consolidated income tax returns with, a health insurer that is in the individual market and that is a participating health plan in the program is exempt from the provisions of this section if the insurer meets the requirements of Section 10127.15 of the Insurance **Code** in offering a standard benefit plan.

(d) (1) A health care service plan may not reject an application for coverage under its standard benefit plan for an individual who meets any of the following criteria:

(A) Applies for coverage within 63 days of the termination date of his or her previous coverage under the program if the individual has had continuous coverage under the program for a period of 36 consecutive months.

(B) Has been enrolled in a standard benefit plan, moves to an area within the state that is not in the service area of the health care service plan or health insurer he or she has chosen, and applies for coverage within 63 days of the termination date of his or her previous coverage.

(C) Has been enrolled in a standard benefit plan that is no longer available where he or she resides, and applies for coverage within 63 days of the termination date of his or her previous coverage.

(2) Notwithstanding any other provision of this section, a health care service plan is not required by this section to accept an application for coverage under its standard benefit plan for any individual who is eligible for Part A and Part B of Medicare at the time of application and who is not on Medicare solely because of end-stage renal disease.

(e) The amount paid by an individual for the standard benefit plan shall be 110 percent of the contribution the individual would pay in the program for the benefit design providing the same coverage, using the same methodology in effect on July 1, 2002, for calculating the rates in the program. If a health care service plan offers calendar year and lifetime maximum benefits in its standard benefit plan that exceed those in the benefit design offered through the program, it may not increase the amount paid by the individual for the standard benefit plan. The limitation on the amount paid by an individual pursuant to this section for a standard benefit plan shall not apply to any individual who is eligible for Part A and Part B of Medicare and who is not on Medicare solely because of end-stage renal disease.

(f) (1) Prior to offering a health benefit plan contract pursuant to this section, every health care service plan shall file a notice of material modification pursuant to Section 1352. Prior to renewing the contract, the plan shall file an amendment or a notice of material modification, as appropriate, pursuant to Section 1352.

(2) Prior to making any changes in the premium charged for its standard benefit plan, the health care service plan shall file an amendment in accordance with the provisions of Section 1352 and shall include a statement certifying the plan is in compliance with subdivision (e).

(3) All other changes to a plan contract that was previously filed with the director shall be filed as an amendment in accordance with

the provisions of Section 1352, unless the change otherwise would require the filing of a material modification.

(g) (1) Each health care service plan shall report to the Managed Risk Medical Insurance Board the amount it has expended for health care services for individuals covered under a standard benefit plan under this section and the total amount of individual payments it has charged individuals for the standard benefit plan. The board shall establish by regulation the format for these reports. The report shall be prepared for each of the following reporting periods and shall be submitted within 12 months of the final date of the reporting period:

(A) September 1, 2003, to December 31, 2003, inclusive.

(B) January 1, 2004, to December 31, 2004, inclusive.

(C) January 1, 2005, to December 31, 2005, inclusive.

(D) January 1, 2006, to December 31, 2006, inclusive.

(E) January 1, 2007, to December 31, 2007, inclusive.

(2) "Health care services" means the aggregate health care expenses paid by the health care service plan or insurer during the reporting period plus the aggregate value of the standard monthly administrative fee. Health care expenses do not include costs that have been incurred but not reported by the health care service plan. The calculation of health care expenses shall be consistent with the methodology used on July 1, 2002, to calculate those expenses for participating health plans in the program. The "standard monthly administrative fee" is the average monthly, per person administrative fee paid by the program to participating health plans during the reporting period.

(3) The "total amount of individual payments" is the aggregate of the monthly individual payments charged by the health care service plan during the reporting period. The calculation of the total amount of individual payments charged shall be consistent with the methodology used on July 1, 2002, to calculate subscriber contributions in the program. The Managed Risk Medical Insurance Board shall by regulation establish the format for submitting documentation of the individual payments.

(4) The Managed Risk Medical Insurance Board may verify the health care expenses incurred by a health care service plan and the individual payments received by the plan. The verification shall include assurance that the individual was enrolled in the standard benefit plan during the reporting period in which the health care service plan paid health care expenses on the individual's behalf, and that the expenses reported are consistent with the standard benefit plan.

(h) (1) The program shall pay each health care service plan an amount that is equal to one-half of the difference between the total aggregate amount the health care service plan expended for health care services for individuals covered under a standard benefit plan who have had 36 consecutive months of coverage under the program and the total aggregate amount of individual payments charged to those individuals who have had continuous coverage under the program for a period of 36 consecutive months. For purposes of determining the amount the program shall pay each health care service plan, the total aggregate amount the health care service plan expended and the total aggregate amount of individual payments shall not include amounts paid by or on behalf of an individual who is eligible for Medicare Part A and Medicare Part B and who is not on Medicare solely because of end-stage renal disease. The program shall make this payment from the Major Risk Medical Insurance Fund or from any funds appropriated in the annual Budget Act or by another statute to the program for the purposes of this section. The state shall not be liable for any amount in excess of the moneys in the Major Risk Medical Insurance Fund or other funds that were appropriated for the purposes of this section. If the state fails to expend, pursuant to this section, sufficient funds for the state's contribution amount to any health care service plan, the health care service plan may increase the monthly payments that individuals are required to pay for any standard benefit plan to the amount that the Managed Risk Medical Insurance Board would charge without a state subsidy for the same plan issued to the same individual within the program.

(2) The Managed Risk Medical Insurance Board shall make a biannual interim payment to each health care service plan providing coverage pursuant to this section. For the first two reporting periods described in this section, biannual interim payments shall be calculated for each individual as the product of the average premium in the program for the period of time the individual was enrolled during that reporting period and one-half of the difference between the program's prior calendar year loss ratio and 110 percent. For subsequent reporting periods, the Managed Risk Medical Insurance Board may, by regulation, adopt for each health care service plan a specific method for calculating biannual interim payments based on the plan's actual experience in providing the benefits described in this section. Each health care service plan shall submit a six-month interim report of monthly individual enrollment in its standard benefit plan. The Managed Risk Medical Insurance Board shall make an interim payment to each health care service plan pursuant to this section no later than 45 days after the receipt of the plan's

enrollment reports. Final payment by the board or refund from the health care service plan shall be made upon the completion of verification activities conducted pursuant to this section.

(i) The provisions of this section constitute a pilot program that shall terminate on December 31, 2007.

(j) This section shall become inoperative on December 31, 2007, and as of January 1, 2008, is repealed, unless a later enacted statute that is enacted before January 1, 2008, deletes or extends the dates on which this section becomes inoperative and is repealed.

1373.621. (a) Except for a specialized health care service plan, every health care service plan contract that is issued, amended, delivered, or renewed in this state on or after January 1, 1999, that provides hospital, medical, or surgical expense coverage under an employer-sponsored group plan for an employer subject to COBRA, as defined in subdivision (e), or an employer group for which the plan is required to offer Cal-COBRA coverage, as defined in subdivision (f), including a carrier providing replacement coverage under Section 1399.63, shall further offer the former employee the opportunity to continue benefits as required under subdivision (b), and shall further offer the former spouse of an employee or former employee the opportunity to continue benefits as required under subdivision (c).

(b) (1) In the event a former employee who worked for the employer for at least five years prior to the date of termination of employment and who is 60 years of age or older on the date employment ends is entitled to and so elects to continue benefits under COBRA or Cal-COBRA for himself or herself and for any spouse, the employee or spouse may further continue benefits beyond the date coverage under COBRA or Cal-COBRA ends, as set forth in paragraph (2). Except as otherwise specified, continuation coverage shall be under the same benefit terms and conditions as if the continuation coverage under COBRA or Cal-COBRA had remained in force. For the employee or spouse, continuation coverage following the end of COBRA or Cal-COBRA is subject to payment of premiums to the health care service plan. Individuals ineligible for COBRA or Cal-COBRA, or who are eligible but have not elected or exhausted continuation coverage under federal COBRA or Cal-COBRA, are not entitled to continuation coverage under this section. Premiums for continuation coverage under this section shall be billed by, and remitted to, the health care service plan in accordance with subdivision (d). Failure to pay the requisite

premiums may result in termination of the continuation coverage in accordance with the applicable provisions in the plan's group subscriber agreement with the former employer.

(2) The employer shall notify the former employee or spouse or both, or the former spouse of the employee or former employee, of the availability of the continuation benefits under this section in accordance with Section 2800.2 of the Labor **Code**. To continue health care coverage pursuant to this section, the individual shall elect to do so by notifying the plan in writing within 30 calendar days prior to the date continuation coverage under COBRA or Cal-COBRA is scheduled to end. Every health care service plan and specialized health care service plan shall provide to the employer replacing a health care service plan contract issued by the plan, or to the employer's agent or broker representative, within 15 days of any written request, information in possession of the plan reasonably required to administer the requirements of Section 2800.2 of the Labor **Code**.

(3) The continuation coverage shall end automatically on the earlier of (A) the date the individual reaches age 65, (B) the date the individual is covered under any group health plan not maintained by the employer or any other health plan, regardless of whether that coverage is less valuable, (C) the date the individual becomes entitled to Medicare under Title XVIII of the Social Security Act, (D) for a spouse, five years from the date on which continuation coverage under COBRA or Cal-COBRA was scheduled to end for the spouse, or (E) the date on which the employer terminates its group subscriber agreement with the health care service plan and ceases to provide coverage for any active employees through that plan, in which case the health care service plan shall notify the former employee or spouse or both of the right to a conversion plan in accordance with Section 1373.6.

(c) (1) If a former spouse of an employee or former employee was covered as a qualified beneficiary under COBRA or Cal-COBRA, the former spouse may further continue benefits beyond the date coverage under COBRA or Cal-COBRA ends, as set forth in paragraph (2) of subdivision (b). Except as otherwise specified in this section, continuation coverage shall be under the same benefit terms and conditions as if the continuation coverage under COBRA or Cal-COBRA had remained in force. Continuation coverage following the end of COBRA or Cal-COBRA is subject to payment of premiums to the health care service plan. Premiums for continuation coverage under this section shall be billed by, and remitted to, the health care service plan in accordance with subdivision (d). Failure to pay the

requisite premiums may result in termination of the continuation coverage in accordance with the applicable provisions in the plan's group subscriber agreement with the employer or former employer.

(2) The continuation coverage for the former spouse shall end automatically on the earlier of (A) the date the individual reaches 65 years of age, (B) the date the individual is covered under any group health plan not maintained by the employer or any other health plan, regardless of whether that coverage is less valuable, (C) the date the individual becomes entitled to Medicare under Title XVIII of the Social Security Act, (D) five years from the date on which continuation coverage under COBRA or Cal-COBRA was scheduled to end for the former spouse, or (E) the date on which the employer or former employer terminates its group subscriber agreement with the health care service plan and ceases to provide coverage for any active employees through that plan, in which case the health care service plan shall notify the former spouse of the right to a conversion plan in accordance with Section 1373.6.

(d) (1) If the premium charged to the employer for a specific employee or dependent eligible under this section is adjusted for the age of the specific employee, or eligible dependent, on other than a composite basis, the rate for continuation coverage under this section shall not exceed 102 percent of the premium charged by the plan to the employer for an employee of the same age as the former employee electing continuation coverage in the case of an individual who was eligible for COBRA, and 110 percent in the case of an individual who was eligible for Cal-COBRA. If the coverage continued is that of a former spouse, the premium charged shall not exceed 102 percent of the premium charged by the plan to the employer for an employee of the same age as the former spouse selecting continuation coverage in the case of an individual who was eligible for COBRA, and 110 percent in the case of an individual who was eligible for Cal-COBRA.

(2) If the premium charged to the employer for a specific employee or dependent eligible under this section is not adjusted for age of the specific employee, or eligible dependent, then the rate for continuation coverage under this section shall not exceed 213 percent of the applicable current group rate. For purposes of this section, the "applicable current group rate" means the total premiums charged by the health care service plan for coverage for the group, divided by the relevant number of covered persons.

(3) However, in computing the premiums charged to the specific employer group, the health care service plan shall not include consideration of the specific medical care expenditures for

beneficiaries receiving continuation coverage pursuant to this section.

(e) For purposes of this section, "COBRA" means Section 4980B of Title 26 of the United States **Code**, Section 1161 et seq. of Title 29 of the United States **Code**, and Section 300bb of Title 42 of the United States **Code**, as added by the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272), and as amended.

(f) For purposes of this section, "Cal-COBRA" means the continuation coverage that must be offered pursuant to Article 4.5 (commencing with Section 1366.20), or Article 1.7 (commencing with Section 10128.50) of Chapter 1 of Part 2 of Division 2 of the Insurance **Code**.

(g) For the purposes of this section, "former spouse" means either an individual who is divorced from an employee or former employee or an individual who was married to an employee or former employee at the time of the death of the employee or former employee.

(h) Every plan evidence of coverage that is issued, amended, or renewed after July 1, 1999, shall contain a description of the provisions and eligibility requirements for the continuation coverage offered pursuant to this section.

(i) This section shall take effect on January 1, 1999.

(j) This section does not apply to any individual who is not eligible for its continuation coverage prior to January 1, 2005.

1373.622. (a) After the termination of the pilot program under Section 1373.62, a health care service plan shall continue to provide coverage under the same terms and conditions specified in Section 1376.62 as it existed on January 1, 2006, including the terms of the standard benefit plan and the subscriber payment amount, to each individual who was terminated from the program pursuant to subdivision (f) of Section 12725 of the Insurance **Code** during the term of the pilot program and who enrolled or applied to enroll in a standard benefit plan within 63 days of termination. The Managed Risk Medical Insurance Board shall continue to pay the amount described in Section 1376.62 for each of those individuals. A health care service plan shall not be required to offer the coverage described in Section 1373.62 after the termination of the pilot program to individuals not already enrolled in the program.

(b) If the state fails to expend, pursuant to this section, sufficient funds for the state's contribution amount to any health care service plan, the health care service plan may increase the

monthly payments that its subscribers are required to pay for any standard benefit plan to the amount that the Managed Risk Medical Insurance Board would charge without a state subsidy for the same plan issued to the same individual within the program.

1373.65. (a) At least 75 days prior to the termination date of its contract with a provider group or a general acute care hospital, the health care service plan shall submit an enrollee block transfer filing to the department that includes the written notice the plan proposes to send to affected enrollees. The plan may not send this notice to enrollees until the department has reviewed and approved its content. If the department does not respond within seven days of the date of its receipt of the filing, the notice shall be deemed approved.

(b) At least 60 days prior to the termination date of a contract between a health care service plan and a provider group or a general acute care hospital, the plan shall send the written notice described in subdivision (a) by United States mail to enrollees who are assigned to the terminated provider group or hospital. A plan that is unable to comply with the timeframe because of exigent circumstances shall apply to the department for a waiver. The plan is excused from complying with this requirement only if its waiver application is granted by the department or the department does not respond within seven days of the date of its receipt of the waiver application. If the terminated provider is a hospital and the plan assigns enrollees to a provider group with exclusive admitting privileges to the hospital, the plan shall send the written notice to each enrollee who is a member of the provider group and who resides within a 15-mile radius of the terminated hospital. If the plan operates as a preferred provider organization or assigns members to a provider group with admitting privileges to hospitals in the same geographic area as the terminated hospital, the plan shall send the written notice to all enrollees who reside within a 15-mile radius of the terminated hospital.

(c) The health care service plan shall send enrollees of a preferred provider organization the written notice required by subdivision (b) only if the terminated provider is a general acute care hospital.

(d) If an individual provider terminates his or her contract or employment with a provider group that contracts with a health care

service plan, the plan may require that the provider group send the notice required by subdivision (b).

(e) If, after sending the notice required by subdivision (b), a health care service plan reaches an agreement with a terminated provider to renew or enter into a new contract or to not terminate their contract, the plan shall offer each affected enrollee the option to return to that provider. If an affected enrollee does not exercise this option, the plan shall reassign the enrollee to another provider.

(f) A health care service plan and a provider shall include in all written, printed, or electronic communications sent to an enrollee that concern the contract termination or block transfer, the following statement in not less than 8-point type: "If you have been receiving care from a health care provider, you may have a right to keep your provider for a designated time period. Please contact your HMO's customer service department, and if you have further questions, you are encouraged to contact the Department of Managed Health Care, which protects HMO consumers, by telephone at its toll-free number, 1-888-HMO-2219, or at a TDD number for the hearing impaired at 1-877-688-9891, or online at www.hmohelp.ca.gov."

(g) For purposes of this section, "provider group" means a medical group, independent practice association, or any other similar organization.

1373.7. A health care service plan contract, which is written or issued for delivery outside of California and which provides benefits for California residents that are within the scope of psychological practice, shall not be deemed to prohibit persons covered under the contract from selecting a psychologist licensed in California to perform the services in California which are within the terms of the contract even though the psychologist is not licensed in the state where the contract is written or issued for delivery.

1373.8. A health care service plan contract where the plan is licensed to do business in this state and the plan provides coverage that includes California residents but that may be written or issued for delivery outside of California and where benefits are provided within the scope of practice of a licensed clinical social worker, a registered nurse licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions **Code**, who

possesses a master's degree in psychiatric-mental health nursing and is listed as a psychiatric-mental health nurse by the Board of Registered Nursing, an advanced practice registered nurse who is certified as a clinical nurse specialist pursuant to Article 9 (commencing with Section 2838) of Chapter 6 of Division 2 of the Business and Professions **Code** who participates in expert clinical practice in the specialty of psychiatric-mental health nursing, or a marriage and family therapist who is the holder of a license under Section 4980.50 of the Business and Professions **Code**, shall not be deemed to prohibit persons covered under the contract from selecting those licensed persons in California to perform the services in California that are within the terms of the contract even though the licensees are not licensed in the state where the contract is written or issued for delivery.

It is the intent of the Legislature in amending this section in the 1984 portion of the 1983-84 Legislative Session that persons covered by the contract and those providers of health care specified in this section who are licensed in California should be entitled to the benefits provided by the plan for services of those providers rendered to those persons.

1373.9. (a) Except in the case of a specialized health care service plan, a health care service plan which negotiates and enters into a contract with professional providers to provide services at alternative rates of payment of the type described in Sections 10133 and 11512 of the Insurance **Code**, shall give reasonable consideration to timely written proposals for affiliation by licensed or certified professional providers.

(b) For the purposes of this section, the following definitions are applicable:

(1) "Reasonable consideration" means consideration in good faith of the terms of proposals for affiliation prior to the time that contracts for alternative rates of payment are entered into or renewed. A plan may specify the terms and conditions of affiliation to assure cost efficiency, qualification of providers, appropriate utilization of services, accessibility, convenience to persons who would receive the provider's services, and consistency with the plan's basic method of operation, but shall not exclude providers because of their category of license.

(2) "Professional provider" means a holder of a certificate or license under Division 2 (commencing with Section 500) of the

Business and Professions **Code**, or any initiative act referred to therein, except for those certified or licensed pursuant to Article 3 of Chapter 5 (commencing with Section 2050) or Chapter 11 (commencing with Section 4800), who may, within the scope of their licenses, perform the services of a specific plan benefit defined in the health care service plan's contracts with its enrollees.

(c) A plan which has an affiliation with an institutional provider or with professional providers is not required by this section to give consideration to affiliation with professional providers who hold the same category of license or certificate and propose to serve a geographic area served adequately by the affiliated providers that provide their professional services as employees or agents of that institutional or professional provider, or contract with that institutional or professional provider to provide professional services.

1373.10. (a) On and after January 1, 1985, every health care service plan, that is not a health maintenance organization or is not a plan that enters exclusively into specialized health care service plan contracts, as defined by subdivision (n) of Section 1345, which provides coverage for hospital, medical, or surgical expenses, shall offer coverage to group contract holders for expenses incurred as a result of treatment by holders of certificates under Section 4938 of the Business and Professions **Code**, under such terms and conditions as may be agreed upon between the health care service plan and the group contract holder.

A health care service plan is not required to offer the coverage provided by this section as part of any contract covering employees of a public entity.

(b) For the purposes of this section, "health maintenance organization" or "HMO" means a public or private organization, organized under the laws of this state, which does all of the following:

(1) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, X-ray, emergency and preventive services, and out-of-area coverage.

(2) Is compensated, except for copayments, for the provision of basic health care services listed in paragraph (1) to enrolled participants on a predetermined periodic rate basis.

(3) Provides physician services primarily directly through

physicians who are either employees or partners of the organization, or through arrangements with individual physicians or one or more groups of physicians, organized on a group practice or individual practice basis.

1373.11. A health care service plan that offers or provides one or more podiatry services, as defined in Section 2472 of the Business and Professions **Code**, as a specific podiatric plan benefit shall not refuse to give reasonable consideration to affiliation with podiatrists for the provision of service solely on the basis that they are podiatrists.

1373.12. A health care service plan which offers or provides one or more chiropractic services, as defined in Section 7 of the Chiropractic Initiative Act, as a specific chiropractic plan benefit, when those services are not provided pursuant to a contract as described in subdivision (a) of Section 1373.9, shall not refuse to give reasonable consideration to affiliation with chiropractors for provision of services solely on the basis that they are chiropractors. Section 1390 shall not apply to this section.

1373.13. (a) It is the intent of the Legislature that all persons licensed in this state to engage in the practice of dentistry shall be accorded equal professional status and privileges, without regard to the degree earned.

(b) Notwithstanding any other provision of law, no health care service plan shall discriminate, with respect to the provision of, or contracts for, professional services, against a licensed dentist solely on the basis of the educational degree held by the dentist.

1373.14. Except for a preexisting condition, any health care service plan, except a specialized health care service plan, which provides coverage on a group or individual basis for long-term care facility services or home-based care shall not exclude persons covered by the plan from receiving these benefits, if they are

diagnosed as having any significant destruction of brain tissue with resultant loss of brain function, including, but not limited to, progressive, degenerative, and dementing illnesses, including, but not limited to, Alzheimer's disease, from the coverage offered for long-term care facility services or home-based care.

For purposes of this section, where a particular disease can be determined only with an autopsy, "diagnosed" means clinical diagnosis not dependent on pathological confirmation, but employing nationally accepted criteria.

1373.18. Whenever any health care service plan, except a specialized health care service plan, negotiates and enters into a contract with providers to provide services at alternative rates of payment of the type described in Sections 10133 and 11512 of the Insurance **Code**, and enrollee copayments are to be based upon a percentage of the fee for services to be rendered, the amount of the enrollee copayment shall be calculated exclusively from the negotiated alternative rate for the service rendered. No health care service plan or provider, negotiating and entering into a contract pursuant to this section, shall charge or collect copayment amounts greater than those calculated in accordance with this section.

This section shall become operative on January 1, 1993.

1373.19. Any health care service plan that includes a term that requires the parties to submit to binding arbitration shall, for those cases or disputes for which the total amount of damages claimed is two hundred thousand dollars ($200,000) or less, provide for selection by the parties of a single neutral arbitrator who shall have no jurisdiction to award more than two hundred thousand dollars ($200,000). This provision shall not be subject to waiver, except that nothing in this section shall prevent the parties to an arbitration from agreeing in writing, after a case or dispute has arisen and a request for arbitration has been submitted, to use a tripartite arbitration panel that includes two party-appointed arbitrators or a panel of three neutral arbitrators, or another multiple arbitrator system mutually agreeable to the parties. The agreement shall clearly indicate, in boldface type, that "A case or dispute subject to binding arbitration has arisen between the parties and we mutually agree to waive the requirement that cases or disputes for which the total amount of damages claimed is two hundred

thousand dollars ($200,000) or less be adjudicated by a single neutral arbitrator." If the parties agree to waive the requirement to use a single neutral arbitrator, the enrollee or subscriber shall have three business days to rescind the agreement. If the agreement is also signed by counsel of the enrollee or subscriber, the agreement shall be immediately binding and may not be rescinded. If the parties are unable to agree on the selection of a neutral arbitrator, and the plan does not use a professional dispute resolution organization independent of the plan that has a procedure for a rapid selection or default appointment of a neutral arbitrator, the method provided in Section 1281.6 of the **Code** of Civil Procedure may be utilized.

1373.20. (a) If a plan uses arbitration to settle disputes with enrollees or subscribers, and does not use a professional dispute resolution organization independent of the plan that has a procedure for a rapid selection, or default appointment, of neutral arbitrators, the following requirements shall be met by the plan with respect to the arbitration of the disputes and shall not be subject to waiver:

(1) If the party seeking arbitration and the plan against which arbitration is sought, in cases or disputes requiring a single neutral arbitrator, are unable to select a neutral arbitrator within 30 days after service of a written demand requesting the designation, it shall be conclusively presumed that the agreed method of selection has failed and the method provided in Section 1281.6 of the **Code** of Civil Procedure may be utilized.

(2) In cases or disputes in which the parties have agreed to use a tripartite arbitration panel consisting of two party arbitrators and one neutral arbitrator, and the party arbitrators are unable to agree on the designation of a neutral arbitrator within 30 days after service of a written demand requesting the designation, it shall be conclusively presumed that the agreed method of selection has failed and the method provided in Section 1281.6 of the **Code** of Civil Procedure may be utilized.

(b) If a court reviewing a petition filed pursuant to Section 1373.19 or subdivision (a) finds that a party has engaged in dilatory conduct intended to cause delay in proceeding under the arbitration agreement, the court, by order, may award reasonable costs, including attorney fees, incurred in connection with the filing of the petition.

(c) If a plan uses arbitration to settle disputes with enrollees or subscribers, the following requirements shall be met with respect to extreme hardship cases:

(1) The plan contract shall contain a provision for the assumption of all or a portion of an enrollee's or subscriber's share of the fees and expenses of the neutral arbitrator in cases of extreme hardship.

(2) The plan shall disclose this provision to subscribers in any evidence of coverage issued or amended after August 1, 1997.

(3) The plan shall provide enrollees, upon request, with an application for relief under this subdivision, or information on how to obtain an application from the professional dispute resolution organization that will administer the arbitration process. If the plan uses a professional dispute resolution organization independent of the plan, the provision for assumption of the arbitration fees in cases of extreme hardship shall be established and administered by the dispute resolution organization.

(4) Approval or denial of the application shall be determined by either (A) a professional dispute resolution organization independent of the plan if the plan uses a professional dispute resolution organization, or (B) a neutral arbitrator who is not assigned to hear the underlying dispute, who has been selected pursuant to paragraph (1) of subdivision (a), and whose fees and expenses are paid for by the plan.

1373.21. (a) If a health care service plan uses arbitration to settle disputes with enrollees or subscribers, it shall require that an arbitration award be accompanied by a written decision to the parties that indicates the prevailing party, the amount of any award and other relevant terms of the award, and the reasons for the award rendered.

(b) A copy of any modified written decision, including the amount of the award and other relevant terms of the award, the reasons for the award rendered, the name of the arbitrator or arbitrators, but excluding the names of the enrollee, the plan, witnesses, attorneys, providers, health plan employees, and health facilities, shall be provided to the department on a quarterly basis. The department shall make these modified decisions available to the public upon request.

(c) Subdivision (b) shall not preclude the department from requesting and securing from any plan copies of complete arbitration

decisions issued pursuant to subdivision (a) for the purposes of administering this chapter.

(d) If the department receives a request for information about an arbitration decision obtained by the department pursuant to subdivision (b) or (c), the department shall not release information identifying a person or entity whose name has been or should have been removed from the arbitration decision pursuant to subdivision (b).

(e) Nothing in this section shall be construed to preclude the department, or any plan or person, from disclosing information contained in an arbitration decision if the disclosure is otherwise permitted by law.

1373.95. (a) (1) A health care service plan, other than a specialized health care service plan that offers professional mental health services on an employer-sponsored group basis, shall file a written continuity of care policy as a material modification with the department before March 31, 2004.

(2) A health care service plan shall include all of the following in its written continuity of care policy:

(A) A description of the plan's process for the block transfer of enrollees from a terminated provider group or hospital to a new provider group or hospital.

(B) A description of the manner in which the plan facilitates the completion of covered services pursuant to the provisions of Section 1373.96.

(C) A template of the notice the plan proposes to send to enrollees describing its policy and informing enrollees of their right to completion of covered services.

(D) A description of the plan's process to review an enrollee's request for the completion of covered services.

(E) A provision ensuring that reasonable consideration is given to the potential clinical effect on an enrollee's treatment caused by a change of provider.

(3) If approved by the department, the provisions of the written continuity of care policy shall replace all prior continuity of care policies. The plan shall file a revision of the policy with the department if it makes a material change to it.

(b) (1) The provisions of this subdivision apply to a specialized health care service plan that offers professional mental health services on an employer-sponsored group basis.

(2) The plan shall file with the department a written policy describing the manner in which it facilitates the continuity of care for a new enrollee who has been receiving services from a nonparticipating mental health provider for an acute, serious, or chronic mental health condition when his or her employer changed health plans. The written policy shall allow the new enrollee a reasonable transition period to continue his or her course of treatment with the nonparticipating mental health provider prior to transferring to a participating provider and shall include the provision of mental health services on a timely, appropriate, and medically necessary basis from the nonparticipating provider. The policy may provide that the length of the transition period take into account on a case-by-case basis, the severity of the enrollee's condition and the amount of time reasonably necessary to effect a safe transfer. The policy shall ensure that reasonable consideration is given to the potential clinical effect of a change of provider on the enrollee's treatment for the condition. The policy shall describe the plan's process to review an enrollee's request to continue his or her course of treatment with a nonparticipating mental health provider. Nothing in this paragraph shall be construed to require the plan to accept a nonparticipating mental health provider onto its panel for treatment of other enrollees. For purposes of the continuing treatment of the transferring enrollee, the plan may require the nonparticipating mental health provider, as a condition of the right conferred under this section, to enter into its standard mental health provider contract.

(3) A plan may require a nonparticipating mental health provider whose services are continued pursuant to the written policy, to agree in writing to the same contractual terms and conditions that are imposed upon the plan's participating providers, including location within the plan's service area, reimbursement methodologies, and rates of payment. If the plan determines that an enrollee's health care treatment should temporarily continue with his or her existing provider or nonparticipating mental health provider, the plan shall not be liable for actions resulting solely from the negligence, malpractice, or other tortious or wrongful acts arising out of the provisions of services by the existing provider or a nonparticipating mental health provider.

(4) The written policy shall not apply to an enrollee who is offered an out-of-network option or to an enrollee who had the option to continue with his or her previous specialized health care service plan that offers professional mental health services on an employer-sponsored group basis or mental health provider and instead

voluntarily chose to change health plans.

(5) This subdivision shall not apply to a specialized health care service plan that offers professional mental health services on an employer-sponsored group basis if it includes out-of-network coverage that allows the enrollee to obtain services from his or her existing mental health provider or nonparticipating mental health provider.

(c) The health care service plan, including a specialized health care service plan that offers professional mental health services on an employer-sponsored group basis, shall provide to all new enrollees notice of its written continuity of care policy and information regarding the process for an enrollee to request a review under the policy and shall provide, upon request, a copy of the written policy to an enrollee.

(d) Nothing in this section shall require a health care service plan or a specialized health care service plan that offers professional mental health services on an employer-sponsored group basis to cover services or provide benefits that are not otherwise covered under the terms and conditions of the plan contract.

(e) The following definitions apply for the purposes of this section:

(1) "Hospital" means a general acute care hospital.

(2) "Nonparticipating mental health provider" means a psychiatrist, licensed psychologist, licensed marriage and family therapist, or licensed social worker who does not contract with the specialized health care service plan that offers professional mental health services on an employer-sponsored group basis.

(3) "Provider group" means a medical group, independent practice association, or any other similar organization.

1373.96. (a) A health care service plan shall at the request of an enrollee, provide the completion of covered services as set forth in this section by a terminated provider or by a nonparticipating provider.

(b) (1) The completion of covered services shall be provided by a terminated provider to an enrollee who at the time of the contract's termination, was receiving services from that provider for one of the conditions described in subdivision (c).

(2) The completion of covered services shall be provided by a nonparticipating provider to a newly covered enrollee who, at the time his or her coverage became effective, was receiving services from that provider for one of the conditions described in subdivision

(c).

(c) The health care service plan shall provide for the completion of covered services for the following conditions:

(1) An acute condition. An acute condition is a medical condition that involves a sudden onset of symptoms due to an illness, injury, or other medical problem that requires prompt medical attention and that has a limited duration. Completion of covered services shall be provided for the duration of the acute condition.

(2) A serious chronic condition. A serious chronic condition is a medical condition due to a disease, illness, or other medical problem or medical disorder that is serious in nature and that persists without full cure or worsens over an extended period of time or requires ongoing treatment to maintain remission or prevent deterioration. Completion of covered services shall be provided for a period of time necessary to complete a course of treatment and to arrange for a safe transfer to another provider, as determined by the health care service plan in consultation with the enrollee and the terminated provider or nonparticipating provider and consistent with good professional practice. Completion of covered services under this paragraph shall not exceed 12 months from the contract termination date or 12 months from the effective date of coverage for a newly covered enrollee.

(3) A pregnancy. A pregnancy is the three trimesters of pregnancy and the immediate postpartum period. Completion of covered services shall be provided for the duration of the pregnancy.

(4) A terminal illness. A terminal illness is an incurable or irreversible condition that has a high probability of causing death within one year or less. Completion of covered services shall be provided for the duration of a terminal illness, which may exceed 12 months from the contract termination date or 12 months from the effective date of coverage for a new enrollee.

(5) The care of a newborn child between birth and age 36 months. Completion of covered services under this paragraph shall not exceed 12 months from the contract termination date or 12 months from the effective date of coverage for a newly covered enrollee.

(6) Performance of a surgery or other procedure that is authorized by the plan as part of a documented course of treatment and has been recommended and documented by the provider to occur within 180 days of the contract's termination date or within 180 days of the effective date of coverage for a newly covered enrollee.

(d) (1) The plan may require the terminated provider whose services are continued beyond the contract termination date pursuant to this section to agree in writing to be subject to the same

contractual terms and conditions that were imposed upon the provider prior to termination, including, but not limited to, credentialing, hospital privileging, utilization review, peer review, and quality assurance requirements. If the terminated provider does not agree to comply or does not comply with these contractual terms and conditions, the plan is not required to continue the provider's services beyond the contract termination date.

(2) Unless otherwise agreed by the terminated provider and the plan or by the individual provider and the provider group, the services rendered pursuant to this section shall be compensated at rates and methods of payment similar to those used by the plan or the provider group for currently contracting providers providing similar services who are not capitated and who are practicing in the same or a similar geographic area as the terminated provider. Neither the plan nor the provider group is required to continue the services of a terminated provider if the provider does not accept the payment rates provided for in this paragraph.

(e) (1) The plan may require a nonparticipating provider whose services are continued pursuant to this section for a newly covered enrollee to agree in writing to be subject to the same contractual terms and conditions that are imposed upon currently contracting providers providing similar services who are not capitated and who are practicing in the same or a similar geographic area as the nonparticipating provider, including, but not limited to, credentialing, hospital privileging, utilization review, peer review, and quality assurance requirements. If the nonparticipating provider does not agree to comply or does not comply with these contractual terms and conditions, the plan is not required to continue the provider's services.

(2) Unless otherwise agreed upon by the nonparticipating provider and the plan or by the nonparticipating provider and the provider group, the services rendered pursuant to this section shall be compensated at rates and methods of payment similar to those used by the plan or the provider group for currently contracting providers providing similar services who are not capitated and who are practicing in the same or a similar geographic area as the nonparticipating provider. Neither the plan nor the provider group is required to continue the services of a nonparticipating provider if the provider does not accept the payment rates provided for in this paragraph.

(f) The amount of, and the requirement for payment of, copayments, deductibles, or other cost sharing components during the period of completion of covered services with a terminated provider or a

nonparticipating provider are the same as would be paid by the enrollee if receiving care from a provider currently contracting with or employed by the plan.

(g) If a plan delegates the responsibility of complying with this section to a provider group, the plan shall ensure that the requirements of this section are met.

(h) This section shall not require a plan to provide for completion of covered services by a provider whose contract with the plan or provider group has been terminated or not renewed for reasons relating to a medical disciplinary cause or reason, as defined in paragraph (6) of subdivision (a) of Section 805 of the Business and Profession **Code**, or fraud or other criminal activity.

(i) This section shall not require a plan to cover services or provide benefits that are not otherwise covered under the terms and conditions of the plan contract. This section shall not apply to a newly covered enrollee covered under an individual subscriber agreement who is undergoing a course of treatment on the effective date of his or her coverage for a condition described in subdivision (c).

(j) This section shall not apply to a newly covered enrollee who is offered an out-of-network option or to a newly covered enrollee who had the option to continue with his or her previous health plan or provider and instead voluntarily chose to change health plans.

(k) The provisions contained in this section are in addition to any other responsibilities of a health care service plan to provide continuity of care pursuant to this chapter. Nothing in this section shall preclude a plan from providing continuity of care beyond the requirements of this section.

(l) The following definitions apply for the purposes of this section:

(1) "Individual provider" means a person who is a licentiate, as defined in Section 805 of the Business and Professions **Code**, or a person licensed under Chapter 2 (commencing with Section 1000) of Division 2 of the Business and Professions **Code**.

(2) "Nonparticipating provider" means a provider who is not contracted with a health care service plan.

(3) "Provider" shall have the same meaning as set forth in subdivision (i) of Section 1345.

(4) "Provider group" means a medical group, independent practice association, or any other similar organization.

1374. If a health care service plan entered into, amended, or renewed in this state on or after the effective date of this section provides in any manner for coverage for an employee and a covered spouse dependent on such employee, the plan shall not provide for coverage under conditions less favorable for employees than coverage provided for covered spouses dependent upon the employees.

1374.3. Notwithstanding any other provision of this chapter or of a health care service plan contract, every health care service plan shall comply with the requirements of Chapter 7 (commencing with Section 3750) of Part 1 of Division 9 of the Family **Code** and Section 14124.94 of the Welfare and Institutions **Code**.

1374.5. A health care service plan, which is issued, renewed, or amended on or after January 1, 1988, which includes mental health services coverage in nongroup contracts may not include a lifetime waiver for that coverage with respect to any applicant. The lifetime waiver of coverage provision shall be deemed unenforceable.

1374.51. No plan may utilize any information regarding whether an enrollee's psychiatric inpatient admission was made on a voluntary or involuntary basis for the purpose of determining eligibility for claim reimbursement.

1374.55. (a) On and after January 1, 1990, every health care service plan contract which is issued, amended, or renewed that covers hospital, medical, or surgical expenses on a group basis, where the plan is not a health maintenance organization as defined in Section 1373.10, shall offer coverage for the treatment of infertility, except in vitro fertilization, under those terms and conditions as may be agreed upon between the group subscriber and the plan. Every plan shall communicate the availability of that coverage to all group contractholders and to all prospective group contractholders with whom they are negotiating.

(b) For purposes of this section, "infertility" means either (1)

the presence of a demonstrated condition recognized by a licensed physician and surgeon as a cause of infertility, or (2) the inability to conceive a pregnancy or to carry a pregnancy to a live birth after a year or more of regular sexual relations without contraception. "Treatment for infertility" means procedures consistent with established medical practices in the treatment of infertility by licensed physicians and surgeons including, but not limited to, diagnosis, diagnostic tests, medication, surgery, and gamete intrafallopian transfer. "In vitro fertilization" means the laboratory medical procedures involving the actual in vitro fertilization process.

(c) On and after January 1, 1990, every health care service plan which is a health maintenance organization, as defined in Section 1373.10, and which issues, renews, or amends a health care service plan contract that provides group coverage for hospital, medical, or surgical expenses shall offer the coverage specified in subdivision (a), according to the terms and conditions that may be agreed upon between the group subscriber and the plan to group contractholders with at least 20 employees to whom the plan is offered. The plan shall communicate the availability of the coverage to those group contractholders and prospective group contractholders with whom the plan is negotiating.

(d) Nothing in this section shall be construed to deny or restrict in any way any existing right or benefit to coverage and treatment of infertility under an existing law, plan or policy.

(e) Nothing in this section shall be construed to require any employer that is a religious organization to offer coverage for forms of treatment of infertility in a manner inconsistent with the religious organization's religious and ethical principles.

(f) Nothing in this section shall be construed to require any plan, which is a subsidiary of an entity whose owner or corporate member is a religious organization, to offer coverage for treatment of infertility in a manner inconsistent with that religious organization's religious and ethical principles.

For purposes of this subdivision, "subsidiary" of a specified corporation means a corporation more than 45 percent of the voting power of which is owned directly, or indirectly through one or more subsidiaries, by the specified corporation.

1374.56. (a) On and after July 1, 2000, every health care service plan contract, except a specialized health care service plan

contract, issued, amended, delivered, or renewed in this state that provides coverage for hospital, medical, or surgical expenses shall provide coverage for the testing and treatment of phenylketonuria (PKU) under the terms and conditions of the plan contract.

(b) Coverage for treatment of phenylketonuria (PKU) shall include those formulas and special food products that are part of a diet prescribed by a licensed physician and managed by a health care professional in consultation with a physician who specializes in the treatment of metabolic disease and who participates in or is authorized by the plan, provided that the diet is deemed medically necessary to avert the development of serious physical or mental disabilities or to promote normal development or function as a consequence of phenylketonuria (PKU).

(c) Coverage pursuant to this section is not required except to the extent that the cost of the necessary formulas and special food products exceeds the cost of a normal diet.

(d) For purposes of this section, the following definitions shall apply:

(1) "Formula" means an enteral product or enteral products for use at home that are prescribed by a physician or nurse practitioner, or ordered by a registered dietician upon referral by a health care provider authorized to prescribe dietary treatments, as medically necessary for the treatment of phenylketonuria (PKU).

(2) "Special food product" means a food product that is both of the following:

(A) Prescribed by a physician or nurse practitioner for the treatment of phenylketonuria (PKU) and is consistent with the recommendations and best practices of qualified health professionals with expertise germane to, and experience in the treatment and care of, phenylketonuria (PKU). It does not include a food that is naturally low in protein, but may include a food product that is specially formulated to have less than one gram of protein per serving.

(B) Used in place of normal food products, such as grocery store foods, used by the general population.

1374.57. (a) No group health care service plan that provides hospital, medical, or surgical expense benefits for employees or subscribers and their dependents shall exclude a dependent child from eligibility or benefits solely because the dependent child does not reside with the employee or subscriber.

(b) A health care service plan that provides hospital, medical, or surgical expense benefits for employees or subscribers and their dependents shall enroll, upon application by the employer or group administrator, a dependent child of the noncustodial parent when the parent is the employee or subscriber, at any time the noncustodial or custodial parent makes an application for enrollment to the employer or group administrator when a court order for medical support exists. Except as provided in Section 1374.3, the application to the employer or group administrator shall be made within 90 days of the issuance of the court order. In the case of children who are eligible for medicaid, the State Department of Health Services or the district attorney in whose jurisdiction the child resides may make that application.

(c) This section shall not be construed to require that a health care service plan enroll a dependent who resides outside the plan's geographic service area, except as provided in Section 1374.3.

(d) Notwithstanding any other provision of this section, all health care service plans shall comply with the standards set forth in Section 1374.3.

1374.58. (a) A group health care service plan that provides hospital, medical, or surgical expense benefits shall provide equal coverage to employers or guaranteed associations, as defined in Section 1357, for the registered domestic partner of an employee or subscriber to the same extent, and subject to the same terms and conditions, as provided to a spouse of the employee or subscriber, and shall inform employers and guaranteed associations of this coverage. A plan may not offer or provide coverage for a registered domestic partner that is not equal to the coverage provided to the spouse of an employee or subscriber.

(b) If an employer or guaranteed association has purchased coverage for spouses and registered domestic partners pursuant to subdivision (a), a health care service plan that provides hospital, medical, or surgical expense benefits for employees or subscribers and their spouses shall enroll, upon application by the employer or group administrator, a registered domestic partner of an employee or subscriber in accordance with the terms and conditions of the group contract that apply generally to all spouses under the plan, including coordination of benefits.

(c) For purposes of this section, the term "domestic partner" shall have the same meaning as that term is used in Section 297 of

the Family **Code**.

(d) (1) A health care service plan may require that the employee or subscriber verify the status of the domestic partnership by providing to the plan a copy of a valid Declaration of Domestic Partnership filed with the Secretary of State pursuant to Section 298 of the Family **Code** or an equivalent document issued by a local agency of this state, another state, or a local agency of another state under which the partnership was created. The plan may also require that the employee or subscriber notify the plan upon the termination of the domestic partnership.

(2) Notwithstanding paragraph (1), a health care service plan may require the information described in that paragraph only if it also requests from the employee or subscriber whose spouse is provided coverage, verification of marital status and notification of dissolution of the marriage.

(e) Nothing in this section shall be construed to expand the requirements of Section 4980B of Title 26 of the United States **Code**, Section 1161, and following, of Title 29 of the United States **Code**, or Section 300bb-1, and following, of Title 42 of the United States **Code**, as added by the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272), and as those provisions may be later amended.

(f) A plan subject to this section that is issued, amended, delivered, or renewed in this state on or after January 2, 2005, shall be deemed to provide coverage for registered domestic partners that is equal to the coverage provided to a spouse of an employee or subscriber.

1374.7. (a) No plan shall refuse to enroll any person or accept any person as a subscriber or renew any person as a subscriber after appropriate application on the basis of a person's genetic characteristics that may, under some circumstances, be associated with disability in that person or that person's offspring. No plan shall require a higher rate or charge, or offer or provide different terms, conditions, or benefits, on the basis of a person's genetic characteristics that may, under some circumstances, be associated with disability in that person or that person's offspring.

(b) No plan shall seek information about a person's genetic characteristics for any nontherapeutic purpose.

(c) No discrimination shall be made in the fees or commissions of a solicitor or solicitor firm for an enrollment or a subscription or

the renewal of an enrollment or subscription of any person on the basis of a person's genetic characteristics that may, under some circumstances, be associated with disability in that person or that person's offspring.

(d) "Genetic characteristics" as used in this section means either of the following:

(1) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(2) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

1374.75. (a) No health care service plan shall deny, refuse to enroll, refuse to renew, cancel, restrict, or otherwise terminate, exclude, or limit coverage, or charge a different rate for the same coverage, on the basis that the applicant or covered person is, has been, or may be a victim of domestic violence.

(b) Nothing in this section shall prevent a health care service plan from underwriting coverage on the basis of the medical condition of an individual so long as the consideration of the condition (1) does not take into account whether such an individual's medical condition was caused by an act of domestic violence, (2) is the same with respect to an applicant or enrollee who is not the subject of domestic violence as with an applicant or enrollee who is the subject of domestic violence, and (3) does not violate any other act, regulation, or rule of law. The fact that an individual is, has been, or may be the subject of domestic violence shall not be considered a medical condition.

(c) As used in this section, "domestic violence" means domestic violence, as defined in Section 6211 of the Family **Code**.

1374.8. A health care service plan shall not release any information to an employer that would directly or indirectly indicate to the employer that an employee is receiving or has received services from a health care provider covered by the plan unless authorized to do so by the employee. An insurer that has, pursuant to an agreement, assumed the responsibility to pay compensation pursuant to Article 3 (commencing with Section 3750) of Chapter 4 of Part 1 of Division 4 of the Labor **Code**, shall not be considered an employer for the purposes of this section. Nothing in this section prohibits a health care service plan from releasing relevant information described in this section for the purposes set forth in Chapter 12 (commencing with Section 1871) of Part 2 of Division 1 of the Insurance **Code**.

1374.9. For violations of Section 1374.7, the director may, after appropriate notice and opportunity for hearing, by order, levy administrative penalties as follows:

(a) Any health care service plan that violates Section 1374.7, or that violates any rule or order adopted or issued pursuant to this section, is liable for administrative penalties of not less than two thousand five hundred dollars ($2,500) for each first violation, and of not less than five thousand dollars ($5,000) nor more than ten thousand dollars ($10,000) for each second violation, and of not less than fifteen thousand dollars ($15,000) and not more than one hundred thousand dollars ($100,000) for each subsequent violation.

(b) The administrative penalties shall be paid to the Managed Health Care Fund.

(c) The administrative penalties available to the director pursuant to this section are not exclusive, and may be sought and employed in any combination with civil, criminal, and other administrative remedies deemed advisable by the director to enforce the provisions of this chapter.

1374.10. (a) Every health care service plan that covers hospital, medical or surgical expenses and which is not qualified as a health maintenance organization under Title XIII of the federal Public Health Service Act (42 U.S.C. Sec. 300e, et seq.) shall make available and offer to include in every group contract entered into

on or after January 1, 1979, benefits for home health care as set forth in this section provided by a licensed home health agency subject to the right of the subscriber group to reject the benefits or to select any alternative level of benefits as may be offered by the health care service plan.

In rural areas where there are no licensed home health agencies or in which the supply of home health agency services does not meet the needs of the community, the services of visiting nurses, if available, shall be offered under the health care service plan subject to the terms and conditions set forth in subdivision (b).

(b) As used in this section:

(1) "Home health care" means the continued care and treatment of a covered person who is under the direct care and supervision of a physician but only if (i) continued hospitalization would have been required if home health care were not provided, (ii) the home health treatment plan is established and approved by a physician within 14 days after an inpatient hospital confinement has ended and such treatment plan is for the same or related condition for which the covered person was hospitalized, and (iii) home health care commences within 14 days after the hospital confinement has ended. "Home health services" consist of, but shall not be limited to, the following: (i) part-time or intermittent skilled nursing services provided by a registered nurse or licensed vocational nurse; (ii) part-time or intermittent home health aide services which provide supportive services in the home under the supervision of a registered nurse or a physical, speech or occupational therapist; (iii) physical, occupational or speech therapy; and (iv) medical supplies, drugs and medicines prescribed by a physician and related pharmaceutical services, and laboratory services to the extent such charges or costs would have been covered under the plan if the covered person had remained in the hospital.

(2) "Home health agency" means a public or private agency or organization licensed by the State Department of Health Services in accordance with the provisions of Chapter 8 (commencing with Section 1725) of Division 2 of the Health and **Safety Code**.

(c) The plan may contain a limitation on the number of home health visits for which benefits are payable, but the number of such visits shall not be less than 100 in any calendar year or in any continuous 12-month period for each person covered under the plan. Except for a home health aide, each visit by a representative of a home health agency shall be considered as one home health care visit. A visit of four hours or less by a home health aide shall be considered as one home health visit.

(d) Home health benefits in this section shall be subject to all other provisions of this chapter. In addition, such benefits may be subject to an annual deductible of not more than fifty dollars ($50) for each person covered under a plan, and may be subject to a coinsurance provision which provides coverage of not less than 80 percent of the reasonable charges for such services.

(e) Nothing in this section shall preclude a plan offering other health care benefits provided in the home.

(f) Nothing in this section shall relieve any plan from providing all basic health care services as required by subdivision (i) of Section 1367 except that a plan subject to this section may fulfill that requirement with respect to home health services in connection with any particular group contract by providing benefits for home health care as set forth in this section if the subscriber group has not rejected such benefits.

1374.11. No health care service plan shall deny a claim for hospital, medical, surgical, dental, or optometric services for the sole reason that the individual served was confined in a city or county jail or was a juvenile detained in any facility, if such individual is otherwise entitled to reimbursement for such services under such contract and incurs expense for the services so provided during confinement. This provision shall apply to any health care service plan contract entered into or renewed on or after July 1, 1980, whether or not such contract contains any provision terminating benefits under such plan upon an individual's confinement in a city or county jail or juvenile detention facility.

1374.12. No health care service plan contract issued, entered into, or renewed on or after July 1, 1984, shall be deemed to contain any provision restricting the liability of the plan with respect to expenses solely because the expenses were incurred while the member was in a state hospital, if the policy, contract, or agreement would have paid for the services but for the fact that they were provided in a state hospital. Nothing in this section shall be deemed to require a plan to pay a state hospital for covered expenses incurred by a member at a rate or charge higher than the plan would pay for such services to a hospital with which the plan has entered a contract providing for alternative rates of payment or limiting payments for services secured by members.

1374.13. (a) It is the intent of the Legislature to recognize the practice of telemedicine as a legitimate means by which an individual may receive medical services from a health care provider without person-to-person contact with the provider.

(b) For the purposes of this section, the meaning of "telemedicine" is as defined in subdivision (a) of Section 2290.5 of the Business and Professions **Code**.

(c) On and after January 1, 1997, no health care service plan contract that is issued, amended, or renewed shall require face-to-face contact between a health care provider and a patient for services appropriately provided through telemedicine, subject to all terms and conditions of the contract agreed upon between the enrollee or subscriber and the plan. The requirement of this subdivision shall be operative for health care service plan contracts with the Medi-Cal managed care program only to the extent that both of the following apply:

(1) Telemedicine services are covered by, and reimbursed under, the Medi-Cal fee-for-service program, as provided in subdivision (c) of Section 14132.72.

(2) Medi-Cal contracts with health care service plans are amended to add coverage of telemedicine services and make any appropriate capitation rate adjustments.

(d) Health care service plans shall not be required to pay for consultation provided by the health care provider by telephone or facsimile machines.

1374.15. Any health care service plan shall, upon request by any public entity or political subdivision of the state with whom it has entered into a contract, disclose within a reasonable time period, not to exceed 60 calendar days, the method and data used in calculating the rates of payment for the contract.

1374.16. (a) Every health care service plan, except a specialized health care service plan, shall establish and implement a procedure by which an enrollee may receive a standing referral to a specialist.

The procedure shall provide for a standing referral to a specialist if the primary care physician determines in consultation with the

specialist, if any, and the plan medical director or his or her designee, that an enrollee needs continuing care from a specialist. The referral shall be made pursuant to a treatment plan approved by the health care service plan in consultation with the primary care physician, the specialist, and the enrollee, if a treatment plan is deemed necessary to describe the course of the care. A treatment plan may be deemed to be not necessary provided that a current standing referral to a specialist is approved by the plan or its contracting provider, medical group, or independent practice association. The treatment plan may limit the number of visits to the specialist, limit the period of time that the visits are authorized, or require that the specialist provide the primary care physician with regular reports on the health care provided to the enrollee.

(b) Every health care service plan, except a specialized health care service plan, shall establish and implement a procedure by which an enrollee with a condition or disease that requires specialized medical care over a prolonged period of time and is life-threatening, degenerative, or disabling may receive a referral to a specialist or specialty care center that has expertise in treating the condition or disease for the purpose of having the specialist coordinate the enrollee's health care. The referral shall be made if the primary care physician, in consultation with the specialist or specialty care center if any, and the plan medical director or his or her designee determines that this specialized medical care is medically necessary for the enrollee. The referral shall be made pursuant to a treatment plan approved by the health care service plan in consultation with the primary care physician, specialist or specialty care center, and enrollee, if a treatment plan is deemed necessary to describe the course of care. A treatment plan may be deemed to be not necessary provided that the appropriate referral to a specialist or specialty care center is approved by the plan or its contracting provider, medical group, or independent practice association. After the referral is made, the specialist shall be authorized to provide health care services that are within the specialist's area of expertise and training to the enrollee in the same manner as the enrollee's primary care physician, subject to the terms of the treatment plan.

(c) The determinations described in subdivisions (a) and (b) shall be made within three business days of the date the request for the determination is made by the enrollee or the enrollee's primary care physician and all appropriate medical records and other items of information necessary to make the determination are provided. Once a

determination is made, the referral shall be made within four business days of the date the proposed treatment plan, if any, is submitted to the plan medical director or his or her designee.

(d) Subdivisions (a) and (b) do not require a health care service plan to refer to a specialist who, or to a specialty care center that, is not employed by or under contract with the health care service plan to provide health care services to its enrollees, unless there is no specialist within the plan network that is appropriate to provide treatment to the enrollee, as determined by the primary care physician in consultation with the plan medical director as documented in the treatment plan developed pursuant to subdivision (a) or (b).

(e) For the purposes of this section, "specialty care center" means a center that is accredited or designated by an agency of the state or federal government or by a voluntary national health organization as having special expertise in treating the life-threatening disease or condition or degenerative and disabling disease or condition for which it is accredited or designated.

(f) As used in this section, a "standing referral" means a referral by a primary care physician to a specialist for more than one visit to the specialist, as indicated in the treatment plan, if any, without the primary care physician having to provide a specific referral for each visit.

(g) This section shall become operative on (1) January 1, 2004, or (2) the date of adoption of an accreditation or designation by an agency of the state or federal government or by a voluntary national health organization of an HIV or AIDS specialist, whichever date is earlier.

1374.17. (a) A health care service plan shall not deny coverage that is otherwise available under the plan contract for the costs of solid organ or other tissue transplantation services based upon the enrollee or subscriber being infected with the human immunodeficiency virus.

(b) Notwithstanding any other provision of law, in the provision of benefits required by this section, a health care service plan may utilize case management, network providers, utilization review techniques, prior authorization, copayments, or other cost sharing, subject to the terms and conditions of the plan contract and consistent with sound clinical processes and guidelines.

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28 CA ADC § 1300.68

28 CCR s 1300.68

Cal. Admin. Code tit. 28, s 1300.68

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 28. MANAGED HEALTH CARE
DIVISION 1. THE DEPARTMENT OF MANAGED HEALTH CARE
CHAPTER 2. HEALTH CARE SERVICE PLANS
ARTICLE 8. SELF-POLICING PROCEDURES
This database is current through 8/17/07, Register 2007, No. 33

s 1300.68. Grievance System.

Every health care service plan shall establish a grievance system pursuant to the requirements of Section 1368 of the Act.
(a) The grievance system shall be established in writing and provide for procedures that will receive, review and resolve grievances within 30 calendar days of receipt by the plan, or any provider or entity with delegated authority to administer and resolve the plan's grievance system. The following definitions shall apply with respect to the regulations relating to grievance systems:

(1) "Grievance" means a written or oral expression of dissatisfaction regarding the plan and/or provider, including quality of care concerns, and shall include a complaint, dispute, request for reconsideration or appeal made by an enrollee or the enrollee's representative. Where the plan is unable to distinguish between a grievance and an inquiry, it shall be considered a grievance.

(2) "Complaint" is the same as "grievance."

(3) "Complainant" is the same as "grievant," and means the person who filed the grievance including the enrollee, a representative designated by the enrollee, or other individual with authority to act on behalf of the enrollee.

(4) "Resolved" means that the grievance has reached a final conclusion with respect to the enrollee's submitted grievance, and there are no pending enrollee appeals within the plan's grievance system, including entities with delegated authority.

(A) If the plan has multiple internal levels of grievance resolution or appeal, all levels must be completed within 30 calendar days of the plan's receipt of the grievance.

(B) Grievances that are not resolved within 30 calendar days, or grievances referred to the Department's complaint or independent medical review system, shall be reported as "pending" grievances pursuant to subsection (f) below. Grievances referred to external review processes, such as reviews of Medicare Managed Care determinations pursuant to 42 C.F.R. Part 422, or the Medi-Cal Fair Hearing process, shall also be reported pursuant to subsection (f) until the review and any required action by the plan resulting from the review is completed.

(b) The plan's grievance system shall include the following:

(1) An officer of the plan shall be designated as having primary responsibility for the plan's grievance system whether administered directly by the plan or delegated to another entity. The officer shall continuously review the operation of the grievance system to identify any emergent patterns of grievances. The system shall include the reporting procedures in order to improve plan policies and procedures.

(2) Each plan's obligation for notifying subscribers and enrollees about the plan's grievance system shall include information on the plan's procedures for filing and resolving grievances, and the telephone number and address for presenting a grievance. The notice shall also include information regarding the Department's review process, the independent medical review system, and the Department's toll-free telephone number and website address.

(3) The grievance system shall address the linguistic and cultural needs of its enrollee population as well as the needs of enrollees with disabilities. The system shall ensure all enrollees have access to and can fully participate in the grievance system by providing assistance for those with limited English proficiency or with a visual or other communicative impairment. Such assistance shall include, but is not limited to, translations of grievance procedures, forms, and plan responses to grievances, as well as access to interpreters, telephone relay systems and other devices that aid disabled individuals to communicate. Plans shall develop and file with the Department a policy describing how they ensure that their grievance system complies with this subsection within 90 days of the effective date of this regulation.

(4) The plan shall maintain a toll-free number, or a local telephone number in each service area, for the filing of grievances.

(5) A written record shall be made for each grievance received by the plan, including the date received, the plan representative recording the grievance, a summary or other document describing the grievance, and its disposition. The written record of grievances shall be reviewed periodically by the governing body of the plan, the public policy body created pursuant to section 1300.69, and by an officer of the plan or his designee. This review shall be thoroughly documented.

(6) The plan grievance system shall ensure that assistance in filing grievances shall be provided at each location where grievances may be submitted. A "patient advocate" or ombudsperson may be used.

(7) Grievance forms and a description of the grievance procedure shall be readily available at each facility of the plan, on the plan's website, and from each contracting provider's office or facility. Grievance forms shall be provided promptly upon request.

(8) The plan shall assure that there is no discrimination against an enrollee or subscriber (including cancellation of the contract) on the grounds that the complainant filed a grievance.

(9) The grievance system shall allow enrollees to file grievances for at least 180 calendar days following any incident or action that is the subject of the enrollee's dissatisfaction.

(c) Through periodic medical surveys under Section 1380 of the Act, the Department shall periodically review the plan's grievance system, including the records of grievances received by the plan, and assess the effectiveness of the plan policies and actions taken in response to grievances.

(d) The plan shall respond to grievances as follows:

(1) A grievance system shall provide for a written acknowledgment within five (5) calendar days of receipt, except as noted in subsection (d)(8). The acknowledgment will advise the complainant that the grievance has been received, the date of receipt, and provide the name of the plan representative, telephone number and address of the plan representative who may be contacted about the grievance.

(2) The grievance system shall provide for a prompt review of grievances by the management or supervisory staff responsible for the services or operations which are the subject of the grievance.

(3) The plan's resolution, containing a written response to the grievance shall be sent to the complainant within thirty (30) calendar days of receipt, except as noted in subsection (d)(8). The written response shall contain a clear and concise explanation of the plan's decision. Nothing in this regulation requires a plan to disclose information to the grievant that is otherwise confidential or privileged by law.

(4) For grievances involving delay, modification or denial of services based on a determination in whole or in part that the service is not medically necessary, the plan shall include in its written response, the reasons for its determination. The response shall clearly state the criteria, clinical guidelines or medical policies used in reaching the determination. The plan's response shall also advise the enrollee that the determination may be considered by the Department's independent medical review system. The response shall include an application for independent medical review and instructions, including the Department's toll-free telephone number for further information and an envelope addressed to the Department of Managed Health Care, HMO Help Center, 980 Ninth Street, 5th Floor, Sacramento, CA 95814.

(5) Plan responses to grievances involving a determination that the requested service is not a covered benefit shall specify the provision in the contract, evidence of coverage or member handbook that excludes the service. The response shall either identify the document and page where the provision is found, direct the grievant to the applicable section of the contract containing the provision, or provide a copy of the provision and explain in clear concise language how the exclusion applied to the specific health care service or benefit requested by the enrollee. In addition to the notice set forth at Section 1368.02(b) of the Act, the response shall also include a notice that if the enrollee believes the decision was denied on the grounds that it was not medically necessary, the Department should be contacted to determine whether the decision is eligible for an independent medical review.

(6) Copies of grievances and responses shall be maintained by the Plan for five years, and shall include a copy of all medical records, documents, evidence of coverage and other relevant information upon which the plan relied in reaching its decision.

(7) The Department's telephone number, the California Relay Service's telephone numbers, the plan's telephone number and the Department's Internet address shall be displayed in all of the plan's acknowledgments and responses to grievances in 12-point boldface type with the statement contained in subsection (b) of Section 1368.02 of the Act.

(8) Grievances received over the telephone that are not coverage disputes, disputed health care services involving medical necessity or experimental or investigational treatment, and that are resolved by the close of the next business day, are exempt from the requirement to send a written acknowledgment and response. The plan shall maintain a log of all such grievances containing the date of the call, the name of the complainant, member identification number, nature of the grievance, nature of resolution, and the plan representative's name who took the call and resolved the grievance. The information contained in this log shall be periodically reviewed by the plan as set forth in subsection (b).

(e) The plan's grievance system shall track and monitor grievances received by the plan, or any entity with delegated authority to receive or respond to grievances. The system shall:

(1) Monitor the number of grievances received and resolved; whether the grievance was resolved in favor of the enrollee or plan; and the number of grievances pending over 30 calendar days. The system shall track grievances under categories of Commercial, Medicare and Medi-Cal/other contracts. The system shall indicate whether an enrollee grievance is pending at: (1) the plan's internal grievance system; (2) the Department's consumer complaint process; (3) the Department's Independent Medical Review system; (4) an action filed or before a trial or appellate court; or (5) other dispute resolution process. Additionally, the system shall indicate whether an enrollee grievance has been submitted to: (1) the Medicare review and appeal system; (2) the Medi-Cal fair hearing process; or (3) arbitration.

(2) The system shall be able to indicate the total number of grievances received, pending and resolved in favor of the enrollee at all levels of grievance review and to describe the issue or issues raised in grievances as (1) coverage disputes, (2) disputes involving medical necessity, (3) complaints about the quality of care and (4) complaints about access to care (including complaints about the waiting time for appointments), and (5) complaints about the quality of service, and (6) other issues.

(f) Quarterly Reports

(1) All plans shall submit a quarterly report to the Department describing grievances that were or are pending and unresolved for 30 days or more. The report shall be prepared for the quarters ending March 31st, June 30th, September 30th and December 31st of each calendar year. The report shall also contain the number of grievances referred to external review processes, such as reconsiderations of Medicare Managed Care determinations pursuant to 42 C.F.R. Part 422, the Medi-Cal fair hearing process, the Department's complaint or Independent Medical Review system, or other external dispute resolution systems, known to the plan as of the last day of each quarter.

(2) The quarterly report shall include:

(A) The licensee's name, quarter and date of the report;

(B) The total number of grievances filed by enrollees that were or are pending and unresolved for more than 30 calendar days at any time during the quarter under the categories of Commercial, Medicare, and Medi-Cal/other products offered by the plan;

(C) A brief explanation of why the grievance was not resolved in 30 days, and indicate whether the grievance was or is pending at: (1) the plan's internal grievance system; (2) the Department's consumer complaint process; (3) the Department's Independent Medical Review system; (4) court; or (5) other dispute resolution processes. Alternatively, the plan shall indicate whether the grievance was or is submitted to: (1) the Medicare review and appeal system; (2) the Medi-Cal fair hearing process; or (3) arbitration.

(D) The nature of the unresolved grievances as (1) coverage disputes; (2) disputes involving medical necessity; (3) complaints about the quality of care; (4) complaints about access to care (including complaints about the waiting time for appointments); (5) complaints about the quality of service; and (6) other issues. All issues reasonably described in the grievance shall be separately categorized.

(E) The quarterly report shall not contain personal or confidential information with respect to any enrollee.

(3) The quarterly report shall be verified by an officer authorized to act on behalf of the plan. The report shall be submitted in writing or through electronic filing to the Department's Sacramento Office to the attention of the Filing Clerk no later than 30 days after each quarter. The quarterly report shall not be filed as an amendment to the plan application.

(4) The quarterly report shall be filed in the format specified in subsection (i).

(g) An enrollee may submit a grievance to the Department. The Department shall notify the plan, and within five (5) calendar days after notification, the plan shall provide the following information to the Department:

(1) A written response to the issues raised by the grievance.

(2) A copy of the plan's original response sent to the enrollee regarding the grievance.

(3) A complete and legible copy of all medical records related to the grievance. The plan shall inform the Department if medical records were not used by the plan in resolving the grievance.

(4) A copy of the cover page and all relevant pages of the enrollee's Evidence of Coverage (EOC), with the specific applicable sections underlined. If the plan relied solely on the EOC, the plan shall notify the Department of that fact.

(5) All other information used by the plan or relevant to the resolution of the grievance.

(6) The Department may request additional information or medical records from the plan. Within five (5) calendar days of receipt of the Department's request, the plan shall forward information and records that are maintained by the plan or any contracting provider. If requested information cannot be timely forwarded to the Department, the plan's response will describe the actions being taken to obtain the information or records and when receipt is expected.

(h) Nothing in this section shall preclude an enrollee from seeking assistance directly from the Department in cases involving an imminent or serious threat to the health of the enrollee or where the Department determines an earlier review is warranted. In such cases, the Department may require the plan and contracting providers to expedite the delivery of information.

The Department may consider the failure of a plan to timely provide the requested information as evidence in favor of the enrollee's position in the Department's review of grievances submitted under subsection (b) of Section 1368 of the Act.

(i)



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Image 2 (6.75" X 7") Not available for Offline Print to STP or FAX

STATE OF CALIFORNIA DEPARTMENT OF MANAGED HEALTH CARE QUARTERLY REPORT OF PENDING AND UNRESOLVED GRIEVANCES PURSUANT TO HEALTH AND SAFETY CODE SECTION 1368(c)

Name of Licensed Health Plan (as appearing on license):

_____

DMHC Plan File No.: ___- _____

Report for _____Quarter 200 _____

Categories of Grievances Included in this Report: (Check and list current enrollment)

[ ] Commercial [ ] Medicare [ ] Medi-Cal [ ] Healthy Families

Under Medicare and Medi-Cal law, Medicare enrollees and Medi-Cal enrollees each have separate avenues that are not available to other enrollees. Therefore, grievances pending and unresolved may reflect enrollees pursuing their Medicare or Medi-Cal appeal rights.

I. Total Number of Grievances Unresolved Within 30 Days During the Quarter

Note:These include all grievances received by the plan or any entity to which the plan has delegated grievance resolution.

	Total	Comm	Medi-care	Medi-Cal
A. Total number of grievances pending or submitted over 30 days at the beginning of the quarter				
B. Total number of additional grievances which exceeded the 30 days timeframe for resolution during this quarter				
C. Total number of grievances that were unresolved within 30 days at any time during quarter (A + B)				
D. Total number of grievances pending or submitted over 30 days at the end of the quarter				

II. Commercial Members

Number of Commercial Member Grievances Unresolved Within 30 Days During the Quarter by Type of Grievance

	Total,	Disputes	Access

Reason Why Pending Over 30 Days	Total, all grievance types	Coverage Disputes	Medical Necessity	Quality of Care	Disputes Involving appointments)	Access to Care	Quality Service
1. Pending in Plan's Internal Grievance System							
2. Pending in Department's consumer complaint process							
3. Pending in Department's Independent Medical Review system							
4. Submitted to Arbitration							
5. Pending in Court							
6. Pending, other dispute resolution							
Total							

III. Medicare Members (complete if Medicare + Choice products provided by Plan)

Number of Medicare Member Grievances Unresolved Within 30 Days During the Quarter by Type of Grievance

Reason Why Pending	Total, all grievance types	Coverage Disputes	Medical Necessity	Quality of Care	Disputes Involving appointments)	Access to Care	Quality Service

Over 30 Days	types	Disputes	Necessity	of Care	appoint- ments)	Service
1. Pending in Plan's Internal Grievance System						
2. Submitted to Medicare Appeals System						
3. Pending in Department's consumer complaint process						
4. Pending in Department's Independent Medical Review system						
5. Submitted to Arbitration						
6. Pending in Court						
7. Pending other dispute resolution						
Total						

IV. Medi-Cal Members (Complete if Medi-Cal Managed Care products offered by Plan)

Number of Medi-Cal Member Grievances Unresolved Within 30 Days During the Quarter by Type of Grievance

Reason Why Pending	Total, all grievance	Coverage ing	Disputes Involving Medical of	Access to Quality	Care (includ-	Quality

Over 30 Days	types	Disputes	Necessity	of Care	appoint-ments)	Service
1. Pending in Plan's Internal Grievance System						
2. Submitted to Medi-Cal fair hearing process						
3. Pending in Department's consumer complaint process						
4. Pending in Department's Independent Medical Review system						
5. Submitted to Arbitration						
6. Pending in Court						
7. Pending, other dispute resolution						
Total						

VERIFICATION

I, the undersigned, have read and signed this report and know the contents thereof, and verify that, to the best of my knowledge and belief, the information included in this report is true.

BY:_____

(Signature of Individual Authorized to Sign on Behalf of Plan)

(Typed Name, Title, Phone)_____

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 1344, Health and Safety Code. Reference: Section 1368, Health and Safety Code.

HISTORY

1. Change without regulatory effect amending subsections (d), (f) and (g) filed 2-23-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 8).

2. Editorial correction of subsection (e) (Register 97, No. 19).

3. Amendment of section and new Notefiled 9-18-98; operative 10-18-98 (Register 98, No. 38).

4. Amendment filed 5-30-2000 as an emergency; operative 5-30-2000 (Register 2000, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-27-2000 or emergency language will be repealed by operation of law on the following day.

5. Amendment filed 8-14-2000 (Regulatory Action No. 00-0807-01E) as an emergency; operative 8-14-2000 (Register 2000, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-12-2000 or emergency language will be repealed by operation of law on the following day.

6. Amendment filed 8-14-2000 (Regulatory Action No. 00-0807-02E) as an emergency; operative 8-14-2000 (Register 2000, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-12-2000 or emergency language will be repealed by operation of law on the following day.

7. Editorial correction of History5and History6 (Register 2001, No. 2).

8. Certificate of Compliance as to 8-14-2000 order (Regulatory Action No. 00-0807-01E) transmitted to OAL 11-29-2000 and filed 1-10-2001 (Register 2001, No. 2).

9. Certificate of Compliance as to 8-14-2000 order (Regulatory Action No. 00-0807-02E), including amendments, transmitted to OAL 11-29-2000 and filed 1-10-2001 (Register 2001, No. 2).

10. Repealer and new section filed 11-12-2002; operative 12-12-2002 (Register 2002, No. 46).

28 CCR s 1300.68, 28 CA ADC s 1300.68
1CAC

28 CA ADC s 1300.68

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28 CA ADC § 1300.69

28 CCR s 1300.69

Cal. Admin. Code tit. 28, s 1300.69

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 28. MANAGED HEALTH CARE
DIVISION 1. THE DEPARTMENT OF MANAGED HEALTH CARE
CHAPTER 2. HEALTH CARE SERVICE PLANS
ARTICLE 8. SELF-POLICING PROCEDURES
This database is current through 8/17/07, Register 2007, No. 33

s 1300.69. Public Policy Participation by Subscribers.

Unless a plan complies with the requirements of the Health Maintenance Organization Act of 1973 in affording subscribers and enrollees procedures to participate in establishing the public policy of the plan, as defined in Section 1369 of the Act, it shall comply with each of the following requirements:
(a) If the plan is a corporation, either:

(1) At least one-third of its governing board shall be subscribers and/or enrollees, or

(2) There shall be established a standing committee which shall be responsible for participating in establishing public policy of the plan as defined in Section 1369 of the Act, and whose recommendations and reports are regularly and timely reported to the governing board. The governing board shall act upon such recommendations and such action shall be recorded in the board's minutes. The membership of the standing committee shall comply with each of the following:

(A) At least 51% of the members shall be subscribers and/or enrollees,

(B) At least one member shall be a member of the governing board of the plan, and

(C) At least one member shall be a provider.

(b) If the plan is a partnership, trust or unincorporated association, there shall be established a standing committee of the governing body or executive committee of the plan, which committee shall be responsible for participation in establishing public policy of the plan as defined in Section 1369 of the Act and whose recommendations and reports are regularly and timely reported to the governing body or executive committee of the plan. The governing body or executive committee of the plan shall act upon such recommendations and such action shall be recorded in its minutes. The membership of the standing committee shall comply with each of the following:

(1) At least 51% of the members shall be subscribers and/or enrollees,

(2) At least one member shall also be a member of the governing body or executive committee of the plan, and

(3) At least one member shall be a provider.

(c) If the plan is a sole proprietorship, it shall establish a standing committee which shall be responsible for participation in establishing public policy of the plan as defined in Section 1369 of the Act and whose recommendations are reported regularly and timely to the sole proprietor. The sole proprietor shall act upon such recommendations and such action shall be recorded. The membership of the standing committee shall comply with each of the following:

(1) At least 51% of the members shall be subscribers and/or enrollees,

(2) The sole proprietor shall be a member, and

(3) At least one provider shall be a member.

(d) Those individuals who fulfill the requirements stated in this section for subscriber and/or enrollee membership upon the governing body or standing committee shall be persons who are not employees of the plan, providers of health care services, subcontractors to the plan or group contract brokers, or persons financially interested in the plan.

(e) Advisory committees do not meet the requirements of subsections (a), (b) or (c).

(f) Enrollees and subscribers participating in establishing public policy shall have access to information available from the plan regarding public policy, including financial information and information about the specific nature and volume of complaints received by the plan and their disposition.

(g) In connection with the selection of enrollee and subscriber members of any governing board or standing committee, the plan shall generally consider the makeup of its enrollee and subscriber population, including but not limited to factors such as ethnic extraction, demography, occupation and geography as well as identifiable and individual group participation. Any such selection or election of enrollee or subscriber members shall be conducted on a fair and reasonable basis. This subsection does not require the plan to maintain supporting statistical data.

(h) The public policy participation procedure shall be incorporated into the bylaws or other governing documents of the plan. The terms of subscriber and enrollee members of the public policy making body shall be of reasonable length and overlap so as to provide continuity and experience in representation. A standing committee shall meet at least quarterly.

(i) The plan shall (1) in each evidence of coverage or combined evidence of coverage and disclosure form, or at least annually by other means, furnish to its subscribers and enrollees a description of its system for their participation in establishing public policy, and (2) communicate material changes affecting public policy to subscribers and enrollees.

<General Materials (GM) - References, Annotations, or Tables**>**

Note: Authority cited: Section 1344, Health and Safety Code. Reference: Section 1369, Health and Safety Code.

HISTORY

1. Amendment of subsection (i) filed 1-12-83; effective thirtieth day thereafter (Register 83, No. 3).

28 CCR s 1300.69, 28 CA ADC s 1300.69
1CAC

28 CA ADC s 1300.69

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28 CA ADC § 1300.70

28 CCR s 1300.70

Cal. Admin. Code tit. 28, s 1300.70

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 28. MANAGED HEALTH CARE
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ARTICLE 8. SELF-POLICING PROCEDURES
This database is current through 8/17/07, Register 2007, No. 33

s 1300.70. Health Care Service Plan Quality Assurance Program.

(a) Intent and Regulatory Purpose.

(1) The QA program must be directed by providers and must document that the quality of care provided is being reviewed, that problems are being identified, that effective action is taken to improve care where deficiencies are identified, and that follow-up is planned where indicated.

(2) This section is not intended to set forth a prescriptive approach to QA methodology. This section is intended to afford each plan flexibility in meeting Act quality of care requirements.

(3) A plan's QA program must address service elements, including accessibility, availability, and continuity of care. A plan's QA program must also monitor whether the provision and utilization of services meets professionally recognized standards of practice.

(4) The Department's assessment of a plan's QA program will focus on:

(A) the scope of QA activities within the organization;

(B) the structure of the program itself and its relationship to the plan's administrative structure;

(C) the operation of the QA program; and

(D) the level of activity of the program and its effectiveness in identifying and correcting deficiencies in care.

(b) Quality Assurance Program Structure and Requirements.

(1) Program Structure.

To meet the requirements of the Act which require plans to continuously review the quality of care provided, each plan's quality assurance program shall be designed to ensure that:

(A) a level of care which meets professionally recognized standards of practice is being delivered to all enrollees;

(B) quality of care problems are identified and corrected for all provider entities;

(C) physicians (or in the case of specialized plans, dentists, optometrists, psychologists or other appropriate licensed professionals) who provide care to the plan's enrollees are an integral part of the QA program;

(D) appropriate care which is consistent with professionally recognized standards of practice is not withheld or delayed for any reason, including a potential financial gain and/or incentive to the plan providers, and/or others; and

(E) the plan does not exert economic pressure to cause institutions to grant privileges to health care providers that would not otherwise be granted, nor to pressure health care providers or institutions to render care beyond the scope of their training or experience.

(2) Program Requirements.

In order to meet these obligations each plan's QA program shall meet all of the following requirements:

(A) There must be a written QA plan describing the goals and objectives of the program and organization arrangements, including staffing, the methodology for on-going monitoring and evaluation of health services, the scope of the program, and required levels of activity.

(B) Written documents shall delineate QA authority, function and responsibility, and provide evidence that the plan has established quality assurance activities and that the plan's governing body has approved the QA Program. To the extent that a plan's QA responsibilities are delegated within the plan or to a contracting provider, the plan documents shall provide evidence of an oversight mechanism for ensuring that delegated QA functions are adequately performed.

(C) The plan's governing body, its QA committee, if any, and any internal or contracting providers to whom QA responsibilities have been delegated, shall each meet on a quarterly basis, or more frequently if problems have been identified, to oversee their respective QA program responsibilities. Any delegated entity must maintain records of its QA activities and actions, and report to the plan on an appropriate basis and to the plan's governing body on a regularly scheduled basis, at least quarterly, which reports shall include findings and actions taken as a result of the QA program. The plan is responsible for establishing a program to monitor and evaluate the care provided by each contracting provider group to ensure that the care provided meets professionally recognized standards of practice. Reports to the plan's governing body shall be sufficiently detailed to include findings and actions taken as a result of the QA program

and to identify those internal or contracting provider components which the QA program has identified as presenting significant or chronic quality of care issues.

(D) Implementation of the QA program shall be supervised by a designated physician(s), or in the case of specialized plans, a designated dentist(s), optometrist(s), psychologist(s) or other licensed professional provider, as appropriate.

(E) Physician, dentist, optometrist, psychologist or other appropriate licensed professional participation in QA activity must be adequate to monitor the full scope of clinical services rendered, resolve problems and ensure that corrective action is taken when indicated. An appropriate range of specialist providers shall also be involved.

(F) There must be administrative and clinical staff support with sufficient knowledge and experience to assist in carrying out their assigned QA activities for the plan and delegated entities.

(G) Medical groups or other provider entities may have active quality assurance programs which the plan may use. In all instances, however, the plan must retain responsibility for reviewing the overall quality of care delivered to plan enrollees.

If QA activities are delegated to a participating provider to ensure that each provider has the capability to perform effective quality assurance activities, the plan must do the following:

(1) Inform each provider of the plan's QA program, of the scope of that provider's QA responsibilities, and how it will be monitored by the plan.

(2) Ascertain that each provider to which QA responsibilities have been delegated has an in-place mechanism to fulfill its responsibilities, including administrative capacity, technical expertise and budgetary resources.

(3) Have ongoing oversight procedures in place to ensure that providers are fulfilling all delegated QA responsibilities.

(4) Require that standards for evaluating that enrollees receive health care consistent with professionally recognized standards of practice are included in the provider's QA program, and be assured of the entity's continued adherence to these standards.

(5) Ensure that for each provider the quality assurance/utilization review mechanism will encompass provider referral and specialist care patterns of practice, including an assessment of timely access to specialists, ancillary support services, and appropriate preventive health services based on reasonable standards established by the plan and/or delegated providers.

(6) Ensure that health services include appropriate preventive health care measures consistent with professionally recognized standards of practice. There should be screening for conditions when professionally recognized standards of practice indicate that screening should be done.

(H) A plan that has capitation or risk-sharing contracts must:

1. Ensure that each contracting provider has the administrative and financial capacity to meet its contractual obligations; the plan shall have systems in place to monitor QA functions.

2. Have a mechanism to detect and correct under-service by an at-risk provider (as determined by its patient mix), including possible under utilization of specialist services and preventive health care services.

(I) Inpatient Care.

1. A plan must have a mechanism to oversee the quality of care provided in an inpatient setting to its enrollees which monitors that:

a. providers utilize equipment and facilities appropriate to the care; and

b. if hospital services are fully capitated that appropriate referral procedures are in place and utilized for services not customarily provided at that hospital.

2. The plan may delegate inpatient QA functions to hospitals, and may rely on the hospital's existing QA system to perform QA functions. If a plan does delegate QA responsibilities to a hospital, the plan must ascertain that the hospital's quality assurance procedure will specifically review hospital services provided to the plan's enrollees, and will review services provided by plan physicians within the hospital in the same manner as other physician services are reviewed.

(c) In addition to the internal quality of care review system, a plan shall design and implement reasonable procedures for continuously reviewing the performance of health care personnel, and the utilization of services and facilities, and cost. The reasonableness of the procedures and the adequacy of the implementation thereof shall be demonstrated to the to the Department.

<General Materials (GM) - References, Annotations, or Tables**>**

Note: Authority cited: Sections 1344 and 1370, Health and Safety Code. Reference: Section 1370, Health and Safety Code.

HISTORY

1. Amendment filed 12-20-90; operative 1-19-91 (Register 91, No. 6).

2. Editorial correction of printing error (Register 91, No. 17).

28 CCR s 1300.70, 28 CA ADC s 1300.70
1CAC

28 CA ADC s 1300.70

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VCMC VENTURA COUNTY HEALTH CARE PLAN

August 22, 1995

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

SUBJECT: APPROVAL OF KNOX-KEENE LICENSE APPLICATION TO BE FILED FOR VENTURA COUNTY HEALTH CARE PLAN (VCHCP)

RECOMMENDATIONS:

1. Approve the filing of an application for a Knox-Keene license for the Ventura County Health Care Plan (VCHCP) with the Department of Corporations (DOC). The proposed application is on file with the Clerk of the Board.

2. Authorize Dr. Pierre Durand, the Administrator of the VCHCP, on behalf of the Board, to sign and file the application.

3. Authorize the Auditor-Controller to transfer $1M in tangible net equity from the Ventura County Medical Center to the VCHCP, prior to licensure as required by the DOC.

4. Approve the organization of the VCHCP, the VCHCP Quality Assurance Plan and the VCHCP Grievance Policy as set forth in Attachments A, C, D, and E.

5. Approve and authorize the formation of a Standing Committee of the VCHCP to meet Knox-Keene public policy requirements, with authority to oversee the Quality of Care Review System and the Grievance Process, with appointments to be made effective on or before licensure.

6. Approve in concept VCHCP, upon the County's receipt of a Knox-Keene license, offering Plans to County extra help employees and per diem nurses, retired County employees, physicians and their contracted staff and employees who provide services at VCMC satellite clinics, and to VCMC contracted physician groups and their employees.

3291 Loma Vista Road, Ventura, California 93003, (805) 652-6069

7. Adopt the Resolution (Attachment B) setting forth the authority of the VCHCP Administrator. Direct the VCHCP Administrator to implement the above Recommendations.

FISCAL IMPACT:

Mandatory:	No
Source:	VCHCP Operating Revenue
Funding Match:	None
Impact on Other Departments:	Minimal change

Summary of Revenue and Total Costs	Fiscal Year 1995-96	1996-97
Revenue (1)	$6,100,000	$14,200,000
Direct Cost (1)	$6,100,000	$14,100,000
Indirect County Cap (2)	-0-	-0-
Net County Revenue/(Cost):	-0-	$ 100,000

(1) Assumes 1/1/96 licensure.
(2) Expected to be less than $100,000.

Fiscal Requirements

The filing fee for the Knox-Keene Application payable to the DOC is estimated to be $30,000. The DOC will invoice the VCHCP for the cost associated with the time and expenses required to process the application. Costs for outside legal counsel and consultation services in connection with preparation and processing of the application are estimated at $125,000. Licensure preparation and processing expenses will be paid by VCMC, capitalized and charged back to the VCHCP over years of its post licensure operation. There are sufficient resources in the VCHCP fund to meet the fiscal requirements of the recommended actions.

We propose that $1,000,000 in tangible net equity (TNE) be transferred from the Ventura County Medical Center to the VCHCP Fund. Both of these transactions would occur prior to licensure as required by the Commissioner of the DOC. The law requires a Knox-Keene health service plan to maintain a minimum of $1,000,000 TNE. The TNE transfer would not adversely affect the financial operation of the Ventura County Medical Center.

Discussion

The VCHCP has been operating under an exemption from Knox-Keene licensure requirements pursuant to Health and Safety Code section 1349.2. That exemption is due to sunset as of December 31, 1995. Legislation is pending that would extend that exemption. However, that legislation has not as yet become law. The VCHCP began operation on December 19, 1993. As of May 1995, 1,914 regular County of Ventura employees and their 2,424 dependents are enrolled in the Plan, for a total of 4,338 members.

The VCHCP is seeking a license in order to ensure its ability to continue to serve County employees in 1996 and thereafter. Licensure will also enable the VCHCP to offer a Plans to County extra help employees and per diem nurses, retired County employees, physicians and their contracted staff and employees who provide services at VCMC satellite clinics, and to VCMC contracted physician groups and their employees. With the addition of these groups and increased enrollment of regular County of Ventura employees, the VCHCP is projecting a growth to 4,787 subscribers and their 6,718 dependents for a total of 11,000 enrollees by year four of operation, following licensure. Obtaining a license will also provide greater flexibility for operation of the County's health care system in the rapidly changing environment relating to provision of health care.

VCHCP Organization

Attachment "A" presents the proposed organization chart of the VCHCP. The Board of Supervisors, as the governing body of the VCHCP, provides general oversight. The Plan will continue to be administered by the VCHCP Administrator, Dr. Pierre Durand, who has administered the VCHCP since its inception. A Standing Committee, to be appointed by and serve at the pleasure of the Board of Supervisors, would become operative on or before licensure, to fulfill the Knox-Keene public policy requirement and to perform specific responsibilities outlined in Attachment "C".

A Knox-Keene licensed plan is required to have a Quality Assurance (QA) Plan and a Grievance Process meeting specified requirements. Attachments "D" and "E" constitute, respectively, the proposed VCHCP QA Plan and Grievance Process, each of which requires Board approval. After licensure, revisions to these documents would be submitted to the Standing Committee for approval.

Application Process

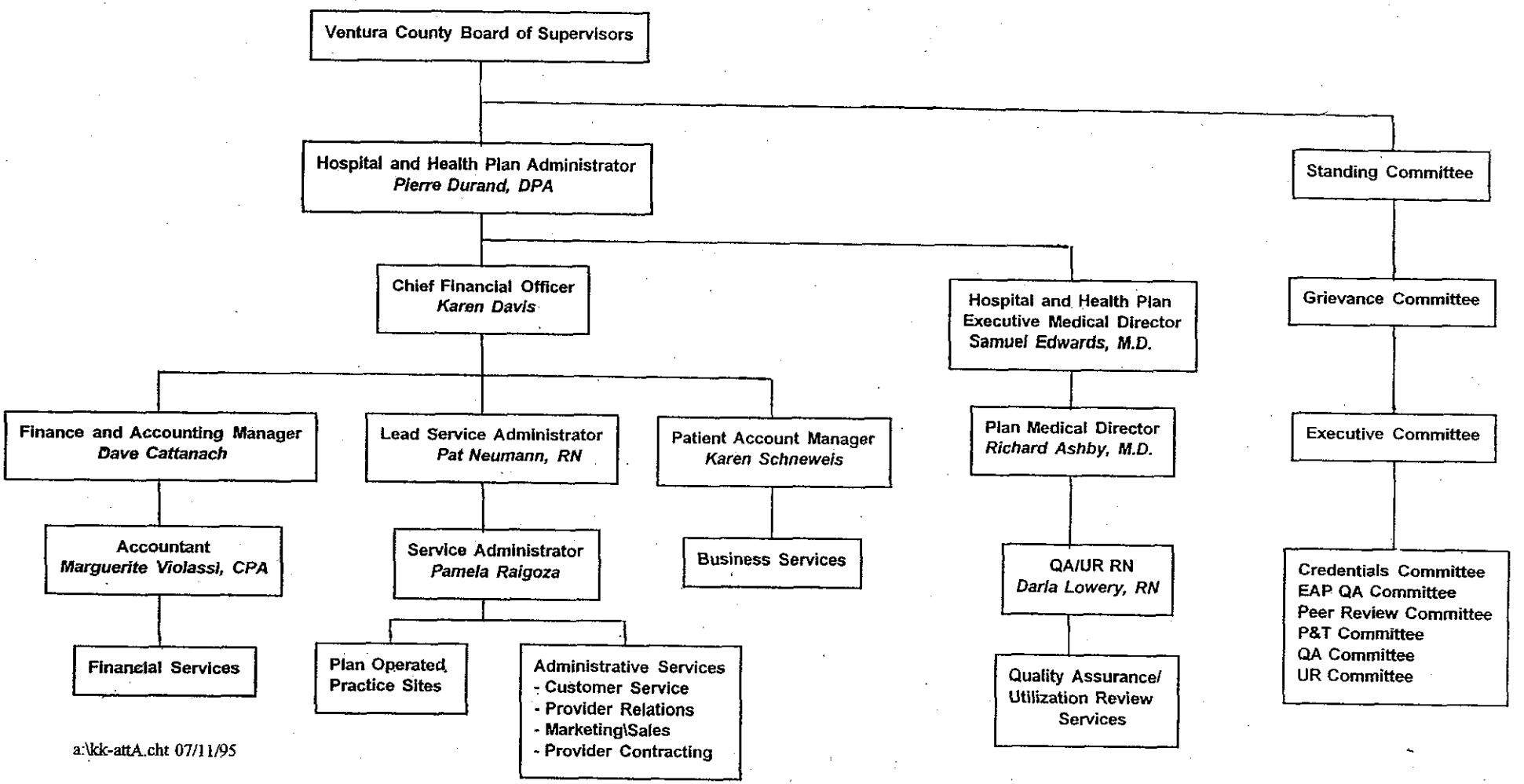
The filing and processing of a Knox-Keene application is expected to be a lengthy process, taking six months or more for approval to be received from the DOC. The proposed application is on file with the Clerk of the Board. During the course of DOC review, amendments or changes to portions of the documents in the application may be necessary to meet Knox-Keene or DOC requirements. It is desirable that this be accomplished without undue delay in processing of the County's application. We are, therefore, requesting that the VCHCP Administrator be authorized to take all necessary steps to process the application, including, during the processing phase, authority to make minor amendments or changes in the documents, consistent with County policies as may be required to comply with Knox-Keene or DOC requirements. (See Attachment B, paragraph 2.) The VCHCP Administrator would also be authorized to notify the DOC of changes in the organization or operation of the VCHCP between the filing and licensure date, and as appropriate, after licensure. This does not preclude your Board from exercising its authority or from acting directly to meet your Board's overall responsibility for the VCHCP operation. Moreover, you have the right at any time to rescind this authority.

This item has been reviewed by County Counsel, the Personnel Department, the Auditor-Controller's Office and the Chief Administrative Office. Questions regarding this item may be directed to the undersigned at 652-6058.

Dr. Pierre Durand
Administrator

Attachments

VENTURA COUNTY HEALTH CARE PLAN
ATTACHMENT A
ORGANIZATION CHART



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ATTACHMENT B
RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS SPECIFYING THE AUTHORITY OF THE ADMINISTRATOR OF THE VENTURA COUNTY HEALTH CARE PLAN

The Ventura County Board of Supervisors hereby orders and resolves as follows:

1. The Administrator of the Ventura County Health Care Plan ("VCHCP") shall be responsible for the day-to-day administration of the VCHCP consistent with County policies.

2. The Administrator shall be authorized to sign, file and take the necessary steps to process an application for a Knox-Keene license on behalf of the County for continued operation of the VCHCP in accordance with the Board's action on August 22, 1995. During the application process, the Administrator shall be further authorized to sign and file any minor amendments or changes required by the Department of Corporations (DOC) and consistent with County policies. The VCHCP Administrator shall also be authorized to notify the DOC of any changes in the organization or operation of the VCHCP between the filing and licensure and, as may be required by law, after licensure.

3. In addition to day-to-day management and responsibility for administrative, as distinguished from medical, operation of the VCHCP, the Administrator shall have authority, in conjunction with the Purchasing Agent and consistent with County policies, to enter into agreements for provision of healthcare and/or administrative services to the Plan. Any agreement above the Purchasing Agent's authority shall require specific Board approval.

4. The Administrator shall be authorized to offer Plans to large groups, small groups, and individuals consistent with Board approvals and County policies.

5. Any matter authorized by this Resolution, considered significantly controversial or policy setting in the opinion of the Chief Administrative Officer or the VCHCP Administrator shall

be brought to the Board of Supervisors, or such other appropriate body of the VCHCP (such as the Standing Committee) for its action (with a recommendation from the VCHCP Administrator).

On motion by Supervisor Schillo, seconded by Supervisor Lacey, the foregoing resolution was passed and adopted on August 22, 1995.

Maggie Kildee
CHAIR, BOARD OF SUPERVISORS

ATTEST:
RICHARD D. DEAN, County Clerk,
County of Ventura, State of California,
and ex-officio Clerk of the Board of
Supervisors, thereof.

By Roberta Rodriguez
Deputy Clerk

a:\vchcp-bd.res 08/15/95

VENTURA COUNTY HEALTH CARE PLAN
ATTACHMENT C
STANDING COMMITTEE FUNCTION AND ORGANIZATION

The Ventura County Board of Supervisors has approved and authorized the following procedures to permit members to participate in establishing the public policy of the Plan:

Governing Body: Ventura County Board of Supervisors, comprised of five individuals, each elected by geographic region.

The governing body has responsibility for the following:

1. General oversight responsibility for the Quality of Care Review and Grievance Programs, administered by the Standing Committee.

2. Receipt of quarterly reports and recommendations from the Standing Committee.

3. Acting upon such recommendations and, if applicable, directing Plan personnel to implement the Board's actions. Recording the Board's actions in minutes.

4. Appointing Standing Committee Members for terms of up to 3 years. The Standing Committee Members shall serve at the will of the Ventura County Board of Supervisors.

5. Approving the Quality Assurance Plan.

Standing Committee:

The membership of the Standing Committee will include:

- 1 Member of the Board of Supervisors, who shall act as chair.
- County Chief Administrative Officer
- 1 Network Provider

The Network Provider shall abstain from voting on all issues previously voted on in any VCHCP Committee.

and 4 Plan Members representative of overall Plan Membership by:

- Subscriber Groups
- Demography

- Ethnicity
- Occupation

The Health Plan Administrator will nominate the 4 Plan Member representatives. Plan Member representatives shall not be persons who are employees of the Plan, Network Providers, or persons financially interested in the Plan.

The Standing Committee has responsibility for the following:

1. Meeting, no less than quarterly.
2. Oversight of the Executive Committee, to include:
   - Reviewing quarterly summary reports
   - Reviewing and findings and actions taken as a result of the Quality Care Review Program.
   - Approval of revisions to the Quality Assurance Plan
3. Reviewing the annual audited financial statements of the Plan and interim financial information as may be received.
4. Oversight of the Grievance Committee, to include a review of reports containing the following information as presented to members during regularly scheduled meetings:
   - Reviewing a written record of tabulated grievances.
   - Analyzing and evaluating the number and disposition of member complaints
   - Evaluating the access and convenience of VCHCP facilities to members
   - Reviewing formal appeals of Members and hearing special appeals of Network Providers.
5. Submitting regular and timely reports and recommendations to the Board of Supervisors, no less than annually.

The Ventura County Health Care Plan (VCHCP) will furnish to members a description of its system for their participation in establishing public policy in the Plan's Combined Evidence of Coverage and Disclosure form.

VCHCP will communicate material changes affecting public policy to members in the Plan's quarterly newsletter, CareAware.

Exhibit E (Summary) Original Application 4/95

SECTION E. Summary of Information in the Application

EXHIBIT E-1. Summary Description of Plan Organization and Operat

Provide as Exhibit E-1 a summary description of the organization and operation of applicant's business as a health care service plan, covering the highlights and essential features of the information provided in response to the other portions of this application which is essential or desirable to an effective overview of the applicant health care service plan business.

The County of Ventura (the "County") currently operates a health care service plan pursuant to an exemption for certain plans operated by public entities or subdivisions which provide services only to their employees, dependents, and retirees. See, Section 1349.2 of the Knox-Keene Health Care Service Plan Act of 1975, as amended (the "Act"). This plan (the "Exempt Plan") arranges for health care services for enrolled employees of the County and their dependents through the County owned and operated hospital and ambulatory care clinics of the Ventura County Medical Center ("VCMC") staffed by Primary Care and Specialty Care Physicians under contract with the County; from community-based Primary Care and Specialty Care Physicians and mental health practitioners under contract with the County; from pharmacies and other ancillary service providers under contract with the County; and from emergency service providers. All health care services covered under the Exempt Plan are reimbursed on a fee-for-service basis, consistent with the requirements of Section 1349.2 of the Act.

The County operates the Exempt Plan as a separate fund within the County of Ventura Health Care Agency, which also operates VCMC and other health care programs. The Administrator of VCMC is also the Administrator of the Exempt Plan. The County Board of Supervisors is the governing body with ultimate authority over the Health Care Agency and the Exempt Plan.

Currently, several financial, operational, and administrative functions for the Exempt Plan are performed by County personnel with other responsibilities within the Health Care Agency or other departments of the County. For example, the financial functions of the Exempt Plan are overseen by VCMC's Chief Financial Officer and the medical services provided by the Exempt Plan are overseen by VCMC's Executive Medical Director. Accounting and claims processing for the Exempt Plan are handled by VCMC's Financial Administration Department. Disbursements from all County agencies, including claim payments from the Exempt Plan are made by the County Auditor/Controller. The County Financial Administration Department provides the

Auditor/Controller with claims to be paid under the Exempt Plan and the checks are printed and mailed by the Auditor/Controller. There are currently three employees in the Health Care Agency that devote all of their time to the Exempt Plan: a QA/UR Registered Nurse who handles QA/UR for the Exempt Plan, a Customer Service Representative and a Claims Adjudicator.

Approximately 80 percent of all inpatient days for enrollees of the Exempt Plan occur at VCMC.

The Ventura County Health Care Plan (VCHCP) began operations on December 19, 1993 with one group of enrolled members, County of Ventura regular employees. The first plan year for this group ended December 31, 1994. This group is now in its second plan year, which started January 1, 1995 and will end December 30, 1995. VCHCP currently operates as an Exempt Plan under Section 1349.2 of the Health and Safety Code.

VCHCP intends to continue to operate as an Exempt Plan until a Knox-Keene license is received. Continued uninterrupted operations are contingent on the timing of the receipt of the Knox-Keene license and the status of pending legislation (AB 1272) which, if enacted as currently proposed, will permanently extend the exemption under which the Plan operates. If the exemption is not extended prior to December 30, 1995 and if the Plan does not receive a license prior to this time, Plan operations may be interrupted. As such, Applicant believes that it is imperative that it obtain a Knox-Keene license no later than December 30, 1995.

SECTION E: SUMMARY OF INFORMATION IN THE APPLICATION

Exhibit E-2: Summary Description of Start-Up

SECTION E. Summary of Information in the Application

EXHIBIT E-2. Summary Description of Start-Up

Provide as Exhibit E-2 a concise description of applicant's start-up program and its assumptions. Indicate applicant's's projected date for the beginning of plan operations, and discuss the factors which require such date.

The County now seeks to obtain a license to operate the Exempt Plan as a full service health care service plan under the Act (the licensed plan being hereinafter referred to in this Application as "VCHCP" or the "Plan").

The County is seeking licensure for VCHCP for several reasons, including the following: (i) the exemption from the Act under which the Exempt Plan now operates is scheduled to expire on December 31, 1995 (although there is legislation now being considered to extend the exemption beyond December 31, 1995, there is no assurance that the legislation will become law or that it will apply to the Exempt Plan as currently being operated); (ii) the County intends to offer enrollment in VCHCP to extra help and retired employees of the County, which would not be allowed under the current exemption unless such benefits are funded by the County; (iii) the County has recently restructured the satellite Primary Care Clinics and certain Specialty Care Physicians services such that they are operated by independent physician contractors and the County would like to offer enrollment in VCHCP to these physician contractors and their staff, which would not be allowed under the current exemption; and (iv) the County intends to begin compensating some providers on a capitated basis in order to better control the cost of health care services, which would not be allowed under the current exemption.

A. Members

Upon licensure, enrollment in VCHCP will be open to regular, full-time employees of the County and their dependents under a Large Subscriber Group Agreement. Shortly thereafter, it is anticipated that membership will be offered to retired and extra help County employees, Satellite Clinic and Specialty Care Physician contractors and their staff. VCHCP does not currently intend to actively market the Plan to employer groups or individuals other than those described above. See Exhibits Y and Z of this Application regarding marketing of group contracts and marketing of individual contracts, respectively.

Upon licensure, it is anticipated that there will be approximately 4,350 enrolled Members (the "Members") in the Plan, increasing to approximately I1,000 Members by 1998. See Exhibit CC-1 to this Application regarding projected enrollment for VCHCP.

B. Delivery of Health Care Services

VCHCP is seeking licensure to provide health care services within a service area comprised of all of Ventura County. See Exhibits H-1 and H-2 to this Application for a description and map of this proposed service area. Through contractual arrangements, VCHCP will have a network of physician and other individual or group providers, hospital and other facility providers and a full compliment of ancillary providers throughout Ventura County to deliver covered health care services to Members on an easily accessible basis.

(i) Physician and Other Individual or Group Providers

Prior to licensure, VCHCP will have direct contracts with approximately 34 Primary Care Physicians, 13 Specialty Care Physicians, 70 mental health practitioners and 11 other ancillary providers; will have direct contracts with several provider groups giving the Members access to approximately 38 Primary Care Physicians and I00 Specialty Care Physicians, and; will provide Members with access to approximately 15 additional Primary Care Physicians, and 61 Specialty Care Physicians by virtue of a Memorandum of Understanding ("MOU") between VCHCP and VCMC (See discussion of this MOU in "Facilities" below). See Exhibits I-1-a and I-1-b to this Application regarding arrangements with these providers.

(ii) Facilities

Prior to licensure, VCHCP will have entered into a MOU with VCMC for inpatient and outpatient hospital services and access to approximately 15 Primary Care Physicians and 61 Specialty Care Physicians who have contracted directly with VCMC. VCHCP will also have entered into a contract with Los Robles Regional Medical Center for inpatient and outpatient hospital services. See Exhibit. I-2 and I-3 to this Application regarding these arrangements.

VCHCP has satellite Primacy Care Clinics and Specialist Medical Groups located throughout Ventura County. Prior to licensure, VCHCP will have entered into contracts with the operators of these Clinics (physicians under contract with VCMC which will provide Members with access to approximately 38 Primary Care Physicians, and 13 Specialty Care Physicians. See Exhibit I-1-b to this Application regarding these arrangements.

(iii) Centurion IPA.

Prior to licensure, VCHCP will have entered into an agreement with Centurion Medical Group, Inc., pursuant to which Members will have access to over 100 Specialty Care Providers and 40 Ancillary Service Providers, including providers of home health care, podiatry and durable medical equipment. See Exhibit I-1-b and I-3 to this Application regarding this Agreement.

(iv) Ancillary Services.

Prior to licensure, VCHCP will have entered into contractual relationships directly with approximately 12 Ancillary Service Providers, including providers of chiropractic care and durable medical equipment. Pursuant to a contract entered into between VCHCP and Diversified Pharmaceutical Services, Inc., Members will have access to approximately 103 pharmacies located throughout Ventura County. Furthermore, VCHCP will have entered into a contract with the University of Southern California and Good Samaritan Hospital of Los Angeles for certain tertiary services, including organ transplant, lithotripsy and cardiovascular surgery.

C. Compensation of Providers

VCHCP has negotiated compensation arrangements with (i) VCMC, (ii) other facilities, and (iii) individual/group providers, including fee-for-service and capitated arrangements.

D. Administration

The County will operate VCHCP as a separate enterprise fund within the Health Care Agency. As described above, the County Board of Supervisors is the ultimate decision making body with respect to VCHCP. The Board has delegated limited authority to the Plan Administrator.

With respect to the operations of VCHCP, the Plan Administrator oversees the following functions performed by each of the following persons: (i) Karen Davis (who is responsible for Finance); (ii) Samuel Edwards, M.D. (who is responsible for medical direction); and (iii) Richard Ashby, M.D. (who is responsible for quality assurance and utilization management). See Exhibits L and M to this Application regarding the organization of the Plan and the positions of those persons who will be responsible for managing and operating VCHCP. This staff will manage the Plan's delivery system, implement medical policies and standards, the Plan's Quality Assurance Program, utilization management and control systems, physician credentialing, provider contracting and Plan grievance procedures. VCHCP believes that this staffing is more than adequate to meet the current and future needs of the Plan.

VCHCP will also enter into MOU's with the following County departments that will provide administrative services and which will share administrative staff with VCHCP:

(i) VCMC - Provision of administrative staff,
(ii) County Auditor/Controller - Processing of payment checks to providers;
(iii) County Personnel Department - Administration of COBRA benefits, Wellness Program and Employee Assistance Program.

The Plan's staff will monitor the performance of the other County departments in carrying out these services for VCHCP. See Exhibits N-1 and N-2 to this Application regarding these arrangements.

Applicant notes that the County Board of Supervisors has approved changes to the operations of the Exempt Plan intended to ensure that VCHCP meets the requirements of the Act. For example, VCHCP will comply with the Act's Tangible Net Equity requirements by receiving from the Health Care Agency at least $ 1,000,000 in cash or other assets prior to licensure which will be set aside by the VCHCP in a separate account (if cash). See Exhibit GG-2 to this Application regarding tangible net equity. The Board of Supervisors has also established a Standing Committee for the Plan which will include representation from Members to monitor the Plan's Quality Assurance and Grievance Programs and report their findings and make recommendations directly to the Board of Supervisors. See Exhibit X to this Application regarding public policy participation.

The Board of Supervisors has also approved a new organizational chart for VCHCP to ensure that the oversight activities of the various committees that monitor quality of medical care are separate from the administration and financial management of the Plan. This organization is intended to ensure that medical decisions will be separate from fiscal and administrative matters. Medical decisions will be made by the Plan's Primary Care Providers and then reviewed by the Plan's Medical Director. The Plan's Medical Director will not be responsible for the financial or administrative matters of the Plan. These matters will be the responsibility of Karen Davis and her managers, and subject to oversight by the Plan Administrator. See Exhibits L, M, and O to this Application regarding administration of the Plan, Plan organization and separation of medical services from fiscal and administrative management.

Finally, VCHCP acknowledges that it is aware of its obligations under Section 1357, et of seq., the Act for Small Employer Groups, and has prepared the required disclosures if such small employers request information on VCHCP and want to offer enrollment in VCHCP to eligible employees and their dependents.

VCHCP seeks licensure prior to January 1, 1996.

Exhibit F
Original
Application
8/95

SECTION F. Organization and Affiliated Persons

EXHIBIT F-1. Type of Organization

(e) Public Agency

If applicant is a public agency, attach as Exhibit F-1e(i) a description of the public agency, its legal authority, organization, decision making body. Also attach as Exhibit F-1e(ii) a description of the division or unit of the public agency which is to be responsible for operating the plan, its legal authority, organization, and decision making role. Also attach as Exhibit F-1e(iii) the name and address of the local public agency which is the plan.

(i) Description of the Public Agency, its Legal Authority, Organization, and Decision Making Body

The County of Ventura is a subdivision of the State of California, a body corporate and politic, established effective January 1, 1873, by act of the California Legislature approved March 22, 1872. (Stats. 1872, ch. 351, p. 484 et seq.; Gov. Code §§ 23002, 23003 and 23012.) With a population in excess of 700,000, Ventura County is the 12th most populous county in the State of California, and, thus, a county of the "6th class" under Government Code section 28027. Ventura County's territorial boundaries are specified in Government Code section 23156. The County seat is the City of Ventura (officially "San Buenaventura").

The County is governed by its Board of Supervisors (Gov. Code §§ 23005 and 25000) and has certain County officers as specified in the California Government Code. (See, generally, Gov. Code, § 24000 et seq.) The County exercises its powers through its Board of Supervisors and agents and officers acting under authority of the Board or authority conferred by law. (Gov. Code § 23005.) A County organizational chart is attached.

The County has the powers generally provided for counties by the Legislature pursuant to California Constitution, article XI, section 1, which directs the Legislature to "provide for county powers." Under the California Constitution, article XI, section 7, the County is also authorized to "make and enforce within the unincorporated territory all local, police, sanitary, and other ordinances and regulations not in conflict with general laws."

The County is specifically authorized to operate health care facilities, including, but not

limited to, hospitals and clinics and to "establish, maintain, and carry on" the activities of such health care facilities "through one or more corporations, joint ventures, or partnerships for the direct benefit of those health care facilities and the health services that they provide." (Gov. Code §§ 23004.5). Through December 31, 1995, a health care service plan operated by a county or other public entity has, upon meeting specified requirements, is exempt from the requirements of the Knox-Keene Health Care Service Plan Act of 1975, as amended, pursuant to Health and Safety Code section 1349.2.

The resolution of the Board of Supervisors pursuant to which authority has been granted to file this Application and take such other actions in connection therewith is attached hereto.

(ii) Description of the Division or Unit of the Public Agency Which Is to Be Responsible for Operating the Plan, its Legal Authority, Organization, and Decision Making Role

The Ventura County Health Care Plan (the "Plan") is operated within the Health Care Agency of the County of Ventura. The Health Care Agency is a division of the County of Ventura (see organizational chart). The Director of the Health Care Agency is appointed and serves at the pleasure of the Chief Administrative Officer of the County. The Administrator of the Plan is appointed by and services at the pleasure of the Director of the Health Care Agency, with limited delegated authority from the County Board of Supervisors and exemption from classified service.

In addition to the Plan, departments and functions currently within the Health Care Agency include the Ventura County Medical Center, the Mental Health Department, Public Health Department, Department of Alcohol and Drugs Programs, Medical Examiner and Emergency Medical Services.

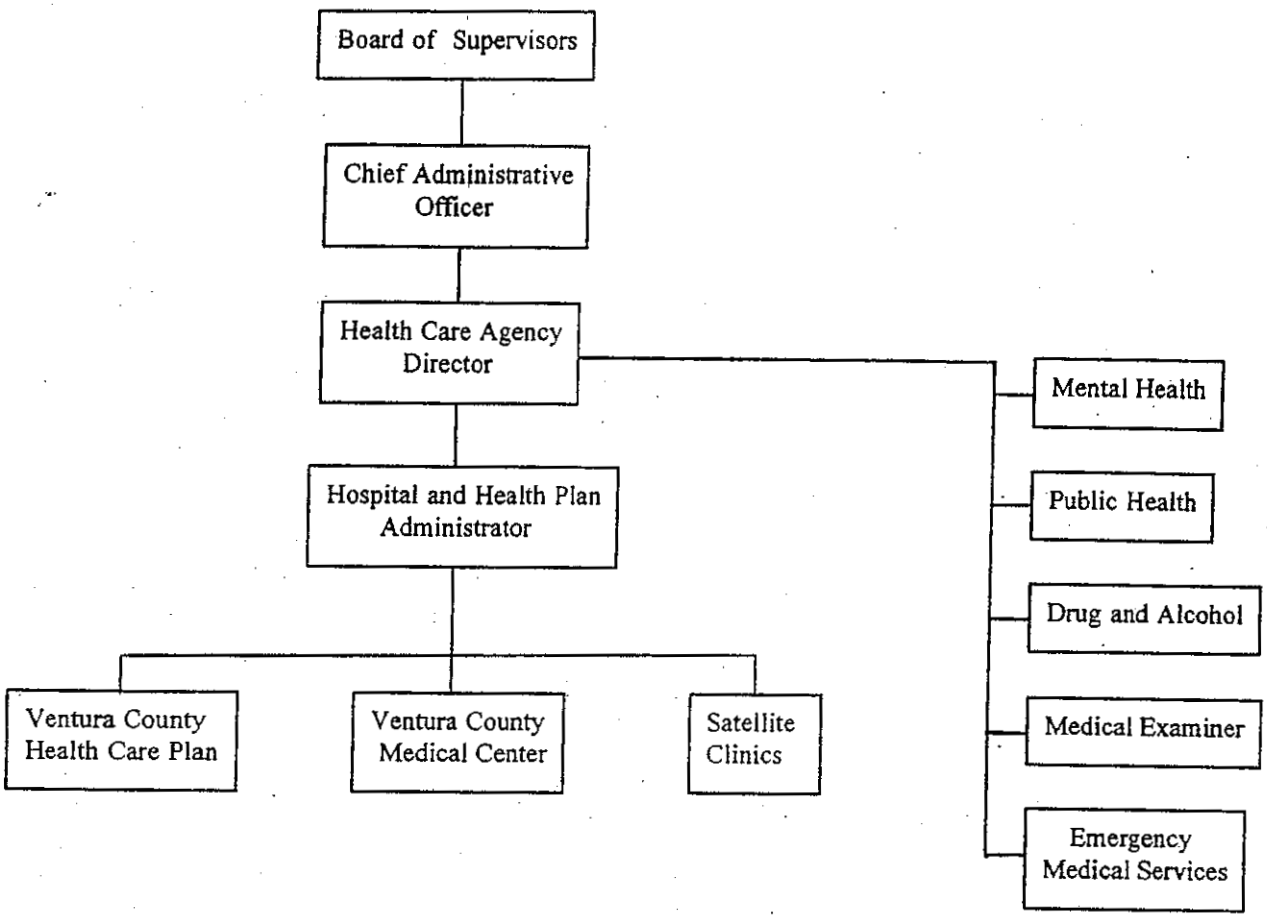
The County Board of Supervisors is the governing board and governing authority with respect to the Health Care Agency and the Plan.

(iii) Name and Address of the Local Public Agency Which Is the Plan

The name of the "local public agency which is the "Plan" and its address are:

Ventura County Health Care Plan, 133 W. Santa Clara Street, Ventura, CA 93001

VENTURA COUNTY HEALTH CARE AGENCY



Ventura County Health Care Plan
Board of Supervisor Actions

Attached is a summary of Ventura County Board of Supervisors recommended actions concerning the Ventura County Health Care Plan (VCHCP). The actions attest to the ongoing support of the Board of Supervisors for the VCHCP:

Date	Summary of Recommended Action(s)
12/6/94	Approve Plan Year 1995 Evidence of Coverage
12/6/94	Approve 1995 Physician Compensation Schedule
12/6/94	Delegate authority to Plan Administrator for modifying Provider Agreements to incorporate above.
10/25/94	Approve Plan Year 1995 group rates
7/12/94	Approve EAP Provider Agreement
7/12/94	Approve EAP Provider reimbursement rates
7/12/94	Delegate authority to Personnel Director to execute EAP Provider Agreements
4/12/94	Approve Plan Year 1994 Evidence of Coverage
4/12/94	Delegate authority to Medical Center Administrator to administer Plan claims.
4/12/95	Approve MOU for administrative and medical services between Ventura County Medical Center and Plan
4/12/95	Approve Pharmacy Provider Agreement for Plan
4/12/95	Approve stop-loss insurance policy for Plan
11/16/93	Authorize the addition of the VCHCP as a Medical Plan option for active employees. Approve group rates for first (1994) Plan Year
11/15/93	VCHCP Plan Presentation to Board of Supervisors Study Session

HCA Ventura County Health Care Agency

PIERRE DURAND, DPA
Health Care Agency Director
Ventura County Medical Center Administrator

Karen Davis, MBA
HCA Deputy Director
HCA/VCMC Chief Financial Officer/Fiscal Services

Samuel Edwards, MD
HCA Deputy Director
VCMC Associate Administrator, Hospital Services

David M. Gudeman, MD
Behavioral Health Director
VCMC Associate Administrator, Mental Health Services

Paul E. Lorenz, MBA
Public Health Director

Ronald L. O'Halloran, MD
Medical Examiner/Coroner

Michael B. Powers, Esq.
HCA Deputy Director
VCMC Compliance Officer

Bill Wood
VCMC Associate Administrator, Ambulatory Clinic Services

November 7, 2000

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: VENTURA COUNTY HEALTH CARE PLAN STANDING COMMITTEE APPOINTMENTS

RECOMMENDATION:

Approve the appointment of the below listed individuals to the Ventura County Health Care Plan ("VCHCP") Standing Committee for a three-year term, beginning December 1, 2000.

FISCAL IMPACT:

Mandatory:	Yes
Authority:	Health & Safety Code §1368-1370; California Code of Regulations, Title X, §1300.68-70
Fiscal Impact:	None

DISCUSSION:

VCHCP conducts quarterly Standing Committee meetings to meet State licensure requirements. VCHCP Standing Committee members include a representative of the Board of Supervisors who serves as Chair, the Chief Administrative Officer, a plan provider and four plan members. Additionally, there are one plan provider alternate and two plan member alternates. Supervisor Kathy I. Long has served as Chairman of this committee since its inception, and continues to serve in that capacity. The provider and plan members normally serve three-year terms. The plan provider alternate, Sheryl Dickstein, M.D., and one of the plan member alternates, Judith Wiegand, have resigned for personal reasons that prevent them from finishing their terms. At this time also, we are increasing the number of alternates to assure a quorum for each meeting. The following

four individuals are nominated and have agreed to serve on the VCHCP Standing Committee for a three-year term beginning December 1, 2000:

Linda England, MD, provider (alternate)
Patricia Judkins, Ventura, Plan Member (alternate)
Andrew Walters, Oxnard, Plan Member (alternate)
Katie Wells, Oxnard, Plan Member (alternate)

This letter has been reviewed by the Chief Administrative Office, County Counsel and the Auditor-Controller's Office. If you have any questions regarding this item, please call Karen Davis at 677-5140.

KAREN DAVIS
HCA Deputy Director - CFO

PIERRE DURAND, DPA
Health Care Agency Director
VCMC Administrator

CALIFORNIA CODES
BUSINESS AND **PROFESSIONS CODE**
SECTION **6300**-6307

6300. There is in each county of this State a board of law library trustees, which governs the law library established for the county under the provisions of this chapter.

6301. (a) Except as otherwise provided by statute, a board of law library trustees is constituted as follows:

(1) In a county where there are no more than three judges of the superior court, each of those judges is ex officio a trustee. The judges may at their option select only one of their number to serve as a trustee, and in that event they shall appoint two additional trustees who are residents of the county or members of the State Bar.

(2) In a county where there are more than three judges of the superior court, the judges of that court shall elect either four or five of their number to serve as trustees.

(3) Any judge of the superior court who is an ex officio or elected member may, at the judge's option, designate a resident of the county or a member of the State Bar to act for the judge as trustee.

(4) The chair of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chair may appoint a member of the State Bar, any other member of the board of supervisors of the county, or a resident of the county to serve as trustee in place of the chair. The appointment of the person selected in place of the chair of the board of supervisors shall expire when a new chair of the board of supervisors is selected, and that appointment shall not be subject to the provisions of Section 6302.

(5) The board of supervisors shall appoint as many additional trustees, who are members of the State Bar, as may be necessary to constitute a board of at least six and not more than seven members.

(b) No more than two law library trustees may be residents of the county who are not judges of the county, members of the State Bar, or

members of the board of supervisors of the county.

6301.1. Notwithstanding Section 6301, in San Diego County the board of law library trustees shall be constituted, as follows:

(a) Four judges of the superior court, to be elected by and from the superior court judges of the county. Each superior court judge so elected shall serve a three-year term. In order to maintain overlapping terms, those judges holding office as of the date of unification of the municipal and superior courts of San Diego County shall remain in office until the expiration of their original terms.

(b) The board of supervisors shall appoint three attorneys resident in the county to the board of law library trustees, to serve overlapping three-year terms. In order to stagger the three appointments, the board of supervisors shall, in January of 1997, appoint one attorney to a one-year term, one attorney to a two-year term, and one attorney to a three-year term; and as each term expires, the new appointee shall thereafter serve three-year terms. At least one attorney appointed pursuant to this subdivision shall be a member of the San Diego County Bar Association.

(c) In the event a trustee cannot serve a full term, the appointing authority for that individual shall appoint another qualified person to complete that term. Interim appointments may be made by the board of law library trustees in accordance with Section 6305.

6301.5. In any county where there are no more than three judges of the superior court, the board of supervisors, with the concurrence of the majority of the incumbent judges of the superior court, may reduce the number of law library trustees to not less than three members.

6302. Appointments of trustees which are to be made by the board of supervisors of the county shall be made at the first meeting of the board of supervisors after the establishment of a law library in the county, the appointees to serve until the first meeting of the board

of supervisors in the succeeding January. The board shall, at any such meeting in each succeeding January, appoint such trustees to serve for the term of one year.

6302.5. (a) Notwithstanding any other provision of law, in Los Angeles County appointments made by judges of the superior court shall be for a term of four years, and appointments made by the board of supervisors of the county shall be for a term of two years.

(b) The terms of no more than three judge-appointed members shall expire in the same year.

(c) The term of one member appointed by the board of supervisors shall expire each year.

6303. The office of trustee is honorary, without salary or other compensation.

6304. Each board of law library trustees shall meet regularly each month on such day as it shall appoint, but if it appoint no day, it shall meet on the first Tuesday after the first Saturday of each month, and any board may meet at such other times as it may appoint, at a place to be designated for that purpose. The president of the board may call a special meeting at any time for the transaction of necessary business. A majority of the members constitutes a quorum for business, and an affirmative vote of a majority of the members is required to exercise the powers of the board.

6305. A board of law library trustees may remove any trustee, except an ex officio trustee, who neglects to attend or who absents himself from the meetings of the board, and may fill all vacancies that from any cause occur in the board.

6306. Each board shall appoint one of its number as president.

6307. Each board shall elect a secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and shall keep a record and full minutes in writing, with the ayes and noes at length, of all proceedings of the board.

The secretary may certify to such proceedings, or any part thereof, under his hand, verified by an official seal adopted and provided by the board for that purpose.

[Code of Federal Regulations]
[Title 42, Volume 3]
[Revised as of October 1, 2005]
From the U.S. Government Printing Office via GPO Access
[**CITE**: **42CFR482**.1]

[Page 481-482]

TITLE 42--PUBLIC HEALTH

CHAPTER IV--CENTERS FOR MEDICARE & MEDICAID SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES (CONTINUED)

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482.24 Condition of participation: Medical record services.
482.25 Condition of participation: Pharmaceutical services.

482.26 Condition of participation: Radiologic services.
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482.53 Condition of participation: Nuclear medicine services.
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482.55 Condition of participation: Emergency services.
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482.62 Condition of participation: Special staff requirements for psychiatric hospitals.
482.66 Special requirements for hospital providers of long-term care services (``swing-beds'').

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C.
1302 and 1395hh).

Source: 51 FR 22042, June 17, 1986, unless otherwise noted.

(a) Statutory basis. (1) Section 1861(e) of the Act provides that--

(i) Hospitals participating in Medicare must meet certain specified requirements; and

(ii) The Secretary may impose additional requirements if they are found necessary in the interest of the health and safety of the individuals who are furnished services in hospitals.

(2) Section 1861(f) of the Act provides that an institution

participating in Medicare as a psychiatric hospital must meet certain specified requirements imposed on hospitals under section 1861(e), must be primarily engaged in providing, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons, must maintain clinical records and other records that the Secretary finds necessary, and must meet staffing requirements that the Secretary finds necessary to carry out an active program of treatment for individuals who are furnished services in the hospital. A distinct part of an institution can participate as a psychiatric hospital if the institution meets the specified 1861(e) requirements and
is primarily engaged in providing psychiatric services, and if the

[[Page 482]]

distinct part meets the records and staffing requirements that the Secretary finds necessary.

(3) Sections 1861(k) and 1902(a)(30) of the Act provide that hospitals participating in Medicare and Medicaid must have a utilization
review plan that meets specified requirements.

(4) Section 1883 of the Act sets forth the requirements for hospitals that provide long term care under an agreement with the Secretary.

(5) Section 1905(a) of the Act provides that ``medical assistance'' (Medicaid) payments may be applied to various hospital services. Regulations interpreting those provisions specify that hospitals receiving payment under Medicaid must meet the requirements for participation in Medicare (except in the case of medical supervision of nurse-midwife services. See Sec. Sec. 440.10 and 440.165 of this chapter.).

(b) Scope. Except as provided in subpart A of part 488 of this chapter, the provisions of this part serve as the basis of survey activities for the purpose of determining whether a hospital qualifies for a provider agreement under Medicare and Medicaid.

[51 FR 22042, June 17, 1986, as amended at 60 FR 50442, Sept. 29, 1995]

SUBCHAPTER G—STANDARDS AND CERTIFICATION

PART 482—CONDITIONS OF PARTICIPATION FOR HOSPITALS

Subpart A—General Provisions

Sec.
482.1 Basis and scope.
482.2 Provision of emergency services by nonparticipating hospitals.

Subpart B—Administration

482.11 Condition of participation: Compliance with Federal, State and local laws.
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482.21 Condition of participation: Quality assessment and performance improvement program.
482.22 Condition of participation: Medical staff.
482.23 Condition of participation: Nursing services.
482.24 Condition of participation: Medical record services.
482.25 Condition of participation: Pharmaceutical services.
482.26 Condition of participation: Radiologic services.
482.27 Condition of participation: Laboratory services.
482.28 Condition of participation: Food and dietetic services.
482.30 Condition of participation: Utilization review.
482.41 Condition of participation: Physical environment.
482.42 Condition of participation: Infection control.
482.43 Condition of participation: Discharge planning.
482.45 Condition of participation: Organ, tissue, and eye procurement.

Subpart D—Optional Hospital Services

482.51 Condition of participation: Surgical services.
482.52 Condition of participation: Anesthesia services.
482.53 Condition of participation: Nuclear medicine services.
482.54 Condition of participation: Outpatient services.
482.55 Condition of participation: Emergency services.
482.56 Condition of participation: Rehabilitation services.
482.57 Condition of participation: Respiratory care services.

Subpart E—Requirements for Specialty Hospitals

482.60 Special provisions applying to psychiatric hospitals.
482.61 Condition of participation: Special medical record requirements for psychiatric hospitals.
482.62 Condition of participation: Special staff requirements for psychiatric hospitals.
482.66 Special requirements for hospital providers of long-term care services ("swing-beds").

AUTHORITY: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

SOURCE: 51 FR 22042, June 17, 1986, unless otherwise noted.

Subpart A—General Provisions

§ 482.1 Basis and scope.

(a) *Statutory basis.* (1) Section 1861(e) of the Act provides that—

(i) Hospitals participating in Medicare must meet certain specified requirements; and

(ii) The Secretary may impose additional requirements if they are found necessary in the interest of the health and safety of the individuals who are furnished services in hospitals.

(2) Section 1861(f) of the Act provides that an institution participating in Medicare as a psychiatric hospital must meet certain specified requirements imposed on hospitals under section 1861(e), must be primarily engaged in providing, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons, must maintain clinical records and other records that the Secretary finds necessary, and must meet staffing requirements that the Secretary finds necessary to carry out an active program of treatment for individuals who are furnished services in the hospital. A distinct part of an institution can participate as a psychiatric hospital if the institution meets the specified 1861(e) requirements and is primarily engaged in providing psychiatric services, and if the

distinct part meets the records and staffing requirements that the Secretary finds necessary.

(3) Sections 1861(k) and 1902(a)(30) of the Act provide that hospitals participating in Medicare and Medicaid must have a utilization review plan that meets specified requirements.

(4) Section 1883 of the Act sets forth the requirements for hospitals that provide long term care under an agreement with the Secretary.

(5) Section 1905(a) of the Act provides that "medical assistance" (Medicaid) payments may be applied to various hospital services. Regulations interpreting those provisions specify that hospitals receiving payment under Medicaid must meet the requirements for participation in Medicare (except in the case of medical supervision of nurse-midwife services. See §§440.10 and 440.165 of this chapter.).

(b) *Scope.* Except as provided in subpart A of part 488 of this chapter, the provisions of this part serve as the basis of survey activities for the purpose of determining whether a hospital qualifies for a provider agreement under Medicare and Medicaid.

[51 FR 22042, June 17, 1986, as amended at 60 FR 50442, Sept. 29, 1995]

§ 482.2 Provision of emergency services by nonparticipating hospitals.

(a) The services of an institution that does not have an agreement to participate in the Medicare program may, nevertheless, be reimbursed under the program if—

(1) The services are emergency services; and

(2) The institution meets the requirements of section 1861(e) (1) through (5) and (7) of the Act. Rules applicable to emergency services furnished by nonparticipating hospitals are set forth in subpart G of part 424 of this chapter.

(b) Secton 440.170(e) of this chapter defines emergency hospital services for purposes of Medicaid reimbursement.

[51 FR 22042, June 17, 1986, as amended at 53 FR 6648, Mar. 2, 1988]

Subpart B—Administration

§ 482.11 Condition of participation: Compliance with Federal, State and local laws.

(a) The hospital must be in compliance with applicable Federal laws related to the health and safety of patients.

(b) The hospital must be—

(1) Licensed; or

(2) Approved as meeting standards for licensing established by the agency of the State or locality responsible for licensing hospitals.

(c) The hospital must assure that personnel are licensed or meet other applicable standards that are required by State or local laws.

§ 482.12 Condition of participation: Governing body.

The hospital must have an effective governing body legally responsible for the conduct of the hospital as an institution. If a hospital does not have an organized governing body, the persons legally responsible for the conduct of the hospital must carry out the functions specified in this part that pertain to the governing body.

(a) *Standard: Medical staff.* The governing body must:

(1) Determine, in accordance with State law, which categories of practitioners are eligible candidates for appointment to the medical staff;

(2) Appoint members of the medical staff after considering the recommendations of the existing members of the medical staff;

(3) Assure that the medical staff has bylaws;

(4) Approve medical staff bylaws and other medical staff rules and regulations;

(5) Ensure that the medical staff is accountable to the governing body for the quality of care provided to patients;

(6) Ensure the criteria for selection are individual character, competence, training, experience, and judgment; and

(7) Ensure that under no circumstances is the accordance of staff membership or professional privileges in the hospital dependent solely upon

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, MARCH 24, 1987, AT 8:30 O'CLOCK A. M.

100 ALL MEMBERS PRESENT

Upon motion of Supervisor Lacey, seconded by Supervisor Dougherty, and duly carried, the Board hereby approves the following matter:

county of ventura

CHIEF ADMINISTRATIVE OFFICE
Richard Wittenberg
Chief Administrative Officer

Robert C. Hirtenstein
Assistant Chief Administrative Officer

March 24, 1987

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

ESTABLISHMENT OF NEW VENTURA COUNTY
MEDICAL CENTER OVERSIGHT COMMITTEE

RECOMMENDATION:

That your Board establish a Ventura County Medical Center Oversight Committee consisting of two members of the Board of Supervisors and that your Board appoint Supervisors Erickson and Schaefer to serve on this committee. This committee is to replace the Joint Conference Committee.

DISCUSSION:

As the governing board of the Ventura County Medical Center, your Board has an ongoing need to be kept apprised of all developments and problems at the hospital, as well as in the field of health care services. In our discussions over the past several weeks, it has been suggested that an oversight committee, consisting of two supervisors, should be established to work closely with the Health Care Agency director, the hospital and other county staff. We feel that such a committee would be most helpful in providing the mechanism for greater communication and much closer coordination between the hospital administrator, the medical staff, other county staff, and the Board.

This committee would draw on the necessary staff resources from the Health Care Agency, the hospital, the medical staff and the entire county as deemed necessary by the members of the committee. The committee would meet as needed on an ad hoc basis, probably at least bimonthly for the next several months and thereafter at least on a monthly basis.

The formation of this committee has the full support of the Health Care Agency director and the hospital administrator. It is also noted that this committee will replace the Joint Conference Committee.

Should you desire additional information, please contact me at extension 2681.

Richard Wittenberg

RICHARD WITTENBERG
Chief Administrative Officer

ps

c: Auditor-Controller
Jim McBride
Sarah L. Miller, M.D.
John Puryear

brd324/misc/s

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CALIFORNIA CODES
PUBLIC **RESOURCES CODE**
SECTION 9301-9317

9301. (a) The board of directors shall consist of five, seven, or nine directors. The number of directors may be changed by resolution adopted by a majority of the members of the board of directors after publication of notice of the intended change at least once in a newspaper of general circulation published in each county in which the district is located.

(b) If the number of directors is increased, the new positions shall be treated as vacancies and shall be filled as provided in Section 9317, except that if the board of directors is appointed as provided in subdivision (b) of Section **9314**, then the new positions shall be filled in the same manner pursuant to Section 9316. If the number of directors is decreased, the terms of the directors in office on the date of the resolution adopted pursuant to subdivision (a) shall not be reduced.

(c) The directors first elected shall take office immediately upon qualifying.

9301.1. (a) Notwithstanding Section 9301, the local agency formation commission, in approving either a consolidation of districts or the reorganization of two or more districts into a single resource conservation district may, pursuant to subdivisions (k) and (n) of Section 56886 of the Government **Code**, increase the number of directors to serve on the board of directors of the consolidated or reorganized district to 7, 9, or 11, who shall be members of the board of directors of the districts to be consolidated or reorganized as of the effective date of the consolidation or reorganization.

(b) Upon the expiration of the terms of the members of the board of directors of the consolidated district, or a district reorganized as described in subdivision (a), whose terms first expire following the effective date of the consolidation or reorganization, the total number of members on the board of directors shall be reduced until the number equals the number of members permitted by the principal act of the consolidated or reorganized district, or any larger number

as may be specified by the local agency formation commission in approving the consolidation or reorganization.

(c) In addition to the powers granted under Section 1780 of the Government **Code**, in the event of a vacancy on the board of directors of the consolidated district or a district reorganized as described in subdivision (a) at which time the total number of directors is greater than five, the board of directors may, by majority vote of the remaining members of the board, choose not to fill the vacancy. In that event, the total membership of the board of directors shall be reduced by one board member. Upon making the determination not to fill a vacancy, the board of directors shall notify the board of supervisors of its decision.

(d) For the purposes of this section: "consolidation" means consolidation, as defined in Section 56030 of the Government **Code**; "district" or "special district" means district or special district, as defined in Section 56036 of the Government **Code**; and "reorganization" means reorganization, as defined in Section 56073 of the Government **Code**.

9302. Each director shall take the oath of office.

9303. The directors shall receive no compensation for their services as such, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the directors or when otherwise engaged in the work of the district at the direction of the board of directors. The directors shall fix the amount allowed for necessary expenses, but no director shall be appointed to any position for which he or she would receive compensation as a salaried officer or employee of the district. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government **Code**.

9304. No director or other officer of the district shall be interested directly or indirectly in the sale of equipment, materials, or services to the district.

9305. After all have qualified the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the last Friday in November of the next even-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the last Friday in November of the second even-numbered year after the year in which the meeting is held.

9306. After such classification the directors shall organize and elect a president from their number who shall serve as such at the pleasure of the directors.

9307. The directors shall appoint a secretary who shall serve at the pleasure of, and whose compensation shall be fixed by, the directors.

9308. The directors shall select a date, time, and place at which regular monthly meetings of the directors shall be held. Upon the completion of all the foregoing determinations by the directors, the district shall be declared to be organized.

9309. The directors may, by resolution, change the time or place of regular meeting but no such change shall be effective until after a notice of the change is published pursuant to Section 6061 of the Government **Code** in the principal county and in each other county in which any portion of the district lies.

9310. Special meetings of the directors may be held as required when ordered by a majority of the directors. The order shall be entered in the records of the district and five days notice of the meeting shall be given by mail by the secretary to each director not joining in the order.

9311. The order for a special meeting shall specify the business to be transacted. No other business shall be transacted at a special meeting unless all of the directors are present, in which case matters not specified may be considered by unanimous consent and acted upon.

9312. A majority of the directors shall constitute a quorum but on all questions requiring a vote there shall be a concurrence of at least the number constituting a quorum, except that a number less than a quorum may adjourn or adjourn to a stated time.

9313. (a) All meetings of the directors shall be open to the public. All records of the district shall be open to public inspection during business hours.

(b) A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government **Code**.

9314. (a) The term of office of the directors, except those first elected, shall be four years. The expiration of the term of any director does not constitute a vacancy, and the director shall hold office until his or her successor has qualified.

(b) (1) As an alternative to the election of directors, the board of directors may, by a resolution presented to the board of supervisors of the principal county, request the board of supervisors to appoint directors, except those first elected. In any election year, the board of directors shall file its request with the board of supervisors not later than 125 days prior to the election. A copy of the resolution shall be furnished to the official responsible for conducting the election at the time it is presented to the board of supervisors of the principal county. The board of supervisors shall appoint directors, after consultation with the board of supervisors of any other county which contains any part of the district, from those candidates who have filed an application with the board of supervisors, as prescribed by the board of supervisors. If the

directors are to be appointed, a notice of election shall not be published, but a notice of vacancy shall be posted pursuant to Section 54974 of the Government **Code**.

(2) The resolution shall remain in effect until rescinded by the board of directors, or until a petition requesting the rescission is received by the elections official. The petition shall be signed by 5 percent of the registered voters in the district, and shall be received not later than the 120th day before the election. Upon verification by the elections official that the petition contains the requisite number of signatures, the resolution shall be rescinded.

(3) The appointment of directors by the board of supervisors does not affect the status of a district as an independent special district.

(4) If the board of supervisors does not conduct interviews of potential candidates or make an appointment within 60 days after the expiration of the term, the board of directors may make the appointment.

(c) It is the intent of the Legislature to encourage districts to opt for the selection of directors by election, but where directors are appointed pursuant to subdivision (b), it is the intent of the Legislature that the board of supervisors solicit recommendations from within the district, including public, private, and nonprofit entities, and appoint only applicants who are determined by the board of supervisors to have a demonstrated interest in soil and water conservation. In selecting directors pursuant to subdivision (b), the board of supervisors shall endeavor to achieve balanced representation on the board of directors. To avoid undue financial burdens to districts and to thereby promote the objectives of this division, the Legislature hereby encourages counties to waive or minimize the charges for costs of elections conducted pursuant to this division.

9315. Resignations of directors shall be made in writing to the board of supervisors of the principal county.

9316. In case of a vacancy in the office of director appointed pursuant to Section **9314**, the vacancy shall be filled, as provided in Section **9314**, by appointment for the unexpired term by the board of supervisors of the principal county.

9317. Notwithstanding any other provision of law, a vacancy in the office of a director who has been elected shall be filled pursuant to Section 1780 of the Government **Code**.

ORDINANCE NO. 4066

AN ORDINANCE OF THE COUNTY OF VENTURA AUTHORIZING THE APPOINTMENT OF DIRECTORS TO RESOURCE CONSERVATION DISTRICTS IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 9314

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1. Purpose and Authority The purpose of this Ordinance is to allow the Ventura County Board of Supervisors the authority to appoint directors to a Resource Conservation District, where any such district has complied with the provisions of the California Public Resources Code Section 9314.

Section 2. Definitions For the purpose of this Ordinance, the following definitions shall apply:

a. Vacancy As it applies to expiration of a director's regular term of office shall occur on the last Friday in the month of November.

b. Director Shall be elected at large and each shall be an owner of land within the district or a designated agent of a landowner who must reside in the district.

Section 3. Term of Office The term of office for all Directors appointed pursuant to this Ordinance, shall run for the same period as if such Director had been elected, rather than appointed to office, subject only to the date of vacancy being as defined in Section 2., above.

Section 4. Request to Appoint In any election year, the Board of Directors of any Resource Conservation District may request the Board of Supervisors to appoint Directors, and any resolution by a District requesting such appointment shall be filed with the Board of Supervisors no later than 125 days prior to election.

Section 5. Multi-County District In those cases where a district is located in more than one county and Ventura County as principal county, has been requested to appoint a Director(s), such appointment will be made after consultation with the Board of Supervisors of any other county containing any part of the district pursuant to this Ordinance.

Section 6. Notice of Appointment Where a request for appointment has been made, by resolution, a notice of election shall not be published, but a notice of vacancy shall be posted pursuant to Section 54974 of the Government Code.

Section 7. Failure to Appoint If the Board of Supervisors does not conduct interviews of potential candidates or make an appointment within sixty (60) days after the expiration of a Directors term, the Board of Directors may make the appointment.

Section 8. Severability If any provision, clause, sentence or paragraph of this Ordinance or the Application thereof to any person, establishment or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 9. Section Headings The section headings herein are for convenience only, and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or language of this Ordinance.

Section 10 This Ordinance shall take effect 30 days after adoption by the Ventura County Board of Supervisors.

Dated: July 12, 1994

BOARD OF SUPERVISORS OF THE
COUNTY OF VENTURA
STATE OF CALIFORNIA

By Vicky Howard
Chairman, Board of Supervisors

ATTEST:

Deborah Carrington
Clerk of the Board

By Roberta Rodriguez
Deputy

(SEAL)

130054.1. The Ventura County Transportation Commission shall consist of the following members:

(a) Five members of the Ventura County Board of Supervisors.

(b) One member from each incorporated city within Ventura County who shall be the mayor of the city or a member of its city council. The term of a member under this subdivision terminates when he or she ceases to hold that office or when replaced by the city council.

(c) One citizen member appointed by the Ventura County Board of Supervisors, who shall not be an elected official, but who shall be a resident of Ventura County.

(d) One citizen member appointed by the Ventura County City Selection Committee, who shall not be an elected official, but who shall be a resident of Ventura County.

(e) One nonvoting member appointed by the Governor.

A RESOLUTION OF THE VENTURA COUNTY TRANSPORTATION COMMISSION, A COUNTY TRANPORTATION COMMISSION CREATED PURSUANT TO THE LAWS OF THE STATE OF CALIFORNIA ("VCTC"), FOR ITSELF, AND IN ITS CAPACITY AS THE VENTURA COUNTY AIRPORT LAND USE COMMISSION ("ALUP"), AS THE VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES ("SAFE"), AND AS THE CONNSOLIDATED TRANSPORTATION SERVICE AGENCY FOR VENTURA COUNTY ("CTSA") AND THE VENTURA COUNTY CONGESTION MANAGEMENT AGENCY ("CMP"), REVOKING ITS PRIOR ADMINISTRATIVE CODE, ADOPTED IN 1996, AS AMENDED, AND ESTABLISHING A NEW ADMINISTRATIVE CODE OF RULES PRSCRIBING THE AUTHORITY, PRIVILIGES, POWERS AND DUTIES IN ALL ITS CAPACITIES

I. VCTC, ALUP, SAFE, CTSA and CMP (hereinafter, collectively, the "Agencies") hereby find as follows:

A. In 1996, the Agencies adopted an Administrative Code pursuant to Resolution 96-03, which has since been amended (the 1996 Code and the amendment thereto are hereinafter referred to as the "1996 Code");

B. On August 19, 2004, the California Legislature enacted Assembly Bill 2784 as an urgency measure which amended §§ 130054.1 and 130054.8 of the Public Utilities Code to change the membership of VCTC and the Governor signed that enactment on September 9, 2004.

C. The passage of Assembly Bill 2784 necessitates amending the Agencies' Administrative Code to reflect the changes made by the California Legislature and other procedures, powers, duties and organizational provisions of the 1996 Code.

D. Because of the extent of the amendment required by the foregoing facts, the Agencies have deemed it advisable to revoke their prior code and adopt a new Code.

II. In view of the foregoing findings, the Agencies hereby resolve as follows:

A. The 1996 Code is revoked in its entirety;

B. The Agencies hereby adopt a new Administrative Code (the "New Code"), a true and exact copy of which is attached hereto and incorporated herein as Exhibit "A";

C. Immediately upon the effective date of this Resolution, the Agencies shall proceed to reorganize, electing officers from the reconstituted bodies of the agencies. Thereafter, elections shall be held annually as prescribed by the New Code in February of each year.

D. This Resolution and the Administrative Code adopted hereby shall be effective upon October 9, 2004.

E. The Chair shall execute this Resolution and the Clerk of the Commission shall attest to its adoption and the signature of the Chair.

Adopted this 9th day of September, 2004 at Camarillo, California.

Steve Bennett, Chair

ATTEST:

Donna Cole, Clerk of the Commission

I, Donna Cole, Clerk of the Commission, hereby certify that the foregoing Resolution was adopted by the Ventura County Transportation Commission at a regularly scheduled meeting held on September 9, 2004 upon the motion of Commissioner Millhouse, second by Commissioner Maulhardt and adopted by the following vote of the Commission:

Ayes: Chair Bennett, Commissioners DeVito, Maulhardt, Humphrey, Millhouse, Parks and Scott

Nays: None

Absent: Commissioner Walker

Abstain: None

Dated: September 9, 2004

Donna Cole, Clerk of the Commission

Exhibit "A"

ADMINISTRATIVE CODE OF THE VENTURA COUNTY TRANSPORTATION COMMISSION, VENTURA COUNTY AIRPORT LAND USE COMMISSION, VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES, THE CONSOLIDATED TRANSPORTATION SERVICE AGENCY FOR VENTURA COUNTY AND THE VENTURA COUNTY CONGESTION MANAGEMENT AGENCY

ARTICLE I. PURPOSES OF VCTC

A. The Ventura County Transportation Commission is charged with the responsibility of carrying out the purposes and directives of the California State Legislature[1] in the County Transportation Commission Act (Division 12, §130000, *et seq.* of the California Public Utilities Code). [2]

B. The Ventura County Transportation Commission has been designated the Ventura County Airport Land Use Commission ("ALUC") for Ventura County pursuant to Public Utilities Code § 21670.1 (a). As the ALUC, VCTC is charged with the responsibility of carrying out the purposes and directives of the Legislature as provided in the Aeronautics Act (Chapter 4, Article 3.5, § 21670, *et seq.*, of the Public Utilities Code).

C. The Ventura County Transportation Commission has been designated the Service Authority for Freeway Emergencies for Ventura County ("SAFE") pursuant to Streets and Highway Code § 2552 (b). As the SAFE, VCTC is charged with carrying out the purposes and directives of the Legislature as provided in the Streets and Highway Code (Chapter 14, Division 3, § 2550, *et seq.*).

D. The Ventura County Transportation Commission has been designated the Consolidated Transportation Service Agency for Ventura County ("CTSA") pursuant to California Code of Regulations § 6680. As the CTSA, VCTC is charged with carrying out the purposes and directives of the Legislature as provided in Chapter 3, Subchapter 2, Article, § 2680 of the California Code of Regulations.

E. The Ventura County Transportation Commission has been designated the Congestion Management Agency for Ventura County ("CMA") pursuant to Government Code, § 65088, *et seq.*

The Ventura County Transportation Commission, the ALUC, the SAFE, CTSA and the CMA are hereinafter, collectively, referred to as "VCTC:.

ARTICLE II. MEMBERSHIP OF VCTC

A. Members. The members of VCTC are Ventura County and each of the cities in Ventura County. Exercise of the rights of the County and the cities in Ventura County on VCTC shall be represented by the following who are hereinafter referred to as the "members":

1. All five (5) members of the Ventura County Board of Supervisors, who shall each have one vote.

2. One (1) voting member from each incorporated city within Ventura County who shall be the mayor of a city or a member of its city council.

3. One (1) citizen voting member appointed by the Ventura County Board of Supervisors, who shall not be an elected official but who shall be a resident of Ventura County.

4. One (1) citizen voting member appointed by the Ventura County City Selection Committee, who shall not be an elected official, but shall be a resident of Ventura County.

5. One non-voting *(ex officio)* member appointed by the Governor to represent the interest of the State of California.

[1] All references made to the Governor or Legislature hereinafter are to the California Governor or Legislature, as the case may be, unless otherwise noted.

[2] All references made to code sections (§§) hereinafter are to the California Codes unless otherwise noted.

B. Terms of Members and Vacancies. The members of VCTC shall serve until they cease to hold the qualifying elected office and/or until their successors are appointed and qualified. Vacancies occurring among members appointed by the cities in Ventura County for any reason shall be filled by the city council of the city for which there is a vacancy. A vacancy occurring in the citizen member representing the County of Ventura shall be filled by the Board of Supervisors and a vacancy occurring in the citizen member representing the cities of Ventura County shall be filled by the City Selection Committee. It is the intent of VCTC that those persons representing the cities in Ventura County and the citizen representatives serve at least one (1) full year before being replaced.

C. Compensation.

1. Members. As permitted by law, each member of VCTC shall be compensated at the rate of One Hundred Dollars ($100) for any meeting of VCTC, or any day spent attending to the business of VCTC; provided, however, that the compensation paid to any member shall not exceed Two Hundred Dollars ($200) in any calendar month; and, provided further that the five (5) Board of Supervisor members shall not be compensated for their services. In addition, each County Supervisor member, city member and citizen member shall be reimbursed for all necessary and reasonable expenses such member may incur in the performance of VCTC authorized duties, including, but not limited to, travel by public conveyance, meals, lodging and mileage for travel other than mileage to VCTC meetings.

2. Refusal of Compensation and/or Expenses. Any member may decline to accept all or any part of the compensation or expenses authorized by Article II, Section C, Subsections 1 and 2 above. Such a refusal shall not affect or alter the rights of other members granted by this Article II, Section C.

ARTICLE III ADMINISTRATION

A. Officers of VCTC. Officers of VCTC shall consist of a Chair and a Vice Chair, each of whom shall be a a voting member of VCTC and such other officers as VCTC deems necessary from time to time.

B. Election of Chair and Vice Chair.

1. Annual Election of Officers.

a. Subject to subparagraph b of this Section, at the first meeting of VCTC in February each year, the then-sitting Chair shall vacate that office and the then-sitting Vice Chair shall become Chair and a new Vice Chair shall be chosen by VCTC.

b. No change in the Chair shall be required at the February meeting as set forth in subparagraph a of this Section if the then-sitting Chair was elevated pursuant to Section B.2.a. and has not yet served a full term. In such case, the then-sitting Chair and Vice Chair shall continue serving in such positions for a full term.

c. Any voting member of VCTC shall be eligible to hold the office of Chair or Vice Chair; provided that the office of Chair shall alternate annually between a member representing the County of Ventura and a member representing **B**; and provided further that when the Chair is held by a member of the Board of Supervisor, the Vice Chair shall be a city member and vice versa.

2. Vacancies Occurring in Term of Chair or Vice Chair,

a. If at any time other than the annual election of officers, there exists a vacancy in the office of the Chair and if the remaining unexpired term of the former Chair is three (3) months or less, the then-sitting Vice Chair shall become Chair and a new Vice Chair shall be elected.

b. If at any time other than the annual election of officers, there is a vacancy in the office of Chair and, if the remaining unexpired term of the former Chair is greater than three (3) months, a new Chair shall be selected by VCTC from among the standing members appointed by the appointing authority which appointed the Chair whose office has been vacated.

c. In no circumstance described in this Subsection 2 shall an *ex officio* member be eligible to serve as Chair or Vice Chair.

C. Appointment of Executive Director. The Executive Director and such other staff officers as VCTC may deem necessary shall be appointed by affirmative votes of a majority of the voting members.

D. Duties of Various Officers

1. Duties of Chair – The Chair shall, if present, preside at all meeting of VCTC and shall exercise and perform such other powers and duties as may be from time to time assigned by VCTC or prescribed in this Code. In any case in which the execution of a document or the performance of an act is directed by VCTC, unless the direction of VCTC provides otherwise, the Chair is empowered and directed to execute such document or perform such act. In the absence of the Chair, such act or execution may be carried out by the Vice Chair. The Chair, annually, at the first meeting of VCTC in February, or as soon thereafter as practicable, shall select the members of the VCTC committees as they are hereinafter described.

2. Duties of the Vice Chair – The Vice Chair shall perform the duties of the Chair in the absence of the Chair, and when so acting, shall have the power of, and be subject to all the restrictions upon, the Chair.

3. Chair *Pro Tempore* – In the event of the absence or inability of both the Chair and the Vice Chair to act, the members present at any meeting of VCTC, by order entered into the minutes, shall select one (1) of their voting members to act as Chair *Pro Tempore*, who, while acting shall have all of the authority of the Chair.

4. Duties of the Executive Director – The Executive Director shall serve as a full-time administrative officer of VCTC. The Executive Director shall be hired and serve at the discretion of VCTC. The powers and duties of the Executive Director shall be:

a. To administer the VCTC personnel system, including contract and non-contract employees, except the General Counsel who shall serve at the discretion of VCTC.
b. To administer all VCTC contracts.
c. To cause to be prepared by a Certified Public Accountant and submit to VCTC as soon as practicable after the end of each fiscal year, a post-audit of the financial transactions and records of VCTC for the preceding year.
d. To keep VCTC advised as to the needs of VCTC.
e. To have full charge of, and responsibility for, the administration of the business affairs of VCTC.
f. To see that all VCTC ordinances, rules and regulation, motions or resolutions are enforced.
g. To take any or all of the following actions related to non-contract employees of VCTC:
   (1) To hire employees at the appropriate salary range as determined by VCTC,
   (2) To promote, transfer, suspend with or without pay, or discharge, any employee with the approval of VCTC.
h. To make disbursements of VCTC funds in an amount not to exceed Ten Thousand Dollars ($10,000) per disbursement for each VCTC obligation, including but not limited to, disbursements which are explicitly budgeted for the year in which the disbursement is made; provided however, that the foregoing limitation shall not apply to (1) Transit Development Act funds, (2) State Transit Assistance funds, (3) disbursements for salary, or (4) to other disbursements necessary to meet contractual obligations which have previously been approved by VCTC.
i. To contract for, and execute such contracts on behalf of, VCTC and to purchase supplies, equipment, materials and personnel services for VCTC in an amount not to exceed Five Thousand Dollars ($5,000) without prior VCTC approval.

j. To keep, or cause to be kept, a book of minutes of all meetings of VCTCC

k. The Executive Director shall give, or cause to be given, notice of all VCTC, VCTC Committee and Advisory Committee (as VCTC Committees and Advisory Committees are hereinafter defined) meetings and which may be required by law, by this Code or by motion or resolution of VCTC

l. To be the custodian of funds received by VCTC from whatever source. In so acting, the Executive Director shall:

(1) Receive a receipt for all money expended by VCTC and place it in VCTC's Treasury.

(2) Draw warrants to pay demands against VCTC where the demands do not exceed authorized disbursements, and in all cases when the demands are made to meet contractual obligations which have previously been approved by VCTC.

(3) Execute a bond with one or more corporate surety. approved by VCTC, in the sum of One Million Dollars ($1,000,000) payable to VCTC and conditioned upon faithful performance of the duties of Executive Director, and the payment of all money received by the Executive Director according to law and the orders of VCTC. VCTC may at any time require a new bond from the Executive Director in such sum and in such form as may then be determined by VCTC. The cost of the bond is to be borne by VCTC.

(4) Prepare, or cause to be prepared a written monthly budget report which shall be presented to VCTC and maintained in a file established for that purpose and which reports the amount of money held by VCTC, the amount and source of receipts since the last report, and the amount and recipient of amounts paid out since the last report.

(5) Keep full and complete records of all financial transactions and all proceedings of VCTC.

(6) Annually, prepare or cause to be prepared a draft budget for the forthcoming fiscal year of VCTC to be submitted to VCTC on or before the April meeting before the beginning of the new fiscal year and to be available to the public at least fifteen (15) days before the public hearing scheduled for VCTC review of the draft budget. Annually to prepare a final budget for the forthcoming fiscal year of VCTC to be submitted to VCTC in June before the beginning of the new fiscal year and to be made available to the public at least fifteen (15) days before the public hearing scheduled for VCTC to review the final budget.

(7) Annually notify each of the cities in Ventura County that each city should reaffirm its appointments to VCTC or notify VCTC if it desires to change its representative to VCTC. Notify the City Selection Committee and the Board of Supervisors of any vacancy occurring in the citizen members on VCTC.

(8) Have such other duties, powers and responsibilities as may from time to time be assigned by VCTC.

5. Compensation and Evaluation of the Executive Director – The compensation of the Executive Director shall be as provided by contract from time to time by VCTC. The Executive Director shall notify VCTC annually in February that an evaluation of his/her performance is due during the second quarter of the calendar year.

E. Employees – General. All employees, other then contract employees, shall be hired by the Executive Director and shall be subject to his/her control and supervision. Compensation for employees other than contract employees shall be as provided from to time by VCTC, and as to contract employees, as provided in a contract authorized by VCTC.

F. General Counsel. The General Counsel shall be a person admitted to practice law by the State of California and shall have actively engaged in the practice of law for no less than five (5) years preceding his/her appointment. The General Counsel **may** be an independent contractor **or** a salaried employee. The General Counsel shall represent and advise VCTC in all legal matters pertaining to it duties; represent VCTC in all legal matters actions or proceedings in which VCTC is concerned, interested or is a party. The compensation of General Counsel shall be as provided by contract as approved from time to time. The General Counsel shall notify VCTC annually in February that an evaluation of his/her performance is due during the second quarter of the calendar year.

G. Committees.

1. General Committee Rules, Regulations.

a. Appointment – VCTC may appoint standing advisory committees (the "Advisory Committees") and committees of its membership ("VCTC Committees") as it deems necessary. All Advisory Committees' membership, functions, duties, responsibilities and terms of office shall be as specified by law; provided that, where no law governs any such Advisory Committee, VCTC may determine the membership of such committee, and specify its functions, duties, responsibilities and terms of service. VCTC shall give due consideration to any recommendations, advice or proposals received from an Advisory Committee or a VCTC Committee but, unless required by this law or this Code to do so, shall not be bound by such recommendations. VCTC shall establish any, and all, standing Advisory Committees, in addition to those listed below in Subsections G.2 and G.3, which it deems necessary, by adopting a resolution amending this Code.

b. Chair, Vice Chair and Secretary of Advisory Committees – Unless otherwise provided, each Advisory Committee shall select a Chair and Vice Chair from its membership by majority vote at the February meeting of such committee each year who shall serve at the pleasure of the membership of the committee.

The Chair of any such committee shall be responsible for: calling meetings of the committee, presiding at the meetings, assisting with agenda preparation, reporting to VCTC when appropriate, establishing subcommittees as necessary and such other duties as he or she may be directed by VCTC or the committee to perform.

The Vice Chair shall serve in the absence of the Chair and perform such duties as he or she may be directed by the Chair to perform.

VCTC Staff shall serve as secretary to all Advisory and VCTC Committees.

c. Committees Subject to the Ralph M. Brown Act – All of the Advisory Committees described below in Subsection G.2, all VCTC Committees described below in Subsection G.3, and all Advisory Committees and VCTC Committees later established by VCTC, shall be subject to the Ralph M. Brown Act (Government Code § 54590, *et seq.*; hereinafter, the "Act"), shall post agendas for their meetings, which shall be open to the public and public comment, and shall in all other respects abide and be governed by the Act.

d. *Ad Hoc* Committees – VCTC may appoint an *ad hoc* committee to be convened to give advice and make recommendations to VCTC on a particular issue, matter or subject, and only such issue, matter or subject, which shall exist for such duration as necessary to address the particular issue, matter or subject for which the Committee was created, as VCTC deems necessary. Upon completion of the charge given such *ad hoc* committee by VCTC, said *ad hoc* committee shall be deemed disbanded without further action by VCTC.

2. Standing Advisory Committees – The standing Advisory Committees of VCTC shall include the following:

a. Citizen's Transportation Advisory Committee/ Social Services Transportation Advisory Council ("CTAC/SSTAC") which shall be composed of two (2) non-elected representatives from each of the cities in Ventura County and from the County of Ventura, two (2) at-large members and, as required by the Public Utilities code § 99238, including at least one (1) representative from each of the following agencies or organization: Development Disability Commission on Human Concerns, Conejo Valley SCI, Camarillo Health Care Center, and the Ventura County Public Social Services Agency. Each City in Ventura County and the County may have one (1) designated and voting alternate for members appointed to CTAC/SSTAC. CTAC/SSTAC shall meet monthly at a time mutually agreeable to its members and established in its by-laws, upon the call of its chair, the Executive Director and/or VCTC.

b. Transportation Technical Advisory Committee ("TTAC") shall serve at the pleasure of VCTC and shall have no powers apart from VCTC. TTAC shall be composed of each city in Ventura County, the County of Ventura, Ventura County Department of Airports, Oxnard Harbor District, South Coast Area Transit, the Ventura County Air Pollution Control District, the California Highway Patrol, the Oxnard Harbor District, the South Coast Area Transit District, and the California Department of Transportation (District 7). Each agency listed above may appoint one (1) member of TTAC and an alternate to each Committee member. Each member shall have one (1) vote and, in the absence of a member of the Committee, his or her alternate may vote.

(1) TTAC shall meet, unless otherwise arranged by TTAC or called by its Chair, on a Thursday of the month at 9:00 a.m. at least six (6) times a year.

(2) A quorum of TTAC shall consist of six (6) of the representatives appointed to it. Actions on items before TTAC shall be approved by vote of a simple majority of the quorum.

(3) The duties and responsibilities of TTAC shall be to serve as a technical advisory committee for VCTC, share any and all pertinent information relating to the field of transportation to VCTC, review documents and make recommendations to VCTC regarding transportation improvements and projects, serve as a forum to discuss the technical aspects of countywide transportation issues and formulate recommendations for consideration by VCTC, annual review of the Congestion Management Program update and other duties as requested by VCTC.

d. Managers' Policy Advisory Committee. There exists in Ventura County a City Managers' Committee which is composed of the Chief Administrative Officer of Ventura County and the City Managers of each city in said County, or their designees. Said committee, acting as the Managers' Policy Advisory Committee to VCTC ("MPAC"), shall (1) consider, review and advise VCTC on transportation issues. In the interest of cooperation, VCTC will provide information to MPAC upon reasonable request.

MPAC shall meet concurrently with the City Mangers' Committee.

d. Transit Operators Advisory Committee ("TRANSCOM") shall be composed of one (1) representative from each transit service provider operating in Ventura county as approved by VCTC during the first quarter of each calendar year, one (1) representative from each of the

following agencies: the Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley and Thousand Oaks and the County of Ventura, Ventura County Air Pollution Control District (*ex officio)* and the California Department of Transportation – District 7 (*ex officio).*

TRANSCOM shall be guided in its operations, organization and administration by operating rules adopted by TRANSCOM from time to time.

e. Santa Paula Branch Line Advisory Committee ("SPBLAC") shall be composed, operate and perform as follows:

(1) Membership – SPBLAC shall be composed of five (5) members, one (1) from each of: the County of Ventura, the cities of Fillmore, Santa Paula, Ventura and VCTC, who shall be the Director of Public Works for the County of Ventura, the City Manager of Ventura, the City Manager./Redevelopment Agency Manager for Fillmore and Santa Paula and the Executive Director of VCTC, or their designees from time to time. Membership on SPBLAC shall be permanent, except as the members may designate alternative representatives from time to time. Designated alternates to the member shall have full voting power. The foregoing notwithstanding, any member agency may request removal from SPBLAC, in writing, and upon delivery of such written request to VCTC, such member agency shall automatically be removed from SPBLAC.

(2) Consensus, voting number, quorum - It is the desire of VCTC that the decisions of SPBLAC be reached,, to the extent possible, by consensus. However, each member , or designated alternate, shall have one (1) vote because consensus cannot be reached. A quorum of SPBLAC shall consist of three (3) voting members or alternates of SPBLAC.

(3) Duties of SPBLAC - SPBLAC shall make determinations, advise VCTC and make recommendations to VCTC regarding the management, uses and operations of the Santa Paula Branch Line, and all facilities and all activities occurring thereon.

(4) Commission Requirement of Super Majority to Overrule SPBLAC – A determination or recommendation by SPBLAC to VCTC shall not overruled by VCTC by less than eleven (11) votes to overrule such determination or recommendation cast by voting members of VCTC.

(5) Officers – Article 3, § G.1.b of this Code shall apply to SPBLAC; provided, however, that the Chair of SPBLAC shall rotate between the County, the Cities of Ventura, Fillmore and Santa Paula and VCTC, and no Chair shall be selected for a second term from an agency having membership in SPBLAC until a Chair has served from all other member agencies.

(6) Meetings – SPBLAC shall meet as necessary on the call of its Chair, the Executive Director and/or VCTC

4. VCTC Committees.

a. The following committees of VCTC are hereby created and shall meet as needed upon the call of the Chair or Executive Director:

(1) The Administrative Committee shall be composed of a minimum of three (3) and not more than five (5) voting members of VCTC selected by the Chair provided, however, that three (3) of the members shall be the Chair, the Vice Chair and the immediate past Chair. Subject to supervision of VCTC, the committee shall develop amendments to this Code as adopted, rules of order for VCTC's review, proposed amendments, including total replacement, to this Code as adopted and rules as the Committee deems necessary and appropriate and as directed by VCTC, and perform such other duties as may be prescribed by VCTC.

(2) The Finance Committee shall be composed of a minimum of three (3) and not more than five (5) voting members of VCTC selected by the Chair provided, however, that three (3) of the members shall be the Chair, the Vice Chair and the immediate past Chair. The Finance Committee shall: (a) recommend to VCTC the allocation of funds to transportation planning, including preparation of the Transportation Improvement Program, in compliance with the policies of VCTC, (b) review proposed budgets, oversee staff functions, (c) oversee the VCTC Work Program, (d) review contracts with consultants or other materials when referred to by the Executive Director, and (e) perform such other duties as may be prescribed by VCTC.

b. Other Committees – By resolution amending this Code, VCTC may establish other such committees of VCTC as VCTC seems necessary. The membership of such committees shall be as designated by VCTC at the time each such committee is formed; provided, however, that members of new VCTC Committees shall be members of VCTC and shall be appointed by the Chair, subject to ratification by the majority of VCTC.

c. Compensation and Expenses – Members of VCTC Committees, but not members of the Advisory Committees shall be compensated at *per diem* rate of One Hundred Dollars ($100) for each meeting of the Committee, provided, however, that no *per diem* shall be paid for any meeting which lasts less than one-half (1/2) an hour. The compensation per member of a VCTC Committee per month, for all meetings during any calendar month, shall not exceed Two Hundred Dollars ($200) per month. Both VCTC and Advisory Committee members shall be compensated for reasonable expenses.

d. Duties and Governance of Advisory and VCTC Committees – Except as hereinabove specifically otherwise provided for each Advisory or VCTC Committee, the following shall apply

(1) Report to VCTC – In the performance of their duties and responsibilities, all VCTC Committees and Advisory Committees shall submt all matters acted upon to VCTC for consideration.

(2) Quorum of Committees – A majority of the membership of a VCTC Committee or an Advisory Committee shall constitute a quorum of each such committee for the transaction of business.

H. Rules and Regulations – VCTC may from time to time adopt rules and regulations for the administration of its affairs and to carry out the purpose and directives of the County Transportation Commission Act.

ARTICLE IV – MEETINGS **AND AGENDAS.**

A. Conduct of Meetings. All meetings of VCTC, Advisory and VCTC Committees shall be conducted pursuant to Roberts' Rules of Order unless otherwise determined by VCTC or the committee as the case may be.

B. Regular Meetings – At least seventy-two (72) hours before a regular meeting of VCTC an agenda shall be delivered to each member of VCTC and the General Counsel. At least seventy-two (72) hours before a regular meeting of each VCTC Committee or Advisory Committee, an agenda shall be delivered to each member of the Committee for whom the meeting is scheduled. In addition, the Executive Director shall, at least twenty-four (24) hours in advance of a meeting, post a copy of the agenda for any meeting of VCTC, VCTC Committee or Advisory Committee at a location that is freely accessible to the public. The posted agenda shall include the time, date and location of the meeting , along with a brief description of the matters on the agenda. Action may not be taken on any matter which is not shown on the posted agenda unless action is taken by VCTC pursuant to the provision of Government Code § 54954.2 (b), or any successor statute governing the same matters. All regular meeting of VCTC shall comply the Act and, in the event of a conflict between provisions of this Code and the provisions of the Act, the Act shall prevail.

C. Special Meetings. A special meeting of VCTC may be called at any time by the Chair or the Executive Director. A special meeting of Advisory or VCTC Committee may be called by its Chair. Such a meeting may be called by delivering personally or by mail written notice to each member of VCTC or the Committee for which such meeting is called, as the case may be, and to each newspaper, radio or television station of general circulation requesting notice of special meetings in writing. The notice given pursuant to this Section must be received by members of VCTC or the Committee members, as the case may be, and the media at least twenty-four (24) hours in advance of the time stated in the notice for convening the meeting. In addition, the agenda shall be posted in a place easily accessible to the public at least twenty-four (24) hours in advance of the meeting. The call and the notice for a special meeting shall specify the time, date, place and the business to be transacted at the special meeting. No business may be conducted at special meeting other than that stated in the notice. Notice may be waived by a member at, or prior to, the meeting by filing a written waiver, including a telegram or facsimiles transmission, with the clerk or secretary of VCTC. Written notice is deemed waived by any member who is actually present at a special meeting. All special meetings of VCTC and VCTC Committees and Advisory Committees shall comply with the Act and in the event of a conflict between provisions of this Code and the provisions of the Act, the Act shall prevail.

D. Emergency Meetings. For the purposes of this section the word "emergency" shall be as defined as set forth in § 54956.5 of the Government Code, or any successor statue thereto. All special meeting notice requirements shall be applicable to the call and notice for an emergency meting, except the twenty-four (24) hour notice provision and posting requirement, In the event of an emergency meeting, notice shall be given to all persons and media required to be noticed pursuant to Subsection 2 above, by telephone, at least one (1) hour in advance of such emergency meeting. In the event that telephonic services are not available, notice shall be as soon after the meeting as possible. No closed session shall be permitted in an emergency meeting. All emergency meetings of VCTC shall comply with the Act and in the event of a conflict between provisions of this Code and the provisions of the Act, the Act shall prevail.

E. Regular Meeting Date – Regular meetings of VCTC shall be held at ten (10) a.m. on the first Friday of each month, except August when VCTC does not meet, unless such Friday is a holiday or part of a holiday weekend, in which case, the meetings shall be rescheduled to the second Friday of the month..

F. Quorum – A majority of the voting members shall constitute a quorum for the transaction of business and all official acts of VCTC.

G. Ralph M. Brown Art. Anything to the contrary herein notwithstanding, all regular, special and emergency meeting of VCTC, committees of VCTC or Advisory Committees shall be called, noticed and conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9, commencing with § 54950 of

the Government Code, Part 1, Division 2, Title 5), as those statutes may be amended from time to time or by any successor statute thereto.

H. Public Comment – Every agenda for meetings of VCTC, VCTC Committees or Advisory Committees shall provide an opportunity for members of the public to directly address VCTC or such Committee, as the case may be, on items of interest to the public which are within the subject matter jurisdiction of VCTC. No action may be taken at the meeting at which such comments are received unless the action is otherwise authorized pursuant to Government Code § 54954.2 (b), as it may be amended from time to time or by any successor statute thereto. Members of the public may be required to state their name and address for the record before addressing VCTC or a committee. The Chair may, in the interest of facilitating the business of VCTC, limit the total amount of time allocated to public comment at each meeting, and limit the time which any person may use in addressing VCTC or a committee to three (3) minutes.

I. Committee of the Whole – At any regular meeting of VCTC or any VCTC Committee or Advisory Committee which is not held because of a lack of a quorum, the members present may constitute themselves as a "Committee of the Whole", for the purpose of discussing agenda matters or any other matter of interest to the members present. No decision may be made by the Committee of the Whole nor shall it make any recommendations to VCTC. The Committee of the Whole shall automatically cease to exist if a quorum becomes present at the meeting.

ARTICLE V. CORPORATE POWERS

A. Succession. VCTC has perpetual succession and may adopt a seal and alter it at its pleasure.

B. Litigation. VCTC may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

C. Claims. All claims for money or damages against VCTC are governed by Division 3.6 (commencing with § 810) of Title 1 of the Government Code except as provided therein or by other statutes or regulations expressly applicable thereto.

D. Motions, Resolutions and Ordinances. The acts of VCTC, VCTC Committees and Advisory Committees shall be expressed by motion, resolution or, only in the case of VCTC (not Committees) ordinance enacted by a majority of a quorum of VCTC or of such Committee, as the case may be. Where required by law, the action of VCTC shall be by ordinance. All ordinances shall take effect upon their adoption. The enacting clause of all ordinances shall be as follows: "The Ventura County Transportation Commission does ordain as follows: ..." All ordinances shall be signed by the Chair [or the Vice Chair] of VCTC and attested to by the Executive Director or the Clerk of the Commission

E. Authority and Power to Carry Out Legal Duties. VCTC shall have the power and authority to do any and all things permitted by this Code and all things necessary to carryout the purposes of Division 12 of the Public Utilities Code (commencing with § 130000) and Chapter 4, Article 3.5 (commencing with § 2550) of Division 3 of the Streets and Highway Code, and Chapter 3, Subchapter 2, Article 7 (commencing with § 6680) of the California Code of Regulations, as such statutes may be amended from time to time and as provided in any successor statutes thereto.

F. Amendment to this Code. VCTC shall have the authority to amend or revoke this Code at any time by the adoption of a resolution amending or revoking this Code, upon the vote of majority of its voting members. Upon revocation of this Code, VCTC shall adopt, by resolution, a new administrative code to govern the procedures, administration and activities of VCTC.

G. Insurance – VCTC shall maintain, to the extent practicable, general liability insurance, property and errors and omissions insurance.

ARTICLE VI. CONTRACTS.

A. In General. VCTC may make contracts and enter into stipulations of any nature whatsoever in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts to indemnify and hold harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers authorized by state law, minute action, resolution or ordinance of VCTC, or by this Code. VCTC may contract with any department or agency of the United State of America, with any public agency (including, but not limited to, the Department of Transportation, the Southern California Association of Governments, or any transit district, county or city), or with any person upon such terms and conditions as VCTC deems appropriate and necessary.

B. Competitive Bidding. Except as provided for in Subsection C of this Article VI, and except in an emergency declared by the vote of two-thirds (2/3) of the voting membership of VCTC, contracts for the purchase of supplies, equipment and materials (collectively hereinafter "Materials/Equipment") in excess of Five Thousand Dollars ($5,000) shall be awarded to the lowest responsible bidder after competitive bidding, and after evaluating all aspects of the bid, including price, qualifications and expertise in the area. In the event of a such declared emergency, VCTC may award a contract in any amount to any qualified responsible contractor who is able to abate the emergency forthwith.

C. Other, Materials/Equipment, Contract Methods. If, after rejecting bids received pursuant to Article VI, Section B, above, VCTC determines and declares by a two-thirds (2/3) vote if all its members that, in its opinion, the Materials/Equipment may be purchased at a lower price in the open market, VCTC may proceed to purchase said Materials/Equipment in the open market without further observance of the provisions regarding contracts, bid or advertisements.

D. Professional Services Contracts. Regardless of the contract amount, contracts for professional services, including but not limited to, contracts for design, advertising, accountant, auditors, research and development equipment, attorneys, advocates, lobbyists and the Executive Director ("Professional Service Contracts"), may be negotiated after issuance of requests for proposal for the service to be performed from persons or entities whose training, reputation, and experience establish them as qualified to perform such service. In awarding a Professional Service Contract, VCTC may take into consideration factors including, but not limited to, the numbers and particular qualifications of those who will be designated to perform the service sought, references and recommendations of others for who such service has been performed, timing of performance and any specialized needs VCTC may have of the Professional Service Contract contractor. Based on its assessment of the qualifications of each proposal, VCTC may award a Professional Services Contract to other than the lowest proposal received.

ARTICLE VII. CONFLICTS OF INTEREST.

A. IDENTITY OF CONFLICTS. VCTC members and VCTC staff members shall have a personal responsibility to identify potential conflicts of interest. Members and the Executive Director shall timely notify VCTC of such potential conflicts.

B. FILING OF STATEMENTS. Pursuant to Government Code § 1126, all members and *ex-officio* members of VCTC and all employees designated in the Conflict of Interest Code of VCTC , as it may be amended from time to time, shall simultaneously file with VCTC a statement of economic interest, and a statement listing all contracts or any financial connections with any entity which provides services, supplies or materials of a type utilized by VCTC.

C. Removal of Staff Member. The Executive Director shall have the responsibility to remove staff members from a project when its has been ascertained that such a staff member has or may have a conflict of interest.

D. Members Duty Not To Participate in the Event of a Conflict. Each VCTC member has the personal responsibility not to participate in an action or decision when he or she has ascertained that he or she has a conflict of interest with respect to that matter or decision.

E. Notification of Conflict. VCTC members and the Executive Director shall notify VCTC in a timely manner of any potential conflict of interest. The Executive Director shall make available to members of VCTC copies of statement of economic interest or statements filed pursuant to Section B of this Article by members, alternates and staff of VCTC when such statement disclose any investments in, income from business positions or contracts, or financial connections with any entity which provides services, supplies or materials of a type utilized by VCTC.

This Administrative Code was adopted by Resolution 04-09 on September 9, 2004 and shall become effective on October 9, 2004

Executed this ___th day of September, 2004.

Steve Bennett, Chair

ATTEST:

Donna Cole, Clerk of the Commission

RESOLUTION NUMBER 2005-08

A RESOLUTION OF THE VENTURA COUNTY TRANSPORTATION COMMISSION, A COUNTY TRANSPORTATION COMMISSION CREATED PURSUANT TO THE LAWS OF THE STATE OF CALIFORNIA ("VCTC"), FOR ITSELF, AND IN ITS CAPACITY AS THE VENTURA COUNTY AIRPORT LAND USE COMMISSION ("ALUP"), AS THE VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES ("SAFE"), AND AS THE CONSOLIDATED TRANSPORTATION SERVICE AGENCY FOR VENTURA COUNTY ("CTSA") AND THE VENTURA COUNTY CONGESTION MANAGEMENT AGENCY ("CMP"), AMENDING ITS ADMINISTRATIVE CODE, ADOPTED IN 2004, PRESCRIBING THE AUTHORITY, PRIVILEGES, POWERS AND DUTIES IN ALL ITS CAPACITIES (AMENDMENT NO. 2)

I. VCTC, ALUP, SAFE, CTSA and CMP (hereinafter, collectively, the "Agencies") hereby find as follows:

A. In 1996, the Agencies adopted an Administrative Code pursuant to Resolution 96-03, which has since been entirely replaced in 2004 by Resolution 2004-09;

B. On May 6, 2005, an Amendment made non-substantive changes to the 2004 Administrative Code to correct, clarify and remove inconsistencies from the various provisions.

C. This Amendment No. 2 to the 2004 Administrative Code relates to the duties and authority of the Executive Director.

II. In view of the foregoing findings, the Agencies hereby resolve as follows:

A. The 2004 Administrative Code is further amended by the Agencies at Article III, section E, subsection 9 as follows:

"ARTICLE III. <u>ADMINISTRATION</u>.

. . .

E. <u>Duties of the Executive Director</u>.

. . .

9. To contract for, and execute, such contracts without prior approval and on behalf of VCTC, for construction or to purchase or cause to be purchased, supplies, equipment, materials, and personnel services where the expenditure is less than Fifty Thousand Dollars ($50,000.00), or when immediate measures are required to avert or alleviate damage to property, or to replace, repair, or restore damaged

or destroyed property, of VCTC in order to ensure that the facilities of VCTC are available to serve the transportation needs of the general public pursuant to and in compliance with the limitations and reporting requirement of Public Utilities Code section 130235, subsections (a) and (b), as they may be amended from time to time. . . ."

B. This Amendment No. 2 to the Administrative Code shall become effective upon the date of the adoption of this Resolution.

C. The Chair shall execute this Resolution and the Clerk of the Commission shall attest to its adoption and the signature of the Chair.

Adopted this 14th day of October at Camarillo, California.

John Procter, Chair

ATTEST:

Donna Cole, Clerk of the Commission

RESOLUTION NO. 2005-08

I, Donna Cole, Clerk of the Commission, hereby certify that the foregoing Resolution was adopted by the Ventura County Transportation Commission at a regularly scheduled meeting held on 10/14/05 upon the motion of Commissioner Turner, second by Commissioner Flynn and adopted by the following vote of the Commission:

Ayes: Commissioners Williamson, DeUnto, Maulhardt, Humphrey, Parks, Turner, Bennett, Flynn, Morehouse, Mullhouse, Proctor

Nays: none

Absent: Commissioners Cuevas, Gillette, Long, Mikels, Morgan, Young

Abstain: none

Dated: 10/14/05

Donna Cole, Clerk of the Commission

Watershed Fire Council of Southern California July 2004

Discretionary

Status: Active

Type: Members are recommended by the Fire Chief and approved by the Board.

Established: 1954
Sunset date:

Purpose: The Watershed Fire Council of Southern California is organized and dedicated to promoting the wise use and protection of wildland resources through proper planning and management.

Street Address: Allen J. West, chair; P.O. Box 1029

City/State/Zip: Ojai, CA 93024
Phone: 289-0155

Fax:
Office Hours:
Contact: ~~**Mark Sanchez**~~ DARRELL RALSTON **, Assistant Chief**

Agency:
Ventura County Fire Protection District

Contact Address:
165 Durley Avenue, Camarillo, CA 93010

Contact Phone: 805-389-9703

Contact Email: mark.sanchez@mail.co.ventura.ca.us

Authority: N/A
Authority Info:

Date: March, June, September, and December

Meetings: second Thursday
Time: 10 a.m.

Place: Various locations in Southern California

Qualifications:

Appointments: The Council is composed of citizens dedicated to the conservation of the forest and mountain watersheds.

Membership Info: Members are selected by the Fire Chief, based on recommendations by the U.S. Forest Service, agricultural community, the Cattleman's Association, and the Fire Protection District. The cost of membership on the council is $500 each fiscal year

Term Info: Five-year appointments

Compensation: None
Per Meeting:
Amount:
Per Mileage – Amount: None

Achievements: Interaction with the National Weather Service fire forecasters; interaction with Board of Forestry in range management policies; lobbied for state and federal budget; interaction with South Coast Air Quality on passage of new restrictions on prescribed fire. The council's goals are continuing reform with policies within Watershed Fire Council; lobbying for state and federal fire programs; assisting in prescribed fires in local areas; and assisting in safety programs for state and federal fire agencies.

Information:
Notes:

Oath Info: County of Ventura
By-Laws: yes

CoB Fire System

Seat Requirements:
- Oath
- Conflict of Interest - yes
- District Residency
- Economic

Members:

Jack Broome, 1 Caryl Drive, Oxnard, CA 93030. Phone: 488-5333
Tony Caezza, sec./treasurer, 1295 Richmond Rd., Santa Paula, CA 93060,
Phone: 525-4633
Rex Laird, Ventura County Farm Bureau, 5156 McGrath St., Ventura, CA 93003.
Phone: 289-0155
Allen J. West, chair, P.O. Box 1029, Ojai, CA 93024 Phone: 646-8195
Richard Atmore, 2977 Sexton Canyon Drive, Ventura, CA 93003 Phone: 642-2161.

GENERAL AIMS AND PURPOSES
OF THE
WATERSHED FIRE COUNCIL OF SOUTHERN CALIFORNIA

The Watershed Fire Council of Southern California is organized and dedicated to promote the wise use and protection of the wildland resources through planning and management. This is based on the concept that this wise use will enable the public to enjoy the maximum benefit of those resources.

The Watershed Fire Council is composed of citizens dedicated to the aims of conservation of wildlands and the premise that the watershed wildlands of Southern California are essential to the economy, the well-being, and the future of those citizens living, visiting, and working in the counties of San Diego, Orange, Riverside, San Bernardino, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo, AND KERN.

The ecological problems of these counties joined with the unusual fire problem involving rate of spread, behavior, and difficulty of control unite the Southern California counties in the search for answers to these outstanding questions. Help in obtaining answers to these issues may be accomplished through study and research. These answers are essential and necessary when recognition is given to the following basic problems:

1- Population pressure on the wildland resources is increasing daily; and

2- Watershed acreage is being reduced daily by the encroachment of agriculture, homes, and industry.

These are dynamic changing developments that must be accepted.

In view of the above problems the Watershed Fire Council strongly

advocates that every effort must be made to prevent forest fires from starting in watershed areas, and to control those fires that do occur, before they spread to become major conflagrations similar to those in the past that have taken human lives, destroyed millions of dollars of private property, thousands of acres of watershed and recreational areas, and resulted in the loss of untold wildlife in Southern California. These conflagrations also cause the loss of millions of dollars in flood damage as a direct result of the fires.

It is the aim of the Watershed Fire Council of Southern California to study the fire problems of the Southern California watershed areas. The Council shall confer with qualified resource consultants, and shall analyze the information available at the local level in order that the Watershed Fire Council may bring recommendations promoting more effective conservation practices to the Federal, State, and County governments. These recommendations will be made through personal contacts of the members, the action of the Council as a whole, and by having representatives of the Council appear before the appropriate legislative bodies.

Adopted December 17, 1971
Revised December 13, 1974
Revised August 10, 1976
Revised October 25, 1984
Revised August 25, 1987

BYLAWS, RULES AND REGULATIONS

1. Name: WATERSHED FIRE COUNCIL OF SOUTHERN CALIFORNIA

2. Address: Address of Secretary in Office

3. Membership:

MAKE-UP OF MEMBERSHIP BY COUNTIES

	Citizens' Committee, Commission, or Gen.Pub.	Agency Nominees			Member Brd of Sprvsrs/ Designee	TOTA
		U.S.Forest Service	Dept.of For. & Fire Prot.	Co.Fire Dept		
Los Angeles	3	1		1	1	6
San Luis Obispo	1	1	1		1	4
Ventura	1	1		1	1	4
Santa Barbara	1	1		1	1	4
San Bernardino	1	1	1	1	1	4
Orange	1	1		1	1	4
Riverside	1	1	1		1	4
San Diego	3	1	1		1	6
Kern County	1	1		1	1	4

Total 40
Majority 12

4. Citizens' Committee, Commission, or General Public

Each Board of Supervisors will appoint representatives from an organized citizens' committee. If there is not an organized citizens' committee in the county, then the Board may appoint citizens from the general public.

If a county already has a commission appointed by the Board of Supervisors for the purpose of advising the Board on watershed

problems and programs, i.e., Los Angeles County Watershed Commission, then should the Board of Supervisors wish, they may delegate to the Commission the power to appoint the member or members representing the citizens' committee.

5. Agency Representatives

The citizen members are nominated by the appropriate governmental agencies, but the appointment must be made by the responsible county Board of Supervisors.

Note: Forestry or Fire Protection agency employees will not be voting members. They may be consultant members as described below.

6. Term of Members

The term of membership shall be set by the appointing Board or Commission, and the members so appointed shall serve at the pleasure of the appointing board.

7. Termination of Membership

Membership may be terminated with two consecutive unexcused absences, at the direction of the Chairman. Nominating agency shall be informed of such action.

8. Board of Supervisors

Each County Board of Supervisors will appoint one of its members as a representative to the Watershed Fire Council, or it

may appoint a person as its designee to the Council. Such designee shall be a regular voting member of the Council.

9. Consultant Membership

Consultant members will be privileged to attend and discuss issues but will not have any voting power. Agencies, professional persons, or interested citizens with technical knowledge who wish to receive notices and attend the meetings may request consultant membership. Consultant members will be limited to those invited to join by the Watershed Fire Council of Southern California.

10. Officers

The officers will be Chairperson, First Vice Chairperson, Second Vice Chairperson, and Secretary and/or Treasurer. The Secretary and Treasurer positions may be separate or combined positions.

11. Term of Office

The officers will be elected for two-year terms, with the election being held at the June meeting and officers taking office at the end of that meeting, with the exception that the the first election will be held at the following meeting after approval of the Committee's report. Vacancies other than Chairperson shall be filled by election for the unexpired term.

All officers must be regular voting members, with the exception of the Secretary. The Secretary need not be a voting member, but the Treasurer must be a voting member of the Council.

12. Duties of Officers

a. The Chairperson will preside over all regular meetings. He will appoint and be ex-officio member of all committees. He will assign such additional duties or functions to the officers and committees as may be necessary.

b. The First Vice Chairperson will preside at meetings in the absence of the Chairperson and will assume the Chair duties if that position should become vacant. He will perform such other duties as may be assigned by the Chairperson.

c. The Second Vice Chairperson will act for and in the absence of the First Vice Chairperson and will perform such other duties as may be assigned by the Chair.

d. The Secretary shall keep records and assist the Chairperson as directed. Such records will be open to inspection at a designated location.

e. The Treasurer will be responsible for finances of the Council and will maintain an accounting of funds which will be open for inspection at a designated location.

13. Meetings

a. Regular

Regular quarterly meetings will be held on the third Friday of March, June, and September and the second Friday of December, unless changed by vote of the members at a preceding meeting. Executive Committee meetings may be called by the Chairman for routine planning, committee appointments, and assignment of administrative work. Usually the location of each regular meeting will be determined by the members. Locations may be changed from one time to the next so that all member counties may be visited. Notice of a regular meeting must be given and posted in a location fully accessible to the public 72 hours before the regular meeting. When requested in writing, in advance, by a member of the public, notice must be delivered personally or by mail at least 24 hours before the meeting.

b. Special

Special meetings may be called by the Chair. Notice shall be given in the same way as for a regular meeting, except that a 24-hour posting is required. Only those items on the agenda will be considered.

14. Minutes, Notices, and Agenda

a. Minutes will be kept by the Secretary and mailed to all members prior to the next meeting.

b. The agenda for a meeting will be set by the Chairperson and Secretary. Items to be included on the agenda must be submitted not later than twenty days prior to the meeting date.

c. The Council cannot take action on any item not listed on the agenda except when:

1. A majority of the Council determines that an emergency exists.

2. The item was continued from a prior meeting.

3. Two-thirds of Council members vote that the need to take action arose after the 72-hour posting period.

4. Each agenda at the regular meeting must provide an opportunity for members of the public to address the Council or items of interest if they are within the subject jurisdiction of the Council.

5. Any proposed change in the By Laws must be sent to members 10 days before the meeting.

15. Conduct of Business

Any change in the Bylaws, Rules and Regulations or General Aims and Purposes shall require a majority vote of all regular members, i.e., twenty-one if membership is filled.

All other business shall be conducted by a majority vote of the members present at any duly called meeting. The Chair shall vote as members do.

Robert's Rule of Order will prevail if not covered by the Bylaws, Rules and Regulations.

Brown Act

Effective January 1, 1987, additions and amendments have been made to Sections 54954-2 and -3 and 54956 of the Government Code (The Brown Act) which govern the conduct of councils and commissions and are incorporated into the Bylaws of the Watershed Fire Council of Southern California.

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, APRIL 12, 1977, AT 9:00 O'CLOCK A.M.

415.1700

Upon motion of Supervisor Eaton, seconded by Supervisor MacDonald, and duly carried, the Board hereby approves the following matter; deleting the voting composition as shown:

county of ventura

Office of the County Executive
Monty C. Lish
County Executive

Ronald D. Durand
Assistant County Executive

Dale E. Smith
Deputy County Executive-Personnel

April 7, 1977

Board of Supervisors
County Office Building
Ventura, California 93001

Waterworks District No. 17 Advisory Board

On March 8, the voters of Bell Canyon authorized the formation of County Waterworks District No. 17 to provide water services to residents of the Bell Canyon, Rocketdyne and Sage areas. On March 22, 1977, your Board adopted a resolution approving the formation of the new district after voter consent.

The formation of County Waterworks District No. 17 is part of a reorganization of the water services provided to residents of eastern Ventura County to permit more effective local control of water facilities. County staff is currently engaged in identifying the property, fixed assets, fund balances and staff required to operate the new district, which is scheduled to begin operations as a separate entity on July 1, 1977.

In order to initiate the process of citizen participation in the planning and operations of the district, it is desirable to form a Waterworks Advisory Board composed of recipients of district services. The County currently retains such an Advisory Board for Waterworks District No. 8 and it serves as a means of providing staff and your Board with citizen input on matters pertaining to water services. The District No. 17 Advisory Board would consist of representatives from Bell Canyon, the Rocketdyne Company, and the Sage area and would be appointed by the Supervisor from the district. ~~The voting composition of the Board would be as follows~~:

~~Bell Canyon - 2 votes~~
~~Rocketdyne - 2 votes~~
~~Sage Area - 1 vote~~

IT IS, THEREFORE, RECOMMENDED THAT YOUR BOARD:

Authorize the establishment of a Waterworks District No. 17 Advisory Board.

MICHAEL C. MC GEE
Deputy County Executive

DIOS MARRERO
Administrative Analyst

de

COPIES TO:

County Executive
Clerk of the Board
Auditor-Controller
Public Works
Files (2)
Item 20
4/12/77 lss

WORKFORCE INVESTMENT ACT OF 1998

Public Law 105-220--Aug. 7, 1998 112 Stat. 936

Public Law 105-220
105th Congress

An Act

To consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.--This Act may be cited as the ``Workforce Investment Act of 1998".
(b) Table of Contents.--The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I--WORKFORCE INVESTMENT SYSTEMS

Subtitle A--Workforce Investment Definitions

Sec. 101. Definitions.

Subtitle B--Statewide and Local Workforce Investment Systems

Sec. 106. Purpose.

Chapter 1--State Provisions

Sec. 111. State workforce investment boards.
Sec. 112. State plan.

Chapter 2--Local Provisions

Sec. 116. Local workforce investment areas.
Sec. 117. Local workforce investment boards.
Sec. 118. Local plan.

Chapter 3--Workforce Investment Activities Providers

Sec. 121. Establishment of one-stop delivery systems.
Sec. 122. Identification of eligible providers of training services.
Sec. 123. Identification of eligible providers of youth activities.

Chapter 4--Youth Activities

Sec. 126. General authorization.
Sec. 127. State allotments.
Sec. 128. Within State allocations.
Sec. 129. Use of funds for youth activities.

Chapter 5--Adult and Dislocated Worker Employment and Training Activities

Sec. 131. General authorization.
Sec. 132. State allotments.
Sec. 133. Within State allocations.
Sec. 134. Use of funds for employment and training activities.

Chapter 6--General Provisions

Sec. 136. Performance accountability system.
Sec. 137. Authorization of appropriations.

Subtitle C--Job Corps

Sec. 141. Purposes.
Sec. 142. Definitions.
Sec. 143. Establishment.
Sec. 144. Individuals eligible for the Job Corps.
Sec. 145. Recruitment, screening, selection, and assignment of enrollees.
Sec. 146. Enrollment.
Sec. 147. Job Corps centers.
Sec. 148. Program activities.
Sec. 149. Counseling and job placement.
Sec. 150. Support.
Sec. 151. Operating plan.

Sec. 152. Standards of conduct.
Sec. 153. Community participation.
Sec. 154. Industry councils.
Sec. 155. Advisory committees.
Sec. 156. Experimental, research, and demonstration projects.
Sec. 157. Application of provisions of Federal law.
Sec. 158. Special provisions.
Sec. 159. Management information.
Sec. 160. General provisions.
Sec. 161. Authorization of appropriations.

Subtitle D--National Programs

Sec. 166. Native American programs.
Sec. 167. Migrant and seasonal farmworker programs.
Sec. 168. Veterans' workforce investment programs.
Sec. 169. Youth opportunity grants.
Sec. 170. Technical assistance.
Sec. 171. Demonstration, pilot, multiservice, research, and multistate projects.
Sec. 172. Evaluations.
Sec. 173. National emergency grants.
Sec. 174. Authorization of appropriations.

Subtitle E--Administration

Sec. 181. Requirements and restrictions.
Sec. 182. Prompt allocation of funds.
Sec. 183. Monitoring.
Sec. 184. Fiscal controls; sanctions.
Sec. 185. Reports; recordkeeping; investigations.
Sec. 186. Administrative adjudication.
Sec. 187. Judicial review.
Sec. 188. Nondiscrimination.
Sec. 189. Administrative provisions.
Sec. 190. Reference.
Sec. 191. State legislative authority.
Sec. 192. Workforce flexibility plans.
Sec. 193. Use of certain real property.
Sec. 194. Continuation of State activities and policies.
Sec. 195. General program requirements.

Subtitle F--Repeals and Conforming Amendments

Sec. 199. Repeals.

Sec. 199A. Conforming amendments.

TITLE II--ADULT EDUCATION AND LITERACY

Sec. 201. Short title.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Home schools.
Sec. 205. Authorization of appropriations.

Subtitle A--Adult Education and Literacy Programs

Chapter 1--Federal Provisions

Sec. 211. Reservation; grants to eligible agencies; allotments.
Sec. 212. Performance accountability system.

Chapter 2--State Provisions

Sec. 221. State administration.
Sec. 222. State distribution of funds; matching requirement.
Sec. 223. State leadership activities.
Sec. 224. State plan.
Sec. 225. Programs for corrections education and other institutionalized individuals.

Chapter 3--Local Provisions

Sec. 231. Grants and contracts for eligible providers.
Sec. 232. Local application.
Sec. 233. Local administrative cost limits.

Chapter 4--General Provisions

Sec. 241. Administrative provisions.
Sec. 242. National Institute for Literacy.
Sec. 243. National leadership activities.

Subtitle B--Repeals

Sec. 251. Repeals.

TITLE III--WORKFORCE INVESTMENT-RELATED ACTIVITIES

Subtitle A--Wagner-Peyser Act

Sec. 301. Definitions.
Sec. 302. Functions.
Sec. 303. Designation of State agencies.
Sec. 304. Appropriations.
Sec. 305. Disposition of allotted funds.
Sec. 306. State plans.
Sec. 307. Repeal of Federal advisory council.
Sec. 308. Regulations.
Sec. 309. Employment statistics.
Sec. 310. Technical amendments.
Sec. 311. Effective date.

Subtitle B--Linkages With Other Programs

Sec. 321. Trade Act of 1974.
Sec. 322. Veterans' employment programs.
Sec. 323. Older Americans Act of 1965.

Subtitle C--Twenty-First Century Workforce Commission

Sec. 331. Short title.
Sec. 332. Findings.
Sec. 333. Definitions.
Sec. 334. Establishment of Twenty-First Century Workforce Commission.
Sec. 335. Duties of the Commission.
Sec. 336. Powers of the Commission.
Sec. 337. Commission personnel matters.
Sec. 338. Termination of the Commission.
Sec. 339. Authorization of appropriations.

Subtitle D--Application of Civil Rights and Labor-Management Laws to the Smithsonian Institution

Sec. 341. Application of civil rights and labor-management laws to the Smithsonian Institution.

TITLE IV--REHABILITATION ACT AMENDMENTS OF 1998

Sec. 401. Short title.
Sec. 402. Title.
Sec. 403. General provisions.
Sec. 404. Vocational rehabilitation services.
Sec. 405. Research and training.
Sec. 406. Professional development and special projects and

demonstrations.
Sec. 407. National Council on Disability.
Sec. 408. Rights and advocacy.
Sec. 409. Employment opportunities for individuals with disabilities.
Sec. 410. Independent living services and centers for independent living.
Sec. 411. Repeal.
Sec. 412. Helen Keller National Center Act.
Sec. 413. President's Committee on Employment of People With Disabilities.
Sec. 414. Conforming amendments.

TITLE V--GENERAL PROVISIONS

Sec. 501. State unified plan.
Sec. 502. Definitions for indicators of performance.
Sec. 503. Incentive grants.
Sec. 504. Privacy.
Sec. 505. Buy-American requirements.
Sec. 506. Transition provisions.
Sec. 507. Effective date.

TITLE I--WORKFORCE INVESTMENT SYSTEMS

Subtitle A--Workforce Investment Definitions

SEC. 101. DEFINITIONS.

In this title:

(1) Adult.--Except in sections 127 and 132, the term ``adult'' means an individual who is age 18 or older.

(2) Adult education; adult education and literacy activities.--The terms ``adult education'' and ``adult education and literacy activities'' have the meanings given the terms in section 203.

(3) Area vocational education school.--The term ``area vocational education school'' has the meaning given the term in section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471).

(4) Basic skills deficient.--The term ``basic skills deficient'' means, with respect to an individual, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test.

(5) Case management.--The term ``case management'' means the provision of a client-centered approach in the delivery of services, designed--

(A) to prepare and coordinate comprehensive employment

plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and

(B) to provide job and career counseling during program participation and after job placement.

(6) Chief elected official.--The term ``chief elected official'' means--

(A) the chief elected executive officer of a unit of general local government in a local area; and

(B) in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in section 117(c)(1)(B).

(7) Community-based organization.--The term ``community-based organization'' means a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment.

(8) Customized training.--The term ``customized training'' means training--

(A) that is designed to meet the special requirements of an employer (including a group of employers);

(B) that is conducted with a commitment by the employer to employ an individual on successful completion of the training; and

(C) for which the employer pays for not less than 50 percent of the cost of the training.

(9) Dislocated worker.--The term ``dislocated worker'' means an individual who--

(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

(ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; or

(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 134(c), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

(iii) is unlikely to return to a previous industry or occupation;

(B)(i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a

plant, facility, or enterprise;

(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

(iii) for purposes of eligibility to receive services other than training services described in section 134(d)(4), intensive services described in section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

(C) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or

(D) is a displaced homemaker.

(10) Displaced homemaker.--The term ``displaced homemaker'' means an individual who has been providing unpaid services to family members in the home and who--

(A) has been dependent on the income of another family member but is no longer supported by that income; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(11) Economic development agencies.--The term ``economic development agencies'' includes local planning and zoning commissions or boards, community development agencies, and other local agencies and institutions responsible for regulating, promoting, or assisting in local economic development.

(12) Eligible provider.--The term ``eligible provider'', used with respect to--

(A) training services, means a provider who is identified in accordance with section 122(e)(3);

(B) intensive services, means a provider who is identified or awarded a contract as described in section 134(d)(3)(B);

(C) youth activities, means a provider who is awarded a grant or contract in accordance with section 123; or

(D) other workforce investment activities, means a public or private entity selected to be responsible for such activities, such as a one-stop operator designated or certified under section 121(d).

(13) Eligible youth.--Except as provided in subtitles C and D, the term ``eligible youth'' means an individual who--

(A) is not less than age 14 and not more than age 21;

(B) is a low-income individual; and

(C) is an individual who is one or more of the following:

(i) Deficient in basic literacy skills.

(ii) A school dropout.

(iii) Homeless, a runaway, or a foster child.

(iv) Pregnant or a parent.

(v) An offender.

(vi) An individual who requires additional assistance to complete an educational program, or to secure and hold employment.

(14) Employment and training activity.--The term ``employment and training activity'' means an activity described in section 134 that is carried out for an adult or dislocated worker.

(15) Family.--The term ``family'' means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

(A) A husband, wife, and dependent children.

(B) A parent or guardian and dependent children.

(C) A husband and wife.

(16) Governor.--The term ``Governor'' means the chief executive of a State.

(17) Individual with a disability.--

(A) In general.--The term ``individual with a disability'' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(B) Individuals with disabilities.--The term ``individuals with disabilities'' means more than one individual with a disability.

(18) Labor market area.--The term ``labor market area'' means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

(19) Literacy.--The term ``literacy'' has the meaning given the term in section 203.

(20) Local area.--The term ``local area'' means a local workforce investment area designated under section 116.

(21) Local board.--The term ``local board'' means a local workforce investment board established under section 117.

(22) Local performance measure.--The term ``local performance measure'' means a performance measure established under section 136(c).

(23) Local educational agency.--The term ``local educational

agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(24) Lower living standard income level.--The term ``lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent lower living family budget issued by the Secretary.

(25) Low-income individual.--The term ``low-income individual" means an individual who--

(A) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;

(B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of--

(i) the poverty line, for an equivalent period; or

(ii) 70 percent of the lower living standard income level, for an equivalent period;

(C) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(D) qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);

(E) is a foster child on behalf of whom State or local government payments are made; or

(F) in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.

(26) Nontraditional employment.--The term ``nontraditional employment" refers to occupations or fields of work for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(27) Offender.--The term ``offender" means any adult or juvenile--

(A) who is or has been subject to any stage of the criminal justice process, for whom services under this Act may be

beneficial; or

(B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(28) Older individual.--The term ``older individual'' means an individual age 55 or older.

(29) One-stop operator.--The term ``one-stop operator'' means 1 or more entities designated or certified under section 121(d).

(30) One-stop partner.--The term ``one-stop partner'' means--

(A) an entity described in section 121(b)(1); and

(B) an entity described in section 121(b)(2) that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.

(31) On-the-job training.--The term ``on-the-job training'' means training by an employer that is provided to a paid participant while engaged in productive work in a job that--

(A) provides knowledge or skills essential to the full and adequate performance of the job;

(B) provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

(32) Outlying area.--The term ``outlying area'' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(33) Out-of-school youth.--The term ``out-of-school youth'' means--

(A) an eligible youth who is a school dropout; or

(B) an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.

(34) Participant.--The term ``participant'' means an individual who has been determined to be eligible to participate in and who is receiving services (except followup services authorized under this title) under a program authorized by this title. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual began

receiving subsidized employment, training, or other services provided under this title.

(35) Postsecondary educational institution.--The term ``postsecondary educational institution'' means an institution of higher education, as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088).

(36) Poverty line.--The term ``poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(37) Public assistance.--The term ``public assistance'' means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

(38) Rapid response activity.--The term ``rapid response activity'' means an activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including--

(A) the establishment of onsite contact with employers and employee representatives--

(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or

(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

(B) the provision of information and access to available employment and training activities;

(C) assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;

(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and

(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

(39) School dropout.--The term ``school dropout'' means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(40) Secondary school.--The term ``secondary school'' has the

meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(41) Secretary.--The term ``Secretary'' means the Secretary of Labor, and the term means such Secretary for purposes of section 503.

(42) State.--The term ``State'' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(43) State adjusted level of performance.--The term ``State adjusted level of performance'' means a level described in clause (iii) or (v) of section 136(b)(3)(A).

(44) State board.--The term ``State board'' means a State workforce investment board established under section 111.

(45) State performance measure.--The term ``State performance measure'' means a performance measure established under section 136(b).

(46) Supportive services.--The term ``supportive services'' means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this title, consistent with the provisions of this title.

(47) Unemployed individual.--The term ``unemployed individual'' means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(48) Unit of general local government.--The term ``unit of general local government'' means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

(49) Veteran; related definition.--

(A) Veteran.--The term ``veteran'' means an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable.

(B) Recently separated veteran.--The term ``recently separated veteran'' means any veteran who applies for participation under this title within 48 months after the discharge or release from active military, naval, or air service.

(50) Vocational education.--The term ``vocational education'' has the meaning given the term in section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471).

(51) Workforce investment activity.--The term ``workforce investment activity'' means an employment and training activity, and a youth activity.

(52) Youth activity.--The term ``youth activity'' means an activity described in section 129 that is carried out for eligible youth (or as described in section 129(c)(5)).

(53) Youth council.--The term ``youth council'' means a council established under section 117(h).

Subtitle B--Statewide and Local Workforce Investment Systems

SEC. 106. PURPOSE.

The purpose of this subtitle is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.

CHAPTER 1--STATE PROVISIONS

SEC. 111. STATE WORKFORCE INVESTMENT BOARDS.

(a) In General.--The Governor of a State shall establish a State workforce investment board to assist in the development of the State plan described in section 112 and to carry out the other functions described in subsection (d).

(b) Membership.--

(1) In general.--The State Board shall include--

(A) the Governor;

(B) 2 members of each chamber of the State legislature, appointed by the appropriate presiding officers of each such chamber; and

(C) representatives appointed by the Governor, who are--

(i) representatives of business in the State, who--

(I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority, including members of local boards described in section 117(b)(2)(A)(i);

(II) represent businesses with employment opportunities that reflect the employment opportunities of the State; and

(III) are appointed from among individuals nominated by State business organizations and business trade associations;

(ii) chief elected officials (representing both cities and counties, where appropriate);

(iii) representatives of labor organizations, who have been nominated by State labor federations;

(iv) representatives of individuals and organizations that have experience with respect to youth activities;

(v) representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations within the State;

(vi)(I) the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners; and

(II) in any case in which no lead State agency official has responsibility for such a program, service, or activity, a representative in the State with expertise relating to such program, service, or activity; and

(vii) such other representatives and State agency officials as the Governor may designate, such as the State agency officials responsible for economic development and juvenile justice programs in the State.

(2) Authority and regional representation of board members.--Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse regions of the State, including urban, rural, and suburban areas.

(3) Majority.--A majority of the members of the State Board shall be representatives described in paragraph (1)(C)(i).

(c) Chairman.--The Governor shall select a chairperson for the State Board from among the representatives described in subsection (b)(1)(C)(i).

(d) Functions.--The State Board shall assist the Governor in--

(1) development of the State plan;

(2) development and continuous improvement of a statewide system of activities that are funded under this subtitle or carried out through a one-stop delivery system described in section 134(c) that receives funds under this subtitle (referred to in this title as a ``statewide workforce investment system''), including--

(A) development of linkages in order to assure coordination

and nonduplication among the programs and activities described in section 121(b); and

(B) review of local plans;

(3) commenting at least once annually on the measures taken pursuant to section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C 2323(b)(14));

(4) designation of local areas as required in section 116;

(5) development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities to local areas as permitted under sections 128(b)(3)(B) and 133(b)(3)(B);

(6) development and continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under section 136(b);

(7) preparation of the annual report to the Secretary described in section 136(d);

(8) development of the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act; and

(9) development of an application for an incentive grant under section 503.

(e) Alternative Entity.--

(1) In general.--For purposes of complying with subsections (a), (b), and (c), a State may use any State entity (including a State council, State workforce development board, combination of regional workforce development boards, or similar entity) that--

(A) was in existence on December 31, 1997;

(B)(i) was established pursuant to section 122 or title VII of the Job Training Partnership Act, as in effect on December 31, 1997; or

(ii) is substantially similar to the State board described in subsections (a), (b), and (c); and

(C) includes representatives of business in the State and representatives of labor organizations in the State.

(2) References.--References in this Act to a State board shall be considered to include such an entity.

(f) Conflict of Interest.--A member of a State board may not--

(1) vote on a matter under consideration by the State board--

(A) regarding the provision of services by such member (or by an entity that such member represents); or

(B) that would provide direct financial benefit to such member or the immediate family of such member; or

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

(g) Sunshine Provision.--The State board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the State board, including information regarding the State plan prior to submission of the plan, information regarding membership, and, on request, minutes of formal meetings of the State board.

SEC. 112. STATE PLAN.

(a) In General.--For a State to be eligible to receive an allotment under section 127 or 132, or to receive financial assistance under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the Governor of the State shall submit to the Secretary for consideration by the Secretary, a single State plan (referred to in this title as the ``State plan'') that outlines a 5-year strategy for the statewide workforce investment system of the State and that meets the requirements of section 111 and this section.

(b) Contents.--The State plan shall include--

(1) a description of the State board, including a description of the manner in which such board collaborated in the development of the State plan and a description of how the board will continue to collaborate in carrying out the functions described in section 111(d);

(2) a description of State-imposed requirements for the statewide workforce investment system;

(3) a description of the State performance accountability system developed for the workforce investment activities to be carried out through the statewide workforce investment system, that includes information identifying State performance measures as described in section 136(b)(3)(A)(ii);

(4) information describing--

(A) the needs of the State with regard to current and projected employment opportunities, by occupation;

(B) the job skills necessary to obtain such employment opportunities;

(C) the skills and economic development needs of the State; and

(D) the type and availability of workforce investment activities in the State;

(5) an identification of local areas designated in the State, including a description of the process used for the designation of such areas;

(6) an identification of criteria to be used by chief elected officials for the appointment of members of local boards based on the requirements of section 117;

(7) the detailed plans required under section 8 of the Wagner-Peyser Act (29 U.S.C. 49g);

(8)(A) a description of the procedures that will be taken by the State to assure coordination of and avoid duplication among--

(i) workforce investment activities authorized under this title;

(ii) other activities authorized under this title;

(iii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), title II of this Act, title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)), activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), and postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

(iv) work programs authorized under section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o));

(v) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

(vi) activities authorized under chapter 41 of title 38, United States Code;

(vii) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(viii) activities authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);

(ix) employment and training activities carried out by the Department of Housing and Urban Development; and

(x) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law); and

(B) a description of the common data collection and reporting processes used for the programs and activities described in subparagraph (A);

(9) a description of the process used by the State, consistent with section 111(g), to provide an opportunity for public comment, including comment by representatives of businesses and representatives of labor organizations, and input into development of the plan, prior to submission of the plan;

(10) information identifying how the State will use funds the State receives under this subtitle to leverage other Federal, State, local, and private resources, in order to maximize the effectiveness of such resources, and to expand the participation of

business, employees, and individuals in the statewide workforce investment system;

(11) assurances that the State will provide, in accordance with section 184 for fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through the allotments made under sections 127 and 132;

(12)(A) a description of the methods and factors the State will use in distributing funds to local areas for youth activities and adult employment and training activities under sections 128(b)(3)(B) and 133(b)(3)(B), including--

(i) a description of how the individuals and entities represented on the State board were involved in determining such methods and factors of distribution; and

(ii) a description of how the State consulted with chief elected officials in local areas throughout the State in determining such distribution;

(B) assurances that the funds will be distributed equitably throughout the State, and that no local areas will suffer significant shifts in funding from year to year; and

(C) a description of the formula prescribed by the Governor pursuant to section 133(b)(2)(B) for the allocation of funds to local areas for dislocated worker employment and training activities;

(13) information specifying the actions that constitute a conflict of interest prohibited in the State for purposes of sections 111(f) and 117(g);

(14) with respect to the one-stop delivery systems described in section 134(c) (referred to individually in this title as a ``one-stop delivery system''), a description of the strategy of the State for assisting local areas in development and implementation of fully operational one-stop delivery systems in the State;

(15) a description of the appeals process referred to in section 116(a)(5);

(16) a description of the competitive process to be used by the State to award grants and contracts in the State for activities carried out under this title;

(17) with respect to the employment and training activities authorized in section 134--

(A) a description of--

(i) the employment and training activities that will be carried out with the funds received by the State through the allotment made under section 132;

(ii) how the State will provide rapid response activities to dislocated workers from funds reserved under

section 133(a)(2) for such purposes, including the designation of an identifiable State rapid response dislocated worker unit to carry out statewide rapid response activities;

(iii) the procedures the local boards in the State will use to identify eligible providers of training services described in section 134(d)(4) (other than on-the-job training or customized training), as required under section 122; and

(iv) how the State will serve the employment and training needs of dislocated workers (including displaced homemakers), low-income individuals (including recipients of public assistance), individuals training for nontraditional employment, and other individuals with multiple barriers to employment (including older individuals and individuals with disabilities); and

(B) an assurance that veterans will be afforded the employment and training activities by the State, to the extent practicable; and

(18) with respect to youth activities authorized in section 129, information--

(A) describing the State strategy for providing comprehensive services to eligible youth, particularly those eligible youth who are recognized as having significant barriers to employment;

(B) identifying the criteria to be used by local boards in awarding grants for youth activities, including criteria that the Governor and local boards will use to identify effective and ineffective youth activities and providers of such activities;

(C) describing how the State will coordinate the youth activities carried out in the State under section 129 with the services provided by Job Corps centers in the State (where such centers exist); and

(D) describing how the State will coordinate youth activities described in subparagraph (C) with activities carried out through the youth opportunity grants under section 169.

(c) Plan Submission and Approval.--A State plan submitted to the Secretary under this section by a Governor shall be considered to be approved by the Secretary at the end of the 90-day period beginning on the day the Secretary receives the plan, unless the Secretary makes a written determination, during the 90-day period, that--

(1) the plan is inconsistent with the provisions of this title; and

(2) in the case of the portion of the plan described in section 8(a) of the Wagner-Peyser Act (29 U.S.C. 49g(a)), the portion does not satisfy the criteria for approval provided in section 8(d) of such Act.

(d) Modifications to Plan.--A State may submit modifications to a State plan in accordance with the requirements of this section and section 111 as necessary during the 5-year period covered by the plan.

CHAPTER 2--LOCAL PROVISIONS

SEC. 116. LOCAL WORKFORCE INVESTMENT AREAS.

(a) Designation of Areas.--

(1) In general.--

(A) Process.--Except as provided in subsection (b), and consistent with paragraphs (2), (3), and (4), in order for a State to receive an allotment under section 127 or 132, the Governor of the State shall designate local workforce investment areas within the State--

(i) through consultation with the State board; and

(ii) after consultation with chief elected officials and after consideration of comments received through the public comment process as described in section 112(b)(9).

(B) Considerations.--In making the designation of local areas, the Governor shall take into consideration the following:

(i) Geographic areas served by local educational agencies and intermediate educational agencies.

(ii) Geographic areas served by postsecondary educational institutions and area vocational education schools.

(iii) The extent to which such local areas are consistent with labor market areas.

(iv) The distance that individuals will need to travel to receive services provided in such local areas.

(v) The resources of such local areas that are available to effectively administer the activities carried out under this subtitle.

(2) Automatic designation.--The Governor shall approve any request for designation as a local area--

(A) from any unit of general local government with a population of 500,000 or more;

(B) of the area served by a rural concentrated employment program grant recipient of demonstrated effectiveness that served as a service delivery area or substate area under the Job Training Partnership Act, if the grant recipient has submitted the request; and

(C) of an area that served as a service delivery area under section 101(a)(4)(A)(ii) of the Job Training Partnership Act

(as in effect on the day before the date of enactment of this Act) in a State that has a population of not more than 1,100,000 and a population density greater than 900 persons per square mile.

(3) Temporary and subsequent designation.--

(A) Criteria.--Notwithstanding paragraph (2)(A), the Governor shall approve any request, made not later than the date of submission of the initial State plan under this subtitle, for temporary designation as a local area from any unit of general local government (including a combination of such units) with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act on the day before the date of enactment of this Act if the Governor determines that the area--

(i) performed successfully, in each of the last 2 years prior to the request for which data are available, in the delivery of services to participants under part A of title II and title III of the Job Training Partnership Act (as in effect on such day); and

(ii) has sustained the fiscal integrity of the funds used by the area to carry out activities under such part and title.

(B) Duration and subsequent designation.--A temporary designation under this paragraph shall be for a period of not more than 2 years, after which the designation shall be extended until the end of the period covered by the State plan if the Governor determines that, during the temporary designation period, the area substantially met (as defined by the State board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle.

(C) Technical assistance.--The Secretary shall provide the States with technical assistance in making the determinations required by this paragraph. The Secretary shall not issue regulations governing determinations to be made under this paragraph.

(D) Performed successfully.--In this paragraph, the term ``performed successfully'' means that the area involved met or exceeded the performance standards for activities administered in the area that--

(i) are established by the Secretary for each year and modified by the adjustment methodology of the State (used to account for differences in economic conditions, participant characteristics, and combination of services provided from the combination assumed for purposes of the

established standards of the Secretary); and

(ii)(I) if the area was designated as both a service delivery area and a substate area under the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act)--

(aa) relate to job retention and earnings, with respect to activities carried out under part A of title II of such Act (as in effect on such day); or

(bb) relate to entry into employment, with respect to activities carried out under title III of such Act (as in effect on such day);

(II) if the area was designated only as a service delivery area under such Act (as in effect on such day), relate to the standards described in subclause (I)(aa); or

(III) if the area was only designated as a substate area under such Act (as in effect on such day), relate to the standards described in subclause (I)(bb).

(E) Sustained the fiscal integrity.--In this paragraph, the term ``sustained the fiscal integrity'', used with respect to funds used by a service delivery area or local area, means that the Secretary has not made a final determination during any of the last 3 years for which data are available, prior to the date of the designation request involved, that either the grant recipient or the administrative entity of the area misexpended the funds due to willful disregard of the requirements of the Act involved, gross negligence, or failure to observe accepted standards of administration.

(4) Designation on recommendation of state board.--The Governor may approve a request from any unit of general local government (including a combination of such units) for designation (including temporary designation) as a local area if the State board determines, taking into account the factors described in clauses (i) through (v) of paragraph (1)(B), and recommends to the Governor, that such area should be so designated.

(5) Appeals.--A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to the State board under an appeal process established in the State plan. If the appeal does not result in such a designation, the Secretary, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeal process established in the State plan or that the area meets the requirements of paragraph (2) or (3), as appropriate, may require that the area be designated as a

local area under such paragraph.

(b) Small States.--The Governor of any State that was a single State service delivery area under the Job Training Partnership Act as of July 1, 1998, may designate the State as a single State local area for the purposes of this title. In the case of such a designation, the Governor shall identify the State as a local area under section 112(b)(5).

(c) Regional Planning and Cooperation.--

(1) Planning.--As part of the process for developing the State plan, a State may require regional planning by local boards for a designated region in the State. The State may require the local boards for a designated region to participate in a regional planning process that results in the establishment of regional performance measures for workforce investment activities authorized under this subtitle. The State may award regional incentive grants to the designated regions that meet or exceed the regional performance measures.

(2) Information sharing.--The State may require the local boards for a designated region to share, in feasible cases, employment statistics, information about employment opportunities and trends, and other types of information that would assist in improving the performance of all local areas in the designated region on local performance measures.

(3) Coordination of services.--The State may require the local boards for a designated region to coordinate the provision of workforce investment activities authorized under this subtitle, including the provision of transportation and other supportive services, so that services provided through the activities may be provided across the boundaries of local areas within the designated region.

(4) Interstate regions.--Two or more States that contain an interstate region that is a labor market area, economic development region, or other appropriate contiguous subarea of the States may designate the area as a designated region for purposes of this subsection, and jointly exercise the State functions described in paragraphs (1) through (3).

(5) Definitions.--In this subsection:

(A) Designated region.--The term ``designated region'' means a combination of local areas that are partly or completely in a single labor market area, economic development region, or other appropriate contiguous subarea of a State, that is designated by the State, except as provided in paragraph (4).

(B) Local board for a designated region.--The term ``local board for a designated region'' means a local board for a local area in a designated region.

SEC. 117. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) Establishment.--There shall be established in each local area of a State, and certified by the Governor of the State, a local workforce investment board, to set policy for the portion of the statewide workforce investment system within the local area (referred to in this title as a ``local workforce investment system'').

(b) Membership.--

(1) State criteria.--The Governor of the State, in partnership with the State board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

(2) Composition.--Such criteria shall require, at a minimum, that the membership of each local board--

(A) shall include--

(i) representatives of business in the local area, who--

(I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;

(II) represent businesses with employment opportunities that reflect the employment opportunities of the local area; and

(III) are appointed from among individuals nominated by local business organizations and business trade associations;

(ii) representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities;

(iii) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees;

(iv) representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);

(v) representatives of economic development agencies,

including private sector economic development entities; and

(vi) representatives of each of the one-stop partners; and

(B) may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

(3) Authority of board members.--Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities.

(4) Majority.--A majority of the members of the local board shall be representatives described in paragraph (2)(A)(i).

(5) Chairperson.--The local board shall elect a chairperson for the local board from among the representatives described in paragraph (2)(A)(i).

(c) Appointment and Certification of Board.--

(1) Appointment of board members and assignment of responsibilities.--

(A) In general.--The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

(B) Multiple units of local government in area.--

(i) In general.--In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials--

(I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and

(II) in carrying out any other responsibilities assigned to such officials under this subtitle.

(ii) Lack of agreement.--If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.

(C) Concentrated employment programs.--In the case of a local area designated in accordance with section 116(a)(2)(B), the governing body of the concentrated employment program involved shall act in consultation with the chief elected official in the local area to appoint members of the local board, in accordance with the State criteria established under

subsection (b), and to carry out any other responsibility relating to workforce investment activities assigned to such official under this Act.

(2) Certification.--

(A) In general.--The Governor shall, once every 2 years, certify 1 local board for each local area in the State.

(B) Criteria.--Such certification shall be based on criteria established under subsection (b) and, for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures.

(C) Failure to achieve certification.--Failure of a local board to achieve certification shall result in reappointment and certification of another local board for the local area pursuant to the process described in paragraph (1) and this paragraph.

(3) Decertification.--

(A) Fraud, abuse, failure to carry out functions.--Notwithstanding paragraph (2), the Governor may decertify a local board, at any time after providing notice and an opportunity for comment, for--

(i) fraud or abuse; or

(ii) failure to carry out the functions specified for the local board in any of paragraphs (1) through (7) of subsection (d).

(B) Nonperformance.--Notwithstanding paragraph (2), the Governor may decertify a local board if a local area fails to meet the local performance measures for such local area for 2 consecutive program years (in accordance with section 136(h)).

(C) Plan.--If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area, and in accordance with the criteria established under subsection (b).

(4) Single state area.--Notwithstanding subsection (b) and paragraphs (1) and (2), if a State described in section 116(b) indicates in the State plan that the State will be treated as a local area for purposes of the application of this title, the Governor may designate the State board to carry out any of the functions described in subsection (d).

(d) Functions of Local Board.--The functions of the local board shall include the following:

(1) Local plan.--Consistent with section 118, each local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor.

(2) Selection of operators and providers.--

(A) Selection of one-stop operators.--Consistent with section 121(d), the local board, with the agreement of the chief elected official--

(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and

(ii) may terminate for cause the eligibility of such operators.

(B) Selection of youth providers.--Consistent with section 123, the local board shall identify eligible providers of youth activities in the local area by awarding grants or contracts on a competitive basis, based on the recommendations of the youth council.

(C) Identification of eligible providers of training services.--Consistent with section 122, the local board shall identify eligible providers of training services described in section 134(d)(4) in the local area.

(D) Identification of eligible providers of intensive services.--If the one-stop operator does not provide intensive services in a local area, the local board shall identify eligible providers of intensive services described in section 134(d)(3) in the local area by awarding contracts.

(3) Budget and administration.--

(A) Budget.--The local board shall develop a budget for the purpose of carrying out the duties of the local board under this section, subject to the approval of the chief elected official.

(B) Administration.--

(i) Grant recipient.--

(I) In general.--The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

(II) Designation.--In order to assist in the administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent.

Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).

(III) Disbursal.--The local grant recipient or an entity designated under subclause (II) shall disburse such funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title, if the direction does not violate a provision of this Act. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

(ii) Staff.--The local board may employ staff.

(iii) Grants and donations.--The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

(4) Program oversight.--The local board, in partnership with the chief elected official, shall conduct oversight with respect to local programs of youth activities authorized under section 129, local employment and training activities authorized under section 134, and the one-stop delivery system in the local area.

(5) Negotiation of local performance measures.--The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance measures as described in section 136(c).

(6) Employment statistics system.--The local board shall assist the Governor in developing the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act.

(7) Employer linkages.--The local board shall coordinate the workforce investment activities authorized under this subtitle and carried out in the local area with economic development strategies and develop other employer linkages with such activities.

(8) Connecting, brokering, and coaching.--The local board shall promote the participation of private sector employers in the statewide workforce investment system and ensure the effective provision, through the system, of connecting, brokering, and coaching activities, through intermediaries such as the one-stop operator in the local area or through other organizations, to assist such employers in meeting hiring needs.

(e) Sunshine Provision.--The local board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth

activities, and on request, minutes of formal meetings of the local board.

(f) Limitations.--

(1) Training services.--

(A) In general.--Except as provided in subparagraph (B), no local board may provide training services described in section 134(d)(4).

(B) Waivers of training prohibition.--The Governor of the State in which a local board is located may, pursuant to a request from the local board, grant a written waiver of the prohibition set forth in subparagraph (A) (relating to the provision of training services) for a program of training services, if the local board--

(i) submits to the Governor a proposed request for the waiver that includes--

(I) satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local area;

(II) information demonstrating that the board meets the requirements for an eligible provider of training services under section 122; and

(III) information demonstrating that the program of training services prepares participants for an occupation that is in demand in the local area;

(ii) makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than 30 days; and

(iii) includes, in the final request for the waiver, the evidence and information described in clause (i) and the comments received pursuant to clause (ii).

(C) Duration.--A waiver granted to a local board under subparagraph (B) shall apply for a period of not to exceed 1 year. The waiver may be renewed for additional periods of not to exceed 1 year, pursuant to requests from the local board, if the board meets the requirements of subparagraph (B) in making the requests.

(D) Revocation.--The Governor may revoke a waiver granted under this paragraph during the appropriate period described in subparagraph (C) if the State determines that the local board involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.

(2) Core services; intensive services; designation or certification as one-stop operators.--A local board may provide

core services described in section 134(d)(2) or intensive services described in section 134(d)(3) through a one-stop delivery system described in section 134(c) or be designated or certified as a one-stop operator only with the agreement of the chief elected official and the Governor.

(3) Limitation on authority.--Nothing in this Act shall be construed to provide a local board with the authority to mandate curricula for schools.

(g) Conflict of Interest.--A member of a local board may not--

(1) vote on a matter under consideration by the local board--

(A) regarding the provision of services by such member (or by an entity that such member represents); or

(B) that would provide direct financial benefit to such member or the immediate family of such member; or

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

(h) Youth Council.--

(1) Establishment.--There shall be established, as a subgroup within each local board, a youth council appointed by the local board, in cooperation with the chief elected official for the local area.

(2) Membership.--The membership of each youth council--

(A) shall include--

(i) members of the local board described in subparagraph (A) or (B) of subsection (b)(2) with special interest or expertise in youth policy;

(ii) representatives of youth service agencies, including juvenile justice and local law enforcement agencies;

(iii) representatives of local public housing authorities;

(iv) parents of eligible youth seeking assistance under this subtitle;

(v) individuals, including former participants, and representatives of organizations, that have experience relating to youth activities; and

(vi) representatives of the Job Corps, as appropriate; and

(B) may include such other individuals as the chairperson of the local board, in cooperation with the chief elected official, determines to be appropriate.

(3) Relationship to local board.--Members of the youth council who are not members of the local board described in subparagraphs (A) and (B) of subsection (b)(2) shall be voting members of the youth council and nonvoting members of the board.

(4) Duties.--The duties of the youth council include--

(A) developing the portions of the local plan relating to eligible youth, as determined by the chairperson of the local board;

(B) subject to the approval of the local board and consistent with section 123--

(i) recommending eligible providers of youth activities, to be awarded grants or contracts on a competitive basis by the local board to carry out the youth activities; and

(ii) conducting oversight with respect to the eligible providers of youth activities, in the local area;

(C) coordinating youth activities authorized under section 129 in the local area; and

(D) other duties determined to be appropriate by the chairperson of the local board.

(i) Alternative Entity.--

(1) In general.--For purposes of complying with subsections (a), (b), and (c), and paragraphs (1) and (2) of subsection (h), a State may use any local entity (including a local council, regional workforce development board, or similar entity) that--

(A) is established to serve the local area (or the service delivery area that most closely corresponds to the local area);

(B) is in existence on December 31, 1997;

(C)(i) is established pursuant to section 102 of the Job Training Partnership Act, as in effect on December 31, 1997; or

(ii) is substantially similar to the local board described in subsections (a), (b), and (c), and paragraphs (1) and (2) of subsection (h); and

(D) includes--

(i) representatives of business in the local area; and

(ii)(I) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or

(II) (for a local area in which no employees are represented by such organizations), other representatives of employees in the local area.

(2) References.--References in this Act to a local board or a youth council shall be considered to include such an entity or a subgroup of such an entity, respectively.

SEC. 118. LOCAL PLAN.

(a) In General.--Each local board shall develop and submit to the Governor a comprehensive 5-year local plan (referred to in this title

as the ``local plan''), in partnership with the appropriate chief elected official. The plan shall be consistent with the State plan.

(b) Contents.--The local plan shall include--

(1) an identification of--

(A) the workforce investment needs of businesses, jobseekers, and workers in the local area;

(B) the current and projected employment opportunities in the local area; and

(C) the job skills necessary to obtain such employment opportunities;

(2) a description of the one-stop delivery system to be established or designated in the local area, including--

(A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers and participants; and

(B) a copy of each memorandum of understanding described in section 121(c) (between the local board and each of the one-stop partners) concerning the operation of the one-stop delivery system in the local area;

(3) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 136(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers, and the one-stop delivery system, in the local area;

(4) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;

(5) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as appropriate;

(6) a description and assessment of the type and availability of youth activities in the local area, including an identification of successful providers of such activities;

(7) a description of the process used by the local board, consistent with subsection (c), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;

(8) an identification of the entity responsible for the disbursal of grant funds described in section 117(d)(3)(B)(i)(III), as determined by the chief elected official or the Governor under section 117(d)(3)(B)(i);

(9) a description of the competitive process to be used to award the grants and contracts in the local area for activities carried out under this subtitle; and

(10) such other information as the Governor may require.

(c) Process.--Prior to the date on which the local board submits a local plan under this section, the local board shall--

(1) make available copies of a proposed local plan to the public through such means as public hearings and local news media;

(2) allow members of the local board and members of the public, including representatives of business and representatives of labor organizations, to submit comments on the proposed local plan to the local board, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available; and

(3) include with the local plan submitted to the Governor under this section any such comments that represent disagreement with the plan.

(d) Plan Submission and Approval.--A local plan submitted to the Governor under this section shall be considered to be approved by the Governor at the end of the 90-day period beginning on the day the Governor receives the plan, unless the Governor makes a written determination during the 90-day period that--

(1) deficiencies in activities carried out under this subtitle have been identified, through audits conducted under section 184 or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies; or

(2) the plan does not comply with this title.

CHAPTER 3--WORKFORCE INVESTMENT ACTIVITIES PROVIDERS

SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) In General.--Consistent with the State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall--

(1) develop and enter into the memorandum of understanding described in subsection (c) with one-stop partners;

(2) designate or certify one-stop operators under subsection (d); and

(3) conduct oversight with respect to the one-stop delivery system in the local area.

(b) One-Stop Partners.--

(1) Required partners.--

(A) In general.--Each entity that carries out a program or activities described in subparagraph (B) shall--

(i) make available to participants, through a one-stop

delivery system, the services described in section 134(d)(2) that are applicable to such program or activities; and

(ii) participate in the operation of such system consistent with the terms of the memorandum described in subsection (c), and with the requirements of the Federal law in which the program or activities are authorized.

(B) Programs and activities.--The programs and activities referred to in subparagraph (A) consist of--

(i) programs authorized under this title;

(ii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

(iii) adult education and literacy activities authorized under title II;

(iv) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(v) programs authorized under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) (as added by section 5001 of the Balanced Budget Act of 1997);

(vi) activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);

(vii) postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

(viii) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

(ix) activities authorized under chapter 41 of title 38, United States Code;

(x) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(xi) employment and training activities carried out by the Department of Housing and Urban Development; and

(xii) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

(2) Additional partners.--

(A) In general.--In addition to the entities described in paragraph (1), other entities that carry out a human resource program described in subparagraph (B) may--

(i) make available to participants, through the one-stop delivery system, the services described in section 134(d)(2) that are applicable to such program; and

(ii) participate in the operation of such system consistent with the terms of the memorandum described in

subsection (c), and with the requirements of the Federal law in which the program is authorized;

if the local board and chief elected official involved approve such participation.

(B) Programs.--The programs referred to in subparagraph (A) may include--

(i) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(ii) programs authorized under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));

(iii) work programs authorized under section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o));

(iv) programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and

(v) other appropriate Federal, State, or local programs, including programs in the private sector.

(c) Memorandum of Understanding.--

(1) Development.--The local board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board and the one-stop partners), consistent with paragraph (2), concerning the operation of the one-stop delivery system in the local area.

(2) Contents.--Each memorandum of understanding shall contain--

(A) provisions describing--

(i) the services to be provided through the one-stop delivery system;

(ii) how the costs of such services and the operating costs of the system will be funded;

(iii) methods for referral of individuals between the one-stop operator and the one-stop partners, for the appropriate services and activities; and

(iv) the duration of the memorandum and the procedures for amending the memorandum during the term of the memorandum; and

(B) such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.

(d) One-Stop Operators.--

(1) Designation and certification.--Consistent with paragraphs (2) and (3), the local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.

(2) Eligibility.--To be eligible to receive funds made available under this subtitle to operate a one-stop center referred

to in section 134(c), an entity (which may be a consortium of entities)--

(A) shall be designated or certified as a one-stop operator--

(i) through a competitive process; or

(ii) in accordance with an agreement reached between the local board and a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection (b)(1); and

(B) may be a public or private entity, or consortium of entities, of demonstrated effectiveness, located in the local area, which may include--

(i) a postsecondary educational institution;

(ii) an employment service agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), on behalf of the local office of the agency;

(iii) a private, nonprofit organization (including a community-based organization);

(iv) a private for-profit entity;

(v) a government agency; and

(vi) another interested organization or entity, which may include a local chamber of commerce or other business organization.

(3) Exception.--Elementary schools and secondary schools shall not be eligible for designation or certification as one-stop operators, except that nontraditional public secondary schools and area vocational education schools shall be eligible for such designation or certification.

(e) Established One-Stop Delivery System.--If a one-stop delivery system has been established in a local area prior to the date of enactment of this Act, the local board, the chief elected official, and the Governor involved may agree to certify an entity carrying out activities through the system as a one-stop operator for purposes of subsection (d), consistent with the requirements of subsection (b), of the memorandum of understanding, and of section 134(c).

SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

(a) Eligibility Requirements.--

(1) In general.--Except as provided in subsection (h), to be identified as an eligible provider of training services described in section 134(d)(4) (referred to in this section as ``training services'') in a local area and to be eligible to receive funds made available under section 133(b) for the provision of training services, a provider of such services shall meet the requirements

of this section.

(2) Providers.--Subject to the provisions of this section, to be eligible to receive the funds, the provider shall be--

(A) a postsecondary educational institution that--

(i) is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(ii) provides a program that leads to an associate degree, baccalaureate degree, or certificate;

(B) an entity that carries out programs under the Act of August 16, 1937 (commonly known as the ``National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

(C) another public or private provider of a program of training services.

(b) Initial Eligibility Determination.--

(1) Postsecondary educational institutions and entities carrying out apprenticeship programs.--To be initially eligible to receive funds as described in subsection (a) to carry out a program described in subparagraph (A) or (B) of subsection (a)(2), a provider described in subparagraph (A) or (B), respectively, of subsection (a)(2) shall submit an application, to the local board for the local area in which the provider desires to provide training services, at such time, in such manner, and containing such information as the local board may require.

(2) Other eligible providers.--

(A) Procedure.--Each Governor of a State shall establish a procedure for use by local boards in the State in determining the initial eligibility of a provider described in subsection (a)(2)(C) to receive funds as described in subsection (a) for a program of training services, including the initial eligibility of--

(i) a postsecondary educational institution to receive such funds for a program not described in subsection (a)(2)(A); and

(ii) a provider described in subsection (a)(2)(B) to receive such funds for a program not described in subsection (a)(2)(B).

(B) Recommendations.--In developing such procedure, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.

(C) Opportunity to submit comments.--The Governor shall provide an opportunity, during the development of the procedure, for interested members of the public, including

representatives of business and labor organizations, to submit comments on such procedure.

(D) Requirements.--In establishing the procedure, the Governor shall require that, to be initially eligible to receive funds as described in subsection (a) for a program, a provider described in subsection (a)(2)(C)--

(i) shall submit an application, to the local board for the local area in which the provider desires to provide training services, at such time and in such manner as may be required, and containing a description of the program;

(ii) if the provider provides training services through a program on the date of application, shall include in the application an appropriate portion of the performance information and program cost information described in subsection (d) for the program, as specified in the procedure, and shall meet appropriate levels of performance for the program, as specified in the procedure; and

(iii) if the provider does not provide training services on such date, shall meet appropriate requirements, as specified in the procedure.

(c) Subsequent Eligibility Determination.--

(1) Procedure.--Each Governor of a State shall establish a procedure for use by local boards in the State in determining the eligibility of a provider described in subsection (a)(2) to continue to receive funds as described in subsection (a) for a program after an initial period of eligibility under subsection (b) (referred to in this section as ``subsequent eligibility").

(2) Recommendations.--In developing such procedure, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.

(3) Opportunity to submit comments.--The Governor shall provide an opportunity, during the development of the procedure, for interested members of the public, including representatives of business and labor organizations, to submit comments on such procedure.

(4) Considerations.--In developing such procedure, the Governor shall ensure that the procedure requires the local boards to take into consideration, in making the determinations of subsequent eligibility--

(A) the specific economic, geographic, and demographic factors in the local areas in which providers seeking eligibility are located; and

(B) the characteristics of the populations served by providers seeking eligibility, including the demonstrated

difficulties in serving such populations, where applicable.

(5) Requirements.--In establishing the procedure, the Governor shall require that, to be eligible to continue to receive funds as described in subsection (a) for a program after the initial period of eligibility, a provider described in subsection (a)(2) shall--

(A) submit the performance information and program cost information described in subsection (d)(1) for the program and any additional information required to be submitted in accordance with subsection (d)(2) for the program annually to the appropriate local board at such time and in such manner as may be required; and

(B) annually meet the performance levels described in paragraph (6) for the program, as demonstrated utilizing quarterly records described in section 136, in a manner consistent with section 136.

(6) Levels of performance.--

(A) In general.--At a minimum, the procedure described in paragraph (1) shall require the provider to meet minimum acceptable levels of performance based on the performance information referred to in paragraph (5)(A).

(B) Higher levels of performance eligibility.--The local board may require higher levels of performance than the levels referred to in subparagraph (A) for subsequent eligibility to receive funds as described in subsection (a).

(d) Performance and Cost Information.--

(1) Required information.--For a provider of training services to be determined to be subsequently eligible under subsection (c) to receive funds as described in subsection (a), such provider shall, under subsection (c), submit--

(A) verifiable program-specific performance information consisting of--

(i) program information, including--

(I) the program completion rates for all individuals participating in the applicable program conducted by the provider;

(II) the percentage of all individuals participating in the applicable program who obtain unsubsidized employment, which may also include information specifying the percentage of the individuals who obtain unsubsidized employment in an occupation related to the program conducted; and

(III) the wages at placement in employment of all individuals participating in the applicable program; and

(ii) training services information for all participants

who received assistance under section 134 to participate in the applicable program, including--

(I) the percentage of participants who have completed the applicable program and who are placed in unsubsidized employment;

(II) the retention rates in unsubsidized employment of participants who have completed the applicable program, 6 months after the first day of the employment;

(III) the wages received by participants who have completed the applicable program, 6 months after the first day of the employment involved; and

(IV) where appropriate, the rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills, of the graduates of the applicable program; and

(B) information on program costs (such as tuition and fees) for participants in the applicable program.

(2) Additional information.--Subject to paragraph (3), in addition to the performance information described in paragraph (1)--

(A) the Governor may require that a provider submit, under subsection (c), such other verifiable program-specific performance information as the Governor determines to be appropriate to obtain such subsequent eligibility, which may include information relating to--

(i) retention rates in employment and the subsequent wages of all individuals who complete the applicable program;

(ii) where appropriate, the rates of licensure or certification of all individuals who complete the program; and

(iii) the percentage of individuals who complete the program who attain industry-recognized occupational skills in the subject, occupation, or industry for which training is provided through the program, where applicable; and

(B) the Governor, or the local board, may require a provider to submit, under subsection (c), other verifiable program-specific performance information to obtain such subsequent eligibility.

(3) Conditions.--

(A) In general.--If the Governor or a local board requests additional information under paragraph (2) that imposes extraordinary costs on providers, or if providers experience extraordinary costs in the collection of information required

under paragraph (1)(A)(ii), the Governor or the local board shall provide access to cost-effective methods for the collection of the information involved, or the Governor shall provide additional resources to assist providers in the collection of such information from funds made available as described in sections 128(a) and 133(a)(1), as appropriate.

(B) Higher education eligibility requirements.--The local board and the designated State agency described in subsection (i) may accept program-specific performance information consistent with the requirements for eligibility under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) from a provider for purposes of enabling the provider to fulfill the applicable requirements of this subsection, if such information is substantially similar to the information otherwise required under this subsection.

(e) Local Identification.--

(1) In general.--The local board shall place on a list providers submitting an application under subsection (b)(1) and providers determined to be initially eligible under subsection (b)(2), and retain on the list providers determined to be subsequently eligible under subsection (c), to receive funds as described in subsection (a) for the provision of training services in the local area served by the local board. The list of providers shall be accompanied by any performance information and program cost information submitted under subsection (b) or (c) by the provider.

(2) Submission to state agency.--On placing or retaining a provider on the list, the local board shall submit, to the designated State agency described in subsection (i), the list and the performance information and program cost information referred to in paragraph (1). If the agency determines, within 30 days after the date of the submission, that the provider does not meet the performance levels described in subsection (c)(6) for the program (where applicable), the agency may remove the provider from the list for the program. The agency may not remove from the list an agency submitting an application under subsection (b)(1).

(3) Identification of eligible providers.--A provider who is placed or retained on the list under paragraph (1), and is not removed by the designated State agency under paragraph (2), for a program, shall be considered to be identified as an eligible provider of training services for the program.

(4) Availability.--

(A) State list.--The designated State agency shall compile a single list of the providers identified under paragraph (3) from all local areas in the State and disseminate such list,

and the performance information and program cost information described in paragraph (1), to the one-stop delivery systems within the State. Such list and information shall be made widely available to participants in employment and training activities authorized under section 134 and others through the one-stop delivery system.

(B) Selection from state list.--Individuals eligible to receive training services under section 134(d)(4) shall have the opportunity to select any of the eligible providers, from any of the local areas in the State, that are included on the list described in subparagraph (A) to provide the services, consistent with the requirements of section 134.

(5) Acceptance of individual training accounts by other states.--States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services in a State to accept individual training accounts provided in another State.

(f) Enforcement.--

(1) Accuracy of information.--If the designated State agency, after consultation with the local board involved, determines that an eligible provider or individual supplying information on behalf of the provider intentionally supplies inaccurate information under this section, the agency shall terminate the eligibility of the provider to receive funds described in subsection (a) for any program for a period of time, but not less than 2 years.

(2) Noncompliance.--If the designated State agency, or the local board working with the State agency, determines that an eligible provider described in subsection (a) substantially violates any requirement under this Act, the agency, or the local board working with the State agency, may terminate the eligibility of such provider to receive funds described in subsection (a) for the program involved or take such other action as the agency or local board determines to be appropriate.

(3) Repayment.--A provider whose eligibility is terminated under paragraph (1) or (2) for a program shall be liable for repayment of all funds described in subsection (a) received for the program during any period of noncompliance described in such paragraph.

(4) Construction.--This subsection and subsection (g) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.

(g) Appeal.--The Governor shall establish procedures for providers of training services to appeal a denial of eligibility by the local board or the designated State agency under subsection (b), (c), or (e), a termination of eligibility or other action by the board or agency under subsection (f), or a denial of eligibility by a one-stop operator

under subsection (h). Such procedures shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

(h) On-the-Job Training or Customized Training Exception.--

(1) In general.--Providers of on-the-job training or customized training shall not be subject to the requirements of subsections (a) through (e).

(2) Collection and dissemination of information.--A one-stop operator in a local area shall collect such performance information from on-the-job training and customized training providers as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.

(i) Administration.--The Governor shall designate a State agency to make the determinations described in subsection (e)(2), take the enforcement actions described in subsection (f), and carry out other duties described in this section.

SEC. 123. IDENTIFICATION OF ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

From funds allocated under paragraph (2)(A) or (3) of section 128(b) to a local area, the local board for such area shall identify eligible providers of youth activities by awarding grants or contracts on a competitive basis, based on the recommendations of the youth council and on the criteria contained in the State plan, to the providers to carry out the activities, and shall conduct oversight with respect to the providers, in the local area.

CHAPTER 4--YOUTH ACTIVITIES

SEC. 126. GENERAL AUTHORIZATION.

The Secretary shall make an allotment under section 127(b)(1)(C) to each State that meets the requirements of section 112 and a grant to each outlying area that complies with the requirements of this title, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for eligible youth in the State or outlying area and in the local areas.

SEC. 127. STATE ALLOTMENTS.

(a) In General.--The Secretary shall--

(1) for each fiscal year in which the amount appropriated under section 137(a) exceeds $1,000,000,000, reserve a portion determined under subsection (b)(1)(A) of the amount appropriated under section 137(a) for use under sections 167 (relating to migrant and seasonal farmworker programs) and 169 (relating to youth opportunity grants); and

(2) use the remainder of the amount appropriated under section 137(a) for a fiscal year to make allotments and grants in accordance with subparagraphs (B) and (C) of subsection (b)(1) and make funds available for use under section 166 (relating to Native American programs).

(b) Allotment Among States.--

(1) Youth activities.--

(A) Youth opportunity grants.--

(i) In general.--For each fiscal year in which the amount appropriated under section 137(a) exceeds $1,000,000,000, the Secretary shall reserve a portion of the amount to provide youth opportunity grants and other activities under section 169 (relating to youth opportunity grants) and provide youth activities under section 167 (relating to migrant and seasonal farmworker programs).

(ii) Portion.--The portion referred to in clause (i) shall equal, for a fiscal year--

(I) except as provided in subclause (II), the difference obtained by subtracting $1,000,000,000 from the amount appropriated under section 137(a) for the fiscal year; or

(II) for any fiscal year in which the amount is $1,250,000,000 or greater, $250,000,000.

(iii) Youth activities for farmworkers.--From the portion described in clause (i) for a fiscal year, the Secretary shall make available 4 percent of such portion to provide youth activities under section 167.

(iv) Role model academy project.--From the portion described in clause (i) for fiscal year 1999, the Secretary shall make available such sums as the Secretary determines to be appropriate to carry out section 169(g).

(B) Outlying areas.--

(i) In general.--From the amount made available under subsection (a)(2) for a fiscal year, the Secretary shall reserve not more than 1/4 of 1 percent of the amount appropriated under section 137(a) for the fiscal year--

(I) to provide assistance to the outlying areas to

carry out youth activities and statewide workforce investment activities; and

(II) for each of fiscal years 1999, 2000, and 2001, to carry out the competition described in clause (ii), except that the funds reserved to carry out such clause for any such fiscal year shall not exceed the amount reserved for the Freely Associated States for fiscal year 1997, from amounts reserved under sections 252(a) and 262(a)(1) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act).

(ii) Limitation for freely associated states.--

(I) Competitive grants.--The Secretary shall use funds described in clause (i)(II) to award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States to carry out youth activities and statewide workforce investment activities.

(II) Award basis.--The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(III) Assistance requirements.--Any Freely Associated State that desires to receive assistance under this subparagraph shall submit an application to the Secretary and shall include in the application for assistance--

(aa) information demonstrating that the Freely Associated State will meet all conditions that apply to States under this title;

(bb) an assurance that, notwithstanding any other provision of this title, the Freely Associated State will use such assistance only for the direct provision of services; and

(cc) such other information and assurances as the Secretary may require.

(IV) Termination of eligibility.--Notwithstanding any other provision of law, the Freely Associated States shall not receive any assistance under this subparagraph for any program year that begins after September 30, 2001.

(V) Administrative costs.--The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the

administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.

(iii) Additional requirement.--The provisions of Public Law 95-134, permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including the Freely Associated States, under this subparagraph.

(C) States.--

(i) In general.--After determining the amounts to be reserved under subparagraph (A) (if any) and subparagraph (B), the Secretary shall--

(I) from the amount referred to in subsection (a)(2) for a fiscal year, make available not more than 1.5 percent to provide youth activities under section 166 (relating to Native Americans); and

(II) allot the remainder of the amount referred to in subsection (a)(2) for a fiscal year to the States pursuant to clause (ii) for youth activities and statewide workforce investment activities.

(ii) Formula.--Subject to clauses (iii) and (iv), of the remainder--

(I) 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(II) 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(III) 33 1/3 percent shall be allotted on the basis of the relative number of disadvantaged youth in each State, compared to the total number of disadvantaged youth in all States, except as described in clause (iii).

(iii) Calculation.--In determining an allotment under clause (ii)(III) for any State in which there is a local area designated under section 116(a)(2)(B) (relating to the area served by a rural concentrated employment program grant recipient), the allotment shall be based on the higher of--

(I) the number of individuals who are age 16 through 21 in families with an income below the low-income level in such area; or

(II) the number of disadvantaged youth in such area.

(iv) Minimum and maximum percentages and minimum allotments.--In making allotments under this subparagraph, the Secretary shall ensure the following:

(I) Minimum percentage and allotment.--Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than the greater of--

(aa) an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year; or

(bb) 100 percent of the total of the allotments of the State under sections 252 and 262 of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) for fiscal year 1998.

(II) Small state minimum allotment.-- Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of--

(aa) 3/10 of 1 percent of $1,000,000,000 of the remainder described in clause (i)(II) for the fiscal year; and

(bb) if the remainder described in clause (i)(II) for the fiscal year exceeds $1,000,000,000, 2/5 of 1 percent of the excess.

(III) Maximum percentage.--Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

(IV) Minimum funding.--In any fiscal year in which the remainder described in clause (i)(II) does not exceed $1,000,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology for calculating the corresponding allotments under parts B and C of title II of the Job Training Partnership Act, as in effect on July 1, 1998.

(2) Definitions.--For the purpose of the formula specified in paragraph (1)(C):

(A) Allotment percentage.--The term ``allotment percentage'', used with respect to fiscal year 2000 or a subsequent fiscal year, means a percentage of the remainder

described in paragraph (1)(C)(i)(II) that is received through an allotment made under paragraph (1)(C) for the fiscal year. The term, used with respect to fiscal year 1998 or 1999, means the percentage of the amounts allotted to States under sections 252(b) and 262(a) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) that is received under such sections by the State involved for fiscal year 1998 or 1999.

(B) Area of substantial unemployment.--The term ``area of substantial unemployment'' means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary. For purposes of this subparagraph, determinations of areas of substantial unemployment shall be made once each fiscal year.

(C) Disadvantaged youth.--Subject to paragraph (3), the term ``disadvantaged youth'' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of--

(i) the poverty line; or

(ii) 70 percent of the lower living standard income level.

(D) Excess number.--The term ``excess number'' means, used with respect to the excess number of unemployed individuals within a State, the higher of--

(i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

(ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.

(E) Low-income level.--The term ``low-income level'' means $7,000 with respect to income in 1969, and for any later year means that amount that bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

(3) Special rule.--For the purpose of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.

(4) Definition.--In this subsection, the term ``Freely

Associated State" means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(c) Reallotment.--

(1) In general.--The Secretary shall, in accordance with this subsection, reallot to eligible States amounts that are allotted under this section for youth activities and statewide workforce investment activities and that are available for reallotment.

(2) Amount.--The amount available for reallotment for a program year is equal to the amount by which the unobligated balance of the State allotment under this section for such activities, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allotment for the prior program year.

(3) Reallotment.--In making reallotments to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount allotted to such State under this section for such activities for the prior program year, as compared to the total amount allotted to all eligible States under this section for such activities for such prior program year.

(4) Eligibility.--For purposes of this subsection, an eligible State means a State that has obligated at least 80 percent of the State allotment under this section for such activities for the program year prior to the program year for which the determination under paragraph (2) is made.

(5) Procedures.--The Governor of each State shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallotment under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallotment under this subsection.

SEC. 128. WITHIN STATE ALLOCATIONS.

(a) Reservations for State Activities.--

(1) In general.--The Governor of a State shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

(2) Use of funds.--Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved

amounts to carry out statewide youth activities described in section 129(b) or statewide employment and training activities, for adults or for dislocated workers, described in paragraph (2)(B) or (3) of section 134(a).

(b) Within State Allocation.--

(1) Methods.--The Governor, acting in accordance with the State plan, and after consulting with chief elected officials in the local areas, shall allocate the funds that are allotted to the State for youth activities and statewide workforce investment activities under section 127(b)(1)(C) and are not reserved under subsection (a), in accordance with paragraph (2) or (3).

(2) Formula allocation.--

(A) Youth activities.--

(i) Allocation.--In allocating the funds described in paragraph (1) to local areas, a State may allocate--

(I) 33 1/3 percent of the funds on the basis described in section 127(b)(1)(C)(ii)(I);

(II) 33 1/3 percent of the funds on the basis described in section 127(b)(1)(C)(ii)(II); and

(III) 33 1/3 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 127(b)(1)(C).

(ii) Minimum percentage.--Effective at the end of the second full fiscal year after the date on which a local area is designated under section 116, the local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iii) Definition.--The term ``allocation percentage", used with respect to fiscal year 2000 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year.

(B) Application.--For purposes of carrying out subparagraph (A)--

(i) references in section 127(b) to a State shall be deemed to be references to a local area;

(ii) references in section 127(b) to all States shall be deemed to be references to all local areas in the State involved; and

(iii) except as described in clause (i), references in

section 127(b)(1) to the term ``excess number'' shall be considered to be references to the term as defined in section 127(b)(2).

(3) Youth discretionary allocation.--In lieu of making the allocation described in paragraph (2)(A), in allocating the funds described in paragraph (1) to local areas, a State may distribute--

(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and

(B) the remaining portion of the funds on the basis of a formula that--

(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to--

(I) excess youth poverty in urban, rural, and suburban local areas; and

(II) excess unemployment above the State average in urban, rural, and suburban local areas; and

(ii) was developed by the State board and approved by the Secretary as part of the State plan.

(4) Limitation.--

(A) In general.--Of the amount allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board for the administrative cost of carrying out local workforce investment activities described in subsection (d) or (e) of section 134 or in section 129(c).

(B) Use of funds.--Funds made available for administrative costs under subparagraph (A) may be used for the administrative cost of any of the local workforce investment activities described in subsection (d) or (e) of section 134 or in section 129(c), regardless of whether the funds were allocated under this subsection or section 133(b).

(C) Regulations.--The Secretary, after consulting with the Governors, shall develop and issue regulations that define the term ``administrative cost'' for purposes of this title. Such definition shall be consistent with generally accepted accounting principles.

(c) Reallocation Among Local Areas.--

(1) In general.--The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under paragraph (2)(A) or (3) of subsection (b) for youth activities and that are available for reallocation.

(2) Amount.--The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local area allocation under paragraph (2)(A) or (3)

of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this paragraph is made exceeds 20 percent of such allocation for the prior program year.

(3) Reallocation.--In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount allocated to such local area under subsection (b)(3) for such activities for the prior program year, as compared to the total amount allocated to all eligible local areas in the State under subsection (b)(3) for such activities for such prior program year. For purposes of this paragraph, local areas that received allocations under subsection (b)(2)(A) for the prior program year shall be treated as if the local areas received allocations under subsection (b)(3) for such year.

(4) Eligibility.--For purposes of this subsection, an eligible local area means a local area that has obligated at least 80 percent of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, for the program year prior to the program year for which the determination under paragraph (2) is made.

SEC. 129. USE OF FUNDS FOR YOUTH ACTIVITIES.

(a) Purposes.--The purposes of this section are--

(1) to provide, to eligible youth seeking assistance in achieving academic and employment success, effective and comprehensive activities, which shall include a variety of options for improving educational and skill competencies and provide effective connections to employers;

(2) to ensure on-going mentoring opportunities for eligible youth with adults committed to providing such opportunities;

(3) to provide opportunities for training to eligible youth;

(4) to provide continued supportive services for eligible youth;

(5) to provide incentives for recognition and achievement to eligible youth; and

(6) to provide opportunities for eligible youth in activities related to leadership, development, decisionmaking, citizenship, and community service.

(b) Statewide Youth Activities.--

(1) In general.--Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1)--

(A) shall be used to carry out the statewide youth

activities described in paragraph (2); and

(B) may be used to carry out any of the statewide youth activities described in paragraph (3),

regardless of whether the funds were allotted to the State under section 127(b)(1) or under paragraph (1) or (2) of section 132(b).

(2) Required statewide youth activities.--A State shall use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out statewide youth activities, which shall include--

(A) disseminating a list of eligible providers of youth activities described in section 123;

(B) carrying out activities described in clauses (ii) through (vi) of section 134(a)(2)(B), except that references in such clauses to activities authorized under section 134 shall be considered to be references to activities authorized under this section; and

(C) providing additional assistance to local areas that have high concentrations of eligible youth to carry out the activities described in subsection (c).

(3) Allowable statewide youth activities.--A State may use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out additional statewide youth activities, which may include--

(A) carrying out activities described in clauses (i), (ii), (iii), (iv)(II), and (vi)(II) of section 134(a)(3)(A), except that references in such clauses to activities authorized under section 134 shall be considered to be references to activities authorized under this section; and

(B) carrying out, on a statewide basis, activities described in subsection (c).

(4) Prohibition.--No funds described in this subsection or section 134(a) shall be used to develop or implement education curricula for school systems in the State.

(c) Local Elements and Requirements.--

(1) Program design.--Funds allocated to a local area for eligible youth under paragraph (2)(A) or (3), as appropriate, of section 128(b) shall be used to carry out, for eligible youth, programs that--

(A) provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests,

aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;

(B) develop service strategies for each participant that shall identify an employment goal (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program; and

(C) provide--

(i) preparation for postsecondary educational opportunities, in appropriate cases;

(ii) strong linkages between academic and occupational learning;

(iii) preparation for unsubsidized employment opportunities, in appropriate cases; and

(iv) effective connections to intermediaries with strong links to--

(I) the job market; and

(II) local and regional employers.

(2) Program elements.--The programs described in paragraph (1) shall provide elements consisting of--

(A) tutoring, study skills training, and instruction, leading to completion of secondary school, including dropout prevention strategies;

(B) alternative secondary school services, as appropriate;

(C) summer employment opportunities that are directly linked to academic and occupational learning;

(D) as appropriate, paid and unpaid work experiences, including internships and job shadowing;

(E) occupational skill training, as appropriate;

(F) leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors during non-school hours, as appropriate;

(G) supportive services;

(H) adult mentoring for the period of participation and a

subsequent period, for a total of not less than 12 months;

(I) followup services for not less than 12 months after the completion of participation, as appropriate; and

(J) comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.

(3) Additional requirements.--

(A) Information and referrals.--Each local board shall ensure that each participant or applicant who meets the minimum income criteria to be considered an eligible youth shall be provided--

(i) information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or one-stop partners, including those receiving funds under this subtitle; and

(ii) referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

(B) Applicants not meeting enrollment requirements.--Each eligible provider of a program of youth activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.

(C) Involvement in design and implementation.--The local board shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the programs described in paragraph (1).

(4) Priority.--

(A) In general.--At a minimum, 30 percent of the funds described in paragraph (1) shall be used to provide youth activities to out-of-school youth.

(B) Exception.--A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv)(II) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv)(II) may reduce the percentage described in subparagraph (A) for a local area in the State, if--

(i) after an analysis of the eligible youth population in the local area, the State determines that the local area will be unable to meet the percentage described in subparagraph (A) due to a low number of out-of-school

youth; and

(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed reduced percentage for purposes of subparagraph (A), and the summary of the eligible youth population analysis; and

(II) the request is approved by the Secretary.

(5) Exceptions.--Not more than 5 percent of participants assisted under this section in each local area may be individuals who do not meet the minimum income criteria to be considered eligible youth, if such individuals are within one or more of the following categories:

(A) Individuals who are school dropouts.

(B) Individuals who are basic skills deficient.

(C) Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.

(D) Individuals who are pregnant or parenting.

(E) Individuals with disabilities, including learning disabilities.

(F) Individuals who are homeless or runaway youth.

(G) Individuals who are offenders.

(H) Other eligible youth who face serious barriers to employment as identified by the local board.

(6) Prohibitions.--

(A) Prohibition against federal control of education.--No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution, school, or school system.

(B) Nonduplication.--All of the funds made available under this Act shall be used in accordance with the requirements of this Act. None of the funds made available under this Act may be used to provide funding under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.) or to carry out, through programs funded under this Act, activities that were funded under the School-to-Work Opportunities Act of 1994, unless the programs funded under this Act serve only those participants eligible to participate in the programs under this Act.

(C) Noninterference and nonreplacement of regular academic requirements.--No funds described in paragraph (1) shall be

used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.

(7) Linkages.--In coordinating the programs authorized under this section, youth councils shall establish linkages with educational agencies responsible for services to participants as appropriate.

(8) Volunteers.--The local board shall make opportunities available for individuals who have successfully participated in programs carried out under this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

CHAPTER 5--ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

SEC. 131. GENERAL AUTHORIZATION.

The Secretary shall make allotments under paragraphs (1)(B) and (2)(B) of section 132(b) to each State that meets the requirements of section 112 and a grant to each outlying area that complies with the requirements of this title, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for adults, and dislocated workers, in the State or outlying area and in the local areas.

SEC. 132. STATE ALLOTMENTS.

(a) In General.--The Secretary shall--

(1) make allotments and grants from the total amount appropriated under section 137(b) for a fiscal year in accordance with subsection (b)(1); and

(2)(A) reserve 20 percent of the amount appropriated under section 137(c) for a fiscal year for use under subsection (b)(2)(A), and under sections 170(b) (relating to dislocated worker technical assistance), 171(d) (relating to dislocated worker projects), and 173 (relating to national emergency grants); and

(B) make allotments from 80 percent of the amount appropriated under section 137(c) for a fiscal year in accordance with subsection (b)(2)(B).

(b) Allotment Among States.--

(1) Adult employment and training activities.--

(A) Reservation for outlying areas.--

(i) In general.--From the amount made available under

subsection (a)(1) for a fiscal year, the Secretary shall reserve not more than 1/4 of 1 percent to provide assistance to the outlying areas.

(ii) Applicability of additional requirements.--From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for adult employment and training activities and statewide workforce investment activities in accordance with the requirements of section 127(b)(1)(B), except that the reference in section 127(b)(1)(B)(i)(II) to sections 252(d) and 262(a)(1) of the Job Training Partnership Act shall be deemed to be a reference to section 202(a)(1) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act).

(B) States.--

(i) In general.--After determining the amount to be reserved under subparagraph (A), the Secretary shall allot the remainder of the amount referred to in subsection (a)(1) for a fiscal year to the States pursuant to clause (ii) for adult employment and training activities and statewide workforce investment activities.

(ii) Formula.--Subject to clauses (iii) and (iv), of the remainder--

(I) 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(II) 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(III) 33 1/3 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).

(iii) Calculation.--In determining an allotment under clause (ii)(III) for any State in which there is a local area designated under section 116(a)(2)(B), the allotment shall be based on the higher of--

(I) the number of adults in families with an income below the low-income level in such area; or

(II) the number of disadvantaged adults in such area.

(iv) Minimum and maximum percentages and minimum allotments.--In making allotments under this subparagraph, the Secretary shall ensure the following:

(I) Minimum percentage and allotment.--Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than the greater of--

(aa) an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year; or

(bb) 100 percent of the allotment of the State under section 202 of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) for fiscal year 1998.

(II) Small state minimum allotment.--Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of--

(aa) 3/10 of 1 percent of $960,000,000 of the remainder described in clause (i) for the fiscal year; and

(bb) if the remainder described in clause (i) for the fiscal year exceeds $960,000,000, 2/5 of 1 percent of the excess.

(III) Maximum percentage.--Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

(IV) Minimum funding.--In any fiscal year in which the remainder described in clause (i) does not exceed $960,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology for calculating the corresponding allotments under part A of title II of the Job Training Partnership Act, as in effect on July 1, 1998.

(v) Definitions.--For the purpose of the formula specified in this subparagraph:

(I) Adult.--The term ``adult'' means an individual who is not less than age 22 and not more than age 72.

(II) Allotment percentage.--The term ``allotment percentage'', used with respect to fiscal year 2000 or a subsequent fiscal year, means a percentage of the remainder described in clause (i) that is received through an allotment made under this subparagraph for

the fiscal year. The term, used with respect to fiscal year 1998 or 1999, means the percentage of the amounts allotted to States under section 202(a) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) that is received under such section by the State involved for fiscal year 1998 or 1999.

(III) Area of substantial unemployment.--The term ``area of substantial unemployment'' means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary. For purposes of this subclause, determinations of areas of substantial unemployment shall be made once each fiscal year.

(IV) Disadvantaged adult.--Subject to subclause (V), the term ``disadvantaged adult'' means an adult who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of--

(aa) the poverty line; or

(bb) 70 percent of the lower living standard income level.

(V) Disadvantaged adult special rule.--The Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged adults.

(VI) Excess number.--The term ``excess number'' means, used with respect to the excess number of unemployed individuals within a State, the higher of--

(aa) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

(bb) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.

(2) Dislocated worker employment and training.--

(A) Reservation for outlying areas.--

(i) In general.--From the amount made available under subsection (a)(2)(A) for a fiscal year, the Secretary shall reserve not more than 1/4 of 1 percent of the amount

appropriated under section 137(c) for the fiscal year to provide assistance to the outlying areas.

(ii) Applicability of additional requirements.--From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for dislocated worker employment and training activities and statewide workforce investment activities in accordance with the requirements of section 127(b)(1)(B), except that the reference in section 127(b)(1)(B)(i)(II) to sections 252(a) and 262(a)(1) of the Job Training Partnership Act shall be deemed to be a reference to section 302(e) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act).

(B) States.--

(i) In general.--The Secretary shall allot the amount referred to in subsection (a)(2)(B) for a fiscal year to the States pursuant to clause (ii) for dislocated worker employment and training activities and statewide workforce investment activities.

(ii) Formula.--Of the amount--

(I) 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;

(II) 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(III) 33 1/3 percent shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 15 weeks or more, compared to the total number of individuals in all States who have been unemployed for 15 weeks or more.

(iii) Definition.--In this subparagraph, the term ``excess number'' means, used with respect to the excess number of unemployed individuals within a State, the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.

(3) Definitions.--For the purpose of the formulas specified in this subsection:

(A) Freely associated states.--The term ``Freely Associated States'' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) Low-income level.--The term ``low-income level'' means

$7,000 with respect to income in 1969, and for any later year means that amount that bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

(c) Reallotment.--

(1) In general.--The Secretary shall, in accordance with this subsection, reallot to eligible States amounts that are allotted under this section for employment and training activities and statewide workforce investment activities and that are available for reallotment.

(2) Amount.--The amount available for reallotment for a program year is equal to the amount by which the unobligated balance of the State allotments under this section for such activities, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allotments for the prior program year.

(3) Reallotment.--In making reallotments to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount allotted to such State under this section for such activities for the prior program year, as compared to the total amount allotted to all eligible States under this section for such activities for such prior program year.

(4) Eligibility.--For purposes of this subsection, an eligible State means a State that has obligated at least 80 percent of the State allotment under this section for such activities for the program year prior to the program year for which the determination under paragraph (2) is made.

(5) Procedures.--The Governor of each State shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallotment under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallotment under this subsection.

SEC. 133. WITHIN STATE ALLOCATIONS.

(a) Reservations for State Activities.--

(1) Statewide workforce investment activities.--The Governor of a State shall make the reservation required under section 128(a).

(2) Statewide rapid response activities.--The Governor of the State shall reserve not more than 25 percent of the total amount allotted to the State under section 132(b)(2)(B) for a fiscal year

for statewide rapid response activities described in section 134(a)(2)(A).

(b) Within State Allocation.--

(1) Methods.--The Governor, acting in accordance with the State plan, and after consulting with chief elected officials in the local areas, shall allocate--

(A) the funds that are allotted to the State for adult employment and training activities and statewide workforce investment activities under section 132(b)(1)(B) and are not reserved under subsection (a)(1), in accordance with paragraph (2) or (3); and

(B) the funds that are allotted to the State for dislocated worker employment and training activities under section 132(b)(2)(B) and are not reserved under paragraph (1) or (2) of subsection (a), in accordance with paragraph (2).

(2) Formula allocations.--

(A) Adult employment and training activities.--

(i) Allocation.--In allocating the funds described in paragraph (1)(A) to local areas, a State may allocate--

(I) 33 1/3 percent of the funds on the basis described in section 132(b)(1)(B)(ii)(I);

(II) 33 1/3 percent of the funds on the basis described in section 132(b)(1)(B)(ii)(II); and

(III) 33 1/3 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 132(b)(1)(B).

(ii) Minimum percentage.--Effective at the end of the second full fiscal year after the date on which a local area is designated under section 116, the local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iii) Definition.--The term ``allocation percentage'', used with respect to fiscal year 2000 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year.

(B) Dislocated worker employment and training activities.--

(i) Formula.--In allocating the funds described in paragraph (1)(B) to local areas, a State shall allocate the funds based on an allocation formula prescribed by the

Governor of the State. Such formula may be amended by the Governor not more than once for each program year. Such formula shall utilize the most appropriate information available to the Governor to distribute amounts to address the State's worker readjustment assistance needs.

(ii) Information.--The information described in clause (i) shall include insured unemployment data, unemployment concentrations, plant closing and mass layoff data, declining industries data, farmer-rancher economic hardship data, and long-term unemployment data.

(C) Application.--For purposes of carrying out subparagraph (A)--

(i) references in section 132(b) to a State shall be deemed to be references to a local area;

(ii) references in section 132(b) to all States shall be deemed to be references to all local areas in the State involved; and

(iii) except as described in clause (i), references in section 132(b)(1) to the term ``excess number'' shall be considered to be references to the term as defined in section 132(b)(1).

(3) Adult employment and training discretionary allocations.--In lieu of making the allocation described in paragraph (2)(A), in allocating the funds described in paragraph (1)(A) to local areas, a State may distribute--

(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and

(B) the remaining portion of the funds on the basis of a formula that--

(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to--

(I) excess poverty in urban, rural, and suburban local areas; and

(II) excess unemployment above the State average in urban, rural, and suburban local areas; and

(ii) was developed by the State board and approved by the Secretary as part of the State plan.

(4) Transfer authority.--A local board may transfer, if such a transfer is approved by the Governor, not more than 20 percent of the funds allocated to the local area under paragraph (2)(A) or (3), and 20 percent of the funds allocated to the local area under paragraph (2)(B), for a fiscal year between--

(A) adult employment and training activities; and

(B) dislocated worker employment and training activities.

(5) Allocation.--

(A) In general.--The Governor of the State shall allocate the funds described in paragraph (1) to local areas under paragraphs (2) and (3) for the purpose of providing a single system of employment and training activities for adults and dislocated workers in accordance with subsections (d) and (e) of section 134.

(B) Additional requirements.--

(i) Adults.--Funds allocated under paragraph (2)(A) or (3) shall be used by a local area to contribute proportionately to the costs of the one-stop delivery system described in section 134(c) in the local area, and to pay for employment and training activities provided to adults in the local area, consistent with section 134.

(ii) Dislocated workers.--Funds allocated under paragraph (2)(B) shall be used by a local area to contribute proportionately to the costs of the one-stop delivery system described in section 134(c) in the local area, and to pay for employment and training activities provided to dislocated workers in the local area, consistent with section 134.

(c) Reallocation Among Local Areas.--

(1) In general.--The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under paragraph (2)(A) or (3) of subsection (b) for adult employment and training activities and that are available for reallocation.

(2) Amount.--The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this paragraph is made exceeds 20 percent of such allocation for the prior program year.

(3) Reallocation.--In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount allocated to such local area under subsection (b)(3) for such activities for the prior program year, as compared to the total amount allocated to all eligible local areas in the State under subsection (b)(3) for such activities for such prior program year. For purposes of this paragraph, local areas that received allocations under subsection (b)(2)(A) for the prior program year shall be treated as if the local areas received allocations under subsection (b)(3) for such year.

(4) Eligibility.--For purposes of this subsection, an eligible local area means a local area that has obligated at least 80 percent of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, for the program year prior to the program year for which the determination under paragraph (2) is made.

SEC. 134. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

(a) Statewide Employment and Training Activities.--
(1) In general.--Funds reserved by a Governor for a State--
(A) as described in section 133(a)(2) shall be used to carry out the statewide rapid response activities described in paragraph (2)(A); and
(B) as described in sections 128(a) and 133(a)(1)--
(i) shall be used to carry out the statewide employment and training activities described in paragraph (2)(B); and
(ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3),
regardless of whether the funds were allotted to the State under section 127(b)(1) or under paragraph (1) or (2) of section 132(b).
(2) Required statewide employment and training activities.--
(A) Statewide rapid response activities.--A State shall use funds reserved as described in section 133(a)(2) to carry out statewide rapid response activities, which shall include--
(i) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas; and
(ii) provision of additional assistance to local areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas.
(B) Other required statewide employment and training activities.--A State shall use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out other statewide employment and training activities, which shall include--
(i) disseminating the State list of eligible providers

of training services, including eligible providers of nontraditional training services, information identifying eligible providers of on-the-job training and customized training, and performance information and program cost information, as described in subsections (e) and (h) of section 122;

(ii) conducting evaluations, under section 136(e), of activities authorized in this section, in coordination with the activities carried out under section 172;

(iii) providing incentive grants to local areas for regional cooperation among local boards (including local boards for a designated region as described in section 116(c)), for local coordination of activities carried out under this Act, and for exemplary performance by local areas on the local performance measures;

(iv) providing technical assistance to local areas that fail to meet local performance measures;

(v) assisting in the establishment and operation of one-stop delivery systems described in subsection (c); and

(vi) operating a fiscal and management accountability information system under section 136(f).

(3) Allowable statewide employment and training activities.--

(A) In general.--A State may use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out additional statewide employment and training activities, which may include--

(i) subject to subparagraph (B), administration by the State of the activities authorized under this section;

(ii) provision of capacity building and technical assistance to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff and the development of exemplary program activities;

(iii) conduct of research and demonstrations;

(iv)(I) implementation of innovative incumbent worker training programs, which may include the establishment and implementation of an employer loan program to assist in skills upgrading; and

(II) the establishment and implementation of programs targeted to empowerment zones and enterprise communities;

(v) support for the identification of eligible providers of training services as required under section 122;

(vi)(I) implementation of innovative programs for displaced homemakers, which for purposes of this subclause may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

(II) implementation of programs to increase the number of individuals training for and placed in nontraditional employment; and

(vii) carrying out other activities authorized in this section that the State determines to be necessary to assist local areas in carrying out activities described in subsection (d) or (e) through the statewide workforce investment system.

(B) Limitation.--

(i) In general.--Of the funds allotted to a State under sections 127(b) and 132(b) and reserved as described in sections 128(a) and 133(a)(1) for a fiscal year--

(I) not more than 5 percent of the amount allotted under section 127(b)(1);

(II) not more than 5 percent of the amount allotted under section 132(b)(1); and

(III) not more than 5 percent of the amount allotted under section 132(b)(2),

may be used by the State for the administration of youth activities carried out under section 129 and employment and training activities carried out under this section.

(ii) Use of funds.--Funds made available for administrative costs under clause (i) may be used for the administrative cost of any of the statewide youth activities or statewide employment and training activities, regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b).

(b) Local Employment and Training Activities.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to a local area for dislocated workers under section 133(b)(2)(B)--

(1) shall be used to carry out employment and training activities described in subsection (d) for adults or dislocated workers, respectively; and

(2) may be used to carry out employment and training activities described in subsection (e) for adults or dislocated workers, respectively.

(c) Establishment of One-Stop Delivery System.--

(1) In general.--There shall be established in a State that receives an allotment under section 132(b) a one-stop delivery system, which--

(A) shall provide the core services described in subsection (d)(2);

(B) shall provide access to intensive services and training services as described in paragraphs (3) and (4) of subsection (d), including serving as the point of access to individual training accounts for training services to participants in accordance with subsection (d)(4)(G);

(C) shall provide access to the activities carried out under subsection (e), if any;

(D) shall provide access to programs and activities carried out by one-stop partners and described in section 121(b); and

(E) shall provide access to the information described in section 15 of the Wagner-Peyser Act and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(2) One-stop delivery.--At a minimum, the one-stop delivery system--

(A) shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than one physical center in each local area of the State; and

(B) may also make programs, services, and activities described in paragraph (1) available--

(i) through a network of affiliated sites that can provide one or more of the programs, services, and activities to individuals; and

(ii) through a network of eligible one-stop partners--

(I) in which each partner provides one or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and

(II) that assures individuals that information on the availability of the core services will be available regardless of where the individuals initially enter the statewide workforce investment system, including information made available through an access point described in subclause (I).

(3) Specialized centers.--The centers and sites described in paragraph (2) may have a specialization in addressing special needs, such as the needs of dislocated workers.

(d) Required Local Employment and Training Activities.--

(1) In general.--

(A) Allocated funds.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used--

(i) to establish a one-stop delivery system described in subsection (c);

(ii) to provide the core services described in paragraph (2) to adults and dislocated workers, respectively, through the one-stop delivery system in accordance with such paragraph;

(iii) to provide the intensive services described in paragraph (3) to adults and dislocated workers, respectively, described in such paragraph; and

(iv) to provide training services described in paragraph (4) to adults and dislocated workers, respectively, described in such paragraph.

(B) Other funds.--A portion of the funds made available under Federal law authorizing the programs and activities described in section 121(b)(1)(B), including the Wagner-Peyser Act (29 U.S.C. 49 et seq.), shall be used as described in clauses (i) and (ii) of subparagraph (A), to the extent not inconsistent with the Federal law involved.

(2) Core services.--Funds described in paragraph (1)(A) shall be used to provide core services, which shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include--

(A) determinations of whether the individuals are eligible to receive assistance under this subtitle;

(B) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

(C) initial assessment of skill levels, aptitudes, abilities, and supportive service needs;

(D) job search and placement assistance, and where appropriate, career counseling;

(E) provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including--

(i) job vacancy listings in such labor market areas;

(ii) information on job skills necessary to obtain the jobs described in clause (i); and

(iii) information relating to local occupations in demand and the earnings and skill requirements for such occupations; and

(F) provision of performance information and program cost information on eligible providers of training services as described in section 122, provided by program, and eligible providers of youth activities described in section 123, providers of adult education described in title II, providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation program activities described in title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(G) provision of information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area;

(H) provision of accurate information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;

(I) provision of information regarding filing claims for unemployment compensation;

(J) assistance in establishing eligibility for--

(i) welfare-to-work activities authorized under section 403(a)(5) of the Social Security Act (as added by section 5001 of the Balanced Budget Act of 1997) available in the local area; and

(ii) programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area; and

(K) followup services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

(3) Intensive services.--

(A) In general.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide intensive services to adults and dislocated workers, respectively--

(i)(I) who are unemployed and are unable to obtain employment through core services provided under paragraph (2); and

(II) who have been determined by a one-stop operator to

be in need of more intensive services in order to obtain employment; or

(ii) who are employed, but who are determined by a one-stop operator to be in need of such intensive services in order to obtain or retain employment that allows for self-sufficiency.

(B) Delivery of services.--Such intensive services shall be provided through the one-stop delivery system--

(i) directly through one-stop operators identified pursuant to section 121(d); or

(ii) through contracts with service providers, which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.

(C) Types of services.--Such intensive services may include the following:

(i) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include--

(I) diagnostic testing and use of other assessment tools; and

(II) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(ii) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals.

(iii) Group counseling.

(iv) Individual counseling and career planning.

(v) Case management for participants seeking training services under paragraph (4).

(vi) Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training.

(4) Training services.--

(A) In general.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to a local area for dislocated workers under section 133(b)(2)(B) shall be used to provide training services to adults and dislocated workers, respectively--

(i) who have met the eligibility requirements for

intensive services under paragraph (3)(A) and who are unable to obtain or retain employment through such services;

(ii) who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services;

(iii) who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults or dislocated workers receiving such services are willing to relocate;

(iv) who meet the requirements of subparagraph (B); and

(v) who are determined to be eligible in accordance with the priority system, if any, in effect under subparagraph (E).

(B) Qualification.--

(i) Requirement.--Except as provided in clause (ii), provision of such training services shall be limited to individuals who--

(I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or

(II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

(ii) Reimbursements.--Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.

(C) Provider qualification.--Training services shall be provided through providers identified in accordance with section 122.

(D) Training services.--Training services may include--

(i) occupational skills training, including training for nontraditional employment;

(ii) on-the-job training;

(iii) programs that combine workplace training with related instruction, which may include cooperative

education programs;

(iv) training programs operated by the private sector;

(v) skill upgrading and retraining;

(vi) entrepreneurial training;

(vii) job readiness training;

(viii) adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii); and

(ix) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

(E) Priority.--In the event that funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b) are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.

(F) Consumer choice requirements.--

(i) In general.--Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

(ii) Eligible providers.--Each local board, through one-stop centers referred to in subsection (c), shall make available--

(I) the State list of eligible providers of training services required under section 122(e), with a description of the programs through which the providers may offer the training services, and the information identifying eligible providers of on-the-job training and customized training required under section 122(h); and

(II) the performance information and performance cost information relating to eligible providers of training services described in subsections (e) and (h) of section 122.

(G) Use of individual training accounts.--

(i) In general.--Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.

(ii) Exceptions.--Training services authorized under

this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if the requirements of subparagraph (F) are met and if--

(I) such services are on-the-job training provided by an employer or customized training;

(II) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in a rural area) to accomplish the purposes of a system of individual training accounts; or

(III) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve special participant populations that face multiple barriers to employment.

(iii) Linkage to occupations in demand.--Training services provided under this paragraph shall be directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

(iv) Definition.--In this subparagraph, the term ``special participant population that faces multiple barriers to employment'' means a population of low-income individuals that is included in one or more of the following categories:

(I) Individuals with substantial language or cultural barriers.

(II) Offenders.

(III) Homeless individuals.

(IV) Other hard-to-serve populations as defined by the Governor involved.

(e) Permissible Local Employment and Training Activities.--

(1) Discretionary one-stop delivery activities.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through one-stop delivery described in subsection (c)(2)--

(A) customized screening and referral of qualified participants in training services described in subsection

(d)(4) to employment; and

(B) customized employment-related services to employers on a fee-for-service basis.

(2) Supportive services.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively--

(A) who are participating in programs with activities authorized in any of paragraphs (2), (3), or (4) of subsection (d); and

(B) who are unable to obtain such supportive services through other programs providing such services.

(3) Needs-related payments.--

(A) In general.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (d)(4).

(B) Additional eligibility requirements.--In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services--

(i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; or

(ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

(C) Level of payments.--The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of--

(i) the applicable level of unemployment compensation; or

(ii) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to

reflect changes in total family income.

CHAPTER 6--GENERAL PROVISIONS

SEC. 136. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) Purpose.--The purpose of this section is to establish a comprehensive performance accountability system, comprised of the activities described in this section, to assess the effectiveness of States and local areas in achieving continuous improvement of workforce investment activities funded under this subtitle, in order to optimize the return on investment of Federal funds in statewide and local workforce investment activities.

(b) State Performance Measures.--

(1) In general.--For each State, the State performance measures shall consist of--

(A)(i) the core indicators of performance described in paragraph (2)(A) and the customer satisfaction indicator of performance described in paragraph (2)(B); and

(ii) additional indicators of performance (if any) identified by the State under paragraph (2)(C); and

(B) a State adjusted level of performance for each indicator described in subparagraph (A).

(2) Indicators of performance.--

(A) Core indicators of performance.--

(i) In general.--The core indicators of performance for employment and training activities authorized under section 134 (except for self-service and informational activities) and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129 shall consist of--

(I) entry into unsubsidized employment;

(II) retention in unsubsidized employment 6 months after entry into the employment;

(III) earnings received in unsubsidized employment 6 months after entry into the employment; and

(IV) attainment of a recognized credential relating to achievement of educational skills, which may include attainment of a secondary school diploma or its recognized equivalent, or occupational skills, by participants who enter unsubsidized employment, or by participants who are eligible youth age 19 through 21 who enter postsecondary education, advanced training, or unsubsidized employment.

(ii) Core indicators for eligible youth.--The core

indicators of performance (for participants who are eligible youth age 14 through 18) for youth activities authorized under section 129, shall include--

(I) attainment of basic skills and, as appropriate, work readiness or occupational skills;

(II) attainment of secondary school diplomas and their recognized equivalents; and

(III) placement and retention in postsecondary education or advanced training, or placement and retention in military service, employment, or qualified apprenticeships.

(B) Customer satisfaction indicators.--The customer satisfaction indicator of performance shall consist of customer satisfaction of employers and participants with services received from the workforce investment activities authorized under this subtitle. Customer satisfaction may be measured through surveys conducted after the conclusion of participation in the workforce investment activities.

(C) Additional indicators.--A State may identify in the State plan additional indicators for workforce investment activities authorized under this subtitle.

(3) Levels of performance.--

(A) State adjusted levels of performance for core indicators and customer satisfaction indicator.--

(i) In general.--For each State submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph (2)(A) and the customer satisfaction indicator described in paragraph (2)(B) for workforce investment activities authorized under this subtitle. The levels of performance established under this subparagraph shall, at a minimum--

(I) be expressed in an objective, quantifiable, and measurable form; and

(II) show the progress of the State toward continuously improving in performance.

(ii) Identification in state plan.--Each State shall identify, in the State plan submitted under section 112, expected levels of performance for each of the core indicators of performance and the customer satisfaction indicator of performance, for the first 3 program years covered by the State plan.

(iii) Agreement on state adjusted levels of performance for first 3 years.--In order to ensure an optimal return on the investment of Federal funds in workforce investment

activities authorized under this subtitle, the Secretary and each Governor shall reach agreement on levels of performance for each of the core indicators of performance and the customer satisfaction indicator of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.

(iv) Factors.--The agreement described in clause (iii) or (v) shall take into account--

(I) the extent to which the levels involved will assist the State in attaining a high level of customer satisfaction;

(II) how the levels involved compare with the State adjusted levels of performance established for other States, taking into account factors including differences in economic conditions, the characteristics of participants when the participants entered the program, and the services to be provided; and

(III) the extent to which such levels involved promote continuous improvement in performance on the performance measures by such State and ensure optimal return on the investment of Federal funds.

(v) Agreement on state adjusted levels of performance for 4th and 5th years.--Prior to the 4th program year covered by the State plan, the Secretary and each Governor shall reach agreement on levels of performance for each of the core indicators of performance and the customer satisfaction indicator of performance, for the 4th and 5th program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

(vi) Revisions.--If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(II), the Governor may request that the State adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary, after collaboration with the representatives described in subsection (i), shall issue objective criteria and methods for making such revisions.

(B) Levels of performance for additional indicators.--The State may identify, in the State plan, State levels of performance for each of the additional indicators described in paragraph (2)(C). Such levels shall be considered to be State adjusted levels of performance for purposes of this title.

(c) Local Performance Measures.--

(1) In general.--For each local area in a State, the local performance measures shall consist of--

(A)(i) the core indicators of performance described in subsection (b)(2)(A), and the customer satisfaction indicator of performance described in subsection (b)(2)(B), for activities described in such subsections, other than statewide workforce investment activities; and

(ii) additional indicators of performance (if any) identified by the State under subsection (b)(2)(C) for activities described in such subsection, other than statewide workforce investment activities; and

(B) a local level of performance for each indicator described in subparagraph (A).

(2) Local level of performance.--The local board, the chief elected official, and the Governor shall negotiate and reach agreement on the local levels of performance based on the State adjusted levels of performance established under subsection (b).

(3) Determinations.--In determining such local levels of performance, the local board, the chief elected official, and the Governor shall take into account the specific economic, demographic, and other characteristics of the populations to be served in the local area.

(d) Report.--

(1) In general.--Each State that receives an allotment under section 127 or 132 shall annually prepare and submit to the Secretary a report on the progress of the State in achieving State performance measures, including information on the levels of performance achieved by the State with respect to the core indicators of performance and the customer satisfaction indicator. The annual report also shall include information regarding the progress of local areas in the State in achieving local performance measures, including information on the levels of performance achieved by the areas with respect to the core indicators of performance and the customer satisfaction indicator. The report also shall include information on the status of State evaluations of workforce investment activities described in subsection (e).

(2) Additional information.--In preparing such report, the State shall include, at a minimum, information on participants in workforce investment activities authorized under this subtitle

relating to--

(A) entry by participants who have completed training services provided under section 134(d)(4) into unsubsidized employment related to the training received;

(B) wages at entry into employment for participants in workforce investment activities who entered unsubsidized employment, including the rate of wage replacement for such participants who are dislocated workers;

(C) cost of workforce investment activities relative to the effect of the activities on the performance of participants;

(D) retention and earnings received in unsubsidized employment 12 months after entry into the employment;

(E) performance with respect to the indicators of performance specified in subsection (b)(2)(A) of participants in workforce investment activities who received the training services compared with the performance of participants in workforce investment activities who received only services other than the training services (excluding participants who received only self-service and informational activities); and

(F) performance with respect to the indicators of performance specified in subsection (b)(2)(A) of recipients of public assistance, out-of-school youth, veterans, individuals with disabilities, displaced homemakers, and older individuals.

(3) Information dissemination.--The Secretary--

(A) shall make the information contained in such reports available to the general public through publication and other appropriate methods;

(B) shall disseminate State-by-State comparisons of the information; and

(C) shall provide the appropriate congressional committees with copies of such reports.

(e) Evaluation of State Programs.--

(1) In general.--Using funds made available under this subtitle, the State, in coordination with local boards in the State, shall conduct ongoing evaluation studies of workforce investment activities carried out in the State under this subtitle in order to promote, establish, implement, and utilize methods for continuously improving the activities in order to achieve high-level performance within, and high-level outcomes from, the statewide workforce investment system. To the maximum extent practicable, the State shall coordinate the evaluations with the evaluations provided for by the Secretary under section 172.

(2) Design.--The evaluation studies conducted under this subsection shall be designed in conjunction with the State board and local boards and shall include analysis of customer feedback

and outcome and process measures in the statewide workforce investment system. The studies may include use of control groups.

(3) Results.--The State shall periodically prepare and submit to the State board, and local boards in the State, reports containing the results of evaluation studies conducted under this subsection, to promote the efficiency and effectiveness of the statewide workforce investment system in improving employability for jobseekers and competitiveness for employers.

(f) Fiscal and Management Accountability Information Systems.--

(1) In general.--Using funds made available under this subtitle, the Governor, in coordination with local boards and chief elected officials in the State, shall establish and operate a fiscal and management accountability information system based on guidelines established by the Secretary after consultation with the Governors, local elected officials, and one-stop partners. Such guidelines shall promote efficient collection and use of fiscal and management information for reporting and monitoring the use of funds made available under this subtitle and for preparing the annual report described in subsection (d).

(2) Wage records.--In measuring the progress of the State on State and local performance measures, a State shall utilize quarterly wage records, consistent with State law. The Secretary shall make arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State to the extent that such wage records are required by the State in carrying out the State plan of the State or completing the annual report described in subsection (d).

(3) Confidentiality.--In carrying out the requirements of this Act, the State shall comply with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (as added by the Family Educational Rights and Privacy Act of 1974).

(g) Sanctions for State Failure To Meet State Performance Measures.--

(1) States.--

(A) Technical assistance.--If a State fails to meet State adjusted levels of performance relating to indicators described in subparagraph (A) or (B) of subsection (b)(2) for a program for any program year, the Secretary shall, upon request, provide technical assistance in accordance with section 170, including assistance in the development of a performance improvement plan.

(B) Reduction in amount of grant.--If such failure continues for a second consecutive year, or if a State fails to submit a report under subsection (d) for any program year, the Secretary may reduce by not more than 5 percent, the amount of

the grant that would (in the absence of this paragraph) be payable to the State under such program for the immediately succeeding program year. Such penalty shall be based on the degree of failure to meet State adjusted levels of performance.

(2) Funds resulting from reduced allotments.--The Secretary shall use an amount retained, as a result of a reduction in an allotment to a State made under paragraph (1)(B), to provide incentive grants under section 503.

(h) Sanctions for Local Area Failure To Meet Local Performance Measures.--

(1) Technical assistance.--If a local area fails to meet levels of performance relating to indicators described in subparagraph (A) or (B) of subsection (b)(2) for a program for any program year, the Governor, or upon request by the Governor, the Secretary, shall provide technical assistance, which may include assistance in the development of a performance improvement plan, or the development of a modified local plan.

(2) Corrective actions.--

(A) In general.--If such failure continues for a second consecutive year, the Governor shall take corrective actions, which may include development of a reorganization plan through which the Governor may--

(i) require the appointment and certification of a new local board (consistent with the criteria established under section 117(b));

(ii) prohibit the use of eligible providers and one-stop partners identified as achieving a poor level of performance; or

(iii) take such other actions as the Governor determines are appropriate.

(B) Appeal by local area.--

(i) Appeal to governor.--A local area that is subject to a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later then 30 days after the receipt of the appeal.

(ii) Subsequent action.--The local area may, not later than 30 days after receiving a decision from the Governor pursuant to clause (i), appeal such decision to the Secretary. In such case, the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

(C) Effective date.--The decision made by the Governor

under clause (i) of subparagraph (B) shall become effective at the time the Governor issues the decision pursuant to such clause. Such decision shall remain effective unless the Secretary rescinds or revises such plan pursuant to clause (ii) of subparagraph (B).

(i) Other Measures and Terminology.--

(1) Responsibilities.--In order to ensure nationwide comparability of performance data, the Secretary, after collaboration with representatives of appropriate Federal agencies, and representatives of States and political subdivisions, business and industry, employees, eligible providers of employment and training activities, educators, and participants, with expertise regarding workforce investment policies and workforce investment activities, shall issue--

(A) definitions for information required to be reported under subsection (d)(2);

(B) terms for a menu of additional indicators of performance described in subsection (b)(2)(C) to assist States in assessing their progress toward State workforce investment goals; and

(C) objective criteria and methods described in subsection (b)(3)(A)(vi) for making revisions to levels of performance.

(2) Definitions for core indicators.--The Secretary and the representatives described in paragraph (1) shall participate in the activities described in section 502 concerning the issuance of definitions for indicators of performance described in subsection (b)(2)(A).

(3) Assistance.--The Secretary shall make the services of staff available to the representatives to assist the representatives in participating in the collaboration described in paragraph (1) and in the activities described in section 502.

SEC. 137. AUTHORIZATION OF APPROPRIATIONS.

(a) Youth Activities.--There are authorized to be appropriated to carry out the activities described in section 127(a), such sums as may be necessary for each of fiscal years 1999 through 2003.

(b) Adult Employment and Training Activities.--There are authorized to be appropriated to carry out the activities described in section 132(a)(1), such sums as may be necessary for each of fiscal years 1999 through 2003.

(c) Dislocated Worker Employment and Training Activities.--There are authorized to be appropriated to carry out the activities described in section 132(a)(2), such sums as may be necessary for each of fiscal years 1999 through 2003.

Subtitle C--Job Corps

SEC. 141. PURPOSES.

The purposes of this subtitle are--

(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to assist eligible youth who need and can benefit from an intensive program, operated in a group setting in residential and nonresidential centers, to become more responsible, employable, and productive citizens;

(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps;

(3) to authorize the establishment of Job Corps centers in which enrollees will participate in intensive programs of activities described in this subtitle; and

(4) to prescribe various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps.

SEC. 142. DEFINITIONS.

In this subtitle:

(1) Applicable local board.--The term ``applicable local board'' means a local board--

(A) that provides information for a Job Corps center on local employment opportunities and the job skills needed to obtain the opportunities; and

(B) that serves communities in which the graduates of the Job Corps center seek employment.

(2) Applicable one-stop center.--The term ``applicable one-stop center'' means a one-stop customer service center that provides services, such as referral, intake, recruitment, and placement, to a Job Corps center.

(3) Enrollee.--The term ``enrollee'' means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, and remains with the program, but has not yet become a graduate.

(4) Former enrollee.--The term ``former enrollee'' means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, but left the program before completing the requirements of a vocational training program, or receiving a secondary school diploma or recognized equivalent, as a result of participation in the Job Corps program.

(5) Graduate.--The term ``graduate'' means an individual who

has voluntarily applied for, been selected for, and enrolled in the Job Corps program and has completed the requirements of a vocational training program, or received a secondary school diploma or recognized equivalent, as a result of participation in the Job Corps program.

(6) Job corps.--The term ``Job Corps'' means the Job Corps described in section 143.

(7) Job corps center.--The term ``Job Corps center'' means a center described in section 147.

(8) Operator.--The term ``operator'' means an entity selected under this subtitle to operate a Job Corps center.

(9) Region.--The term ``region'' means an area served by a regional office of the Employment and Training Administration.

(10) Service provider.--The term ``service provider'' means an entity selected under this subtitle to provide services described in this subtitle to a Job Corps center.

SEC. 143. ESTABLISHMENT.

There shall be within the Department of Labor a ``Job Corps''.

SEC. 144. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

To be eligible to become an enrollee, an individual shall be--

(1) not less than age 16 and not more than age 21 on the date of enrollment, except that--

(A) not more than 20 percent of the individuals enrolled in the Job Corps may be not less than age 22 and not more than age 24 on the date of enrollment; and

(B) either such maximum age limitation may be waived by the Secretary, in accordance with regulations of the Secretary, in the case of an individual with a disability;

(2) a low-income individual; and

(3) an individual who is one or more of the following:

(A) Basic skills deficient.

(B) A school dropout.

(C) Homeless, a runaway, or a foster child.

(D) A parent.

(E) An individual who requires additional education, vocational training, or intensive counseling and related assistance, in order to participate successfully in regular schoolwork or to secure and hold employment.

SEC. 145. RECRUITMENT, SCREENING, SELECTION, AND ASSIGNMENT OF ENROLLEES.

(a) Standards and Procedures.--

(1) In general.--The Secretary shall prescribe specific standards and procedures for the recruitment, screening, and selection of eligible applicants for the Job Corps, after considering recommendations from the Governors, local boards, and other interested parties.

(2) Methods.--In prescribing standards and procedures under paragraph (1), the Secretary, at a minimum, shall--

(A) prescribe procedures for informing enrollees that drug tests will be administered to the enrollees and the results received within 45 days after the enrollees enroll in the Job Corps;

(B) establish standards for recruitment of Job Corps applicants;

(C) establish standards and procedures for--

(i) determining, for each applicant, whether the educational and vocational needs of the applicant can best be met through the Job Corps program or an alternative program in the community in which the applicant resides; and

(ii) obtaining from each applicant pertinent data relating to background, needs, and interests for determining eligibility and potential assignment;

(D) where appropriate, take measures to improve the professional capability of the individuals conducting screening of the applicants; and

(E) assure that an appropriate number of enrollees are from rural areas.

(3) Implementation.--To the extent practicable, the standards and procedures shall be implemented through arrangements with--

(A) applicable one-stop centers;

(B) community action agencies, business organizations, and labor organizations; and

(C) agencies and individuals that have contact with youth over substantial periods of time and are able to offer reliable information about the needs and problems of youth.

(4) Consultation.--The standards and procedures shall provide for necessary consultation with individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers.

(5) Reimbursement.--The Secretary is authorized to enter into contracts with and make payments to individuals and organizations for the cost of conducting recruitment, screening, and selection of eligible applicants for the Job Corps, as provided for in this section. The Secretary shall make no payment to any individual or

organization solely as compensation for referring the names of applicants for the Job Corps.

(b) Special Limitations on Selection.--

(1) In general.--No individual shall be selected as an enrollee unless the individual or organization implementing the standards and procedures described in subsection (a) determines that--

(A) there is a reasonable expectation that the individual considered for selection can participate successfully in group situations and activities, and is not likely to engage in behavior that would prevent other enrollees from receiving the benefit of the Job Corps program or be incompatible with the maintenance of sound discipline and satisfactory relationships between the Job Corps center to which the individual might be assigned and communities surrounding the Job Corps center;

(B) the individual manifests a basic understanding of both the rules to which the individual will be subject and of the consequences of failure to observe the rules; and

(C) the individual has passed a background check conducted in accordance with procedures established by the Secretary.

(2) Individuals on probation, parole, or supervised release.--An individual on probation, parole, or supervised release may be selected as an enrollee only if release from the supervision of the probation or parole official involved is satisfactory to the official and the Secretary and does not violate applicable laws (including regulations). No individual shall be denied a position in the Job Corps solely on the basis of individual contact with the criminal justice system.

(c) Assignment Plan.--

(1) In general.--Every 2 years, the Secretary shall develop and implement an assignment plan for assigning enrollees to Job Corps centers. In developing the plan, the Secretary shall, based on the analysis described in paragraph (2), establish targets, applicable to each Job Corps center, for--

(A) the maximum attainable percentage of enrollees at the Job Corps center that reside in the State in which the center is located; and

(B) the maximum attainable percentage of enrollees at the Job Corps center that reside in the region in which the center is located, and in surrounding regions.

(2) Analysis.--In order to develop the plan described in paragraph (1), the Secretary shall, every 2 years, analyze, for the Job Corps center--

(A) the size of the population of individuals eligible to participate in Job Corps in the State and region in which the Job Corps center is located, and in surrounding regions;

(B) the relative demand for participation in the Job Corps in the State and region, and in surrounding regions; and

(C) the capacity and utilization of the Job Corps center, including services provided through the center.

(d) Assignment of Individual Enrollees.--

(1) In general.--After an individual has been selected for the Job Corps in accordance with the standards and procedures of the Secretary under subsection (a), the enrollee shall be assigned to the Job Corps center that is closest to the home of the enrollee, except that the Secretary may waive this requirement if--

(A) the enrollee chooses a vocational training program, or requires an English literacy program, that is not available at such center;

(B) the enrollee would be unduly delayed in participating in the Job Corps program because the closest center is operating at full capacity; or

(C) the parent or guardian of the enrollee requests assignment of the enrollee to another Job Corps center due to circumstances in the community of the enrollee that would impair prospects for successful participation in the Job Corps program.

(2) Enrollees who are younger than 18.--An enrollee who is younger than 18 shall not be assigned to a Job Corps center other than the center closest to the home of the enrollee pursuant to paragraph (1) if the parent or guardian of the enrollee objects to the assignment.

SEC. 146. ENROLLMENT.

(a) Relationship Between Enrollment and Military Obligations.--Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

(b) Period of Enrollment.--No individual may be enrolled in the Job Corps for more than 2 years, except--

(1) in a case in which completion of an advanced career training program under section 148(c) would require an individual to participate in the Job Corps for not more than one additional year; or

(2) as the Secretary may authorize in a special case.

SEC. 147. JOB CORPS CENTERS.

(a) Operators and Service Providers.--

(1) Eligible entities.--

(A) Operators.--The Secretary shall enter into an agreement with a Federal, State, or local agency, an area vocational education school or residential vocational school, or a private organization, for the operation of each Job Corps center.

(B) Providers.--The Secretary may enter into an agreement with a local entity to provide activities described in this subtitle to the Job Corps center.

(2) Selection process.--

(A) Competitive basis.--Except as provided in subsections (c) and (d) of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary shall select on a competitive basis an entity to operate a Job Corps center and entities to provide activities described in this subtitle to the Job Corps center. In developing a solicitation for an operator or service provider, the Secretary shall consult with the Governor of the State in which the center is located, the industry council for the Job Corps center (if established), and the applicable local board regarding the contents of such solicitation, including elements that will promote the consistency of the activities carried out through the center with the objectives set forth in the State plan or in a local plan.

(B) Recommendations and considerations.--

(i) Operators.--In selecting an entity to operate a Job Corps center, the Secretary shall consider--

(I) the ability of the entity to coordinate the activities carried out through the Job Corps center with activities carried out under the appropriate State plan and local plans;

(II) the degree to which the vocational training that the entity proposes for the center reflects local employment opportunities in the local areas in which enrollees at the center intend to seek employment;

(III) the degree to which the entity is familiar with the surrounding communities, applicable one-stop centers, and the State and region in which the center is located; and

(IV) the past performance of the entity, if any, relating to operating or providing activities described in this subtitle to a Job Corps center.

(ii) Providers.--In selecting a service provider for a Job Corps center, the Secretary shall consider the factors described in subclauses (I) through (IV) of clause (i), as appropriate.

(b) Character and Activities.--Job Corps centers may be residential

or nonresidential in character, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with access to activities described in this subtitle. In any year, no more than 20 percent of the individuals enrolled in the Job Corps may be nonresidential participants in the Job Corps.

(c) Civilian Conservation Centers.--

(1) In general.--The Job Corps centers may include Civilian Conservation Centers operated under agreements with the Secretary of Agriculture or the Secretary of the Interior, located primarily in rural areas, which shall provide, in addition to other vocational training and assistance, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

(2) Selection process.--The Secretary may select an entity to operate a Civilian Conservation Center on a competitive basis, as provided in subsection (a), if the center fails to meet such national performance standards as the Secretary shall establish.

(d) Indian Tribes.--

(1) General authority.--The Secretary may enter into agreements with Indian tribes to operate Job Corps centers for Indians.

(2) Definitions.--In this subsection, the terms ``Indian'' and ``Indian tribe'', have the meanings given such terms in subsections (d) and (e), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 148. PROGRAM ACTIVITIES.

(a) Activities Provided by Job Corps Centers.--

(1) In general.--Each Job Corps center shall provide enrollees with an intensive, well organized, and fully supervised program of education, vocational training, work experience, recreational activities, physical rehabilitation and development, and counseling. Each Job Corps center shall provide enrollees assigned to the center with access to core services described in section 134(d)(2) and the intensive services described in section 134(d)(3).

(2) Relationship to opportunities.--

(A) In general.--The activities provided under this subsection shall provide work-based learning throughout the enrollment of the enrollees and assist the enrollees in obtaining meaningful unsubsidized employment, participating in secondary education or postsecondary education programs, enrolling in other suitable vocational training programs, or satisfying Armed Forces requirements, on completion of their

enrollment.

(B) Link to employment opportunities.--The vocational training provided shall be linked to the employment opportunities in the local area in which the enrollee intends to seek employment after graduation.

(b) Education and Vocational Training.--The Secretary may arrange for education and vocational training of enrollees through local public or private educational agencies, vocational educational institutions, or technical institutes, whenever such entities provide education and training substantially equivalent in cost and quality to that which the Secretary could provide through other means.

(c) Advanced Career Training Programs.--

(1) In general.--The Secretary may arrange for programs of advanced career training for selected enrollees in which the enrollees may continue to participate for a period of not to exceed 1 year in addition to the period of participation to which the enrollees would otherwise be limited. The advanced career training may be provided through the eligible providers of training services identified under section 122.

(2) Benefits.--

(A) In general.--During the period of participation in an advanced career training program, an enrollee shall be eligible for full Job Corps benefits, or a monthly stipend equal to the average value of the residential support, food, allowances, and other benefits provided to enrollees assigned to residential Job Corps centers.

(B) Calculation.--The total amount for which an enrollee shall be eligible under subparagraph (A) shall be reduced by the amount of any scholarship or other educational grant assistance received by such enrollee for advanced career training.

(3) Demonstration.--Each year, any operator seeking to enroll additional enrollees in an advanced career training program shall demonstrate that participants in such program have achieved a satisfactory rate of completion and placement in training-related jobs before the operator may carry out such additional enrollment.

(d) Continued Services.--The Secretary shall also provide continued services to graduates, including providing counseling regarding the workplace for 12 months after the date of graduation of the graduates. In selecting a provider for such services, the Secretary shall give priority to one-stop partners.

(e) Child Care.--The Secretary shall, to the extent practicable, provide child care at or near Job Corps centers, for individuals who require child care for their children in order to participate in the Job Corps.

SEC. 149. COUNSELING AND JOB PLACEMENT.

(a) Counseling and Testing.--The Secretary shall arrange for counseling and testing for each enrollee at regular intervals to measure progress in the education and vocational training programs carried out through the Job Corps.

(b) Placement.--The Secretary shall arrange for counseling and testing for enrollees prior to their scheduled graduations to determine their capabilities and, based on their capabilities, shall make every effort to arrange to place the enrollees in jobs in the vocations for which the enrollees are trained or to assist the enrollees in obtaining further activities described in this subtitle. In arranging for the placement of graduates in jobs, the Secretary shall utilize the one-stop delivery system to the fullest extent possible.

(c) Status and Progress.--The Secretary shall determine the status and progress of enrollees scheduled for graduation and make every effort to assure that their needs for further activities described in this subtitle are met.

(d) Services to Former Enrollees.--The Secretary may provide such services as the Secretary determines to be appropriate under this subtitle to former enrollees.

SEC. 150. SUPPORT.

(a) Personal Allowances.--The Secretary may provide enrollees assigned to Job Corps centers with such personal allowances as the Secretary may determine to be necessary or appropriate to meet the needs of the enrollees.

(b) Readjustment Allowances.--

(1) Graduates.--The Secretary shall arrange for a readjustment allowance to be paid to graduates. The Secretary shall arrange for the allowance to be paid at the one-stop center nearest to the home of the graduate who is returning home, or at the one-stop center nearest to the location where the graduate has indicated an intent to seek employment. If the Secretary uses any organization, in lieu of a one-stop center, to provide placement services under this Act, the Secretary shall arrange for that organization to pay the readjustment allowance.

(2) Former enrollees.--The Secretary may provide for a readjustment allowance to be paid to former enrollees. The provision of the readjustment allowance shall be subject to the same requirements as are applicable to the provision of the readjustment allowance paid to graduates under paragraph (1).

SEC. 151. OPERATING PLAN.

(a) In General.--The provisions of the contract between the Secretary and an entity selected to operate a Job Corps center shall, at a minimum, serve as an operating plan for the Job Corps center.

(b) Additional Information.--The Secretary may require the operator, in order to remain eligible to operate the Job Corps center, to submit such additional information as the Secretary may require, which shall be considered part of the operating plan.

(c) Availability.--The Secretary shall make the operating plan described in subsections (a) and (b), excluding any proprietary information, available to the public.

SEC. 152. STANDARDS OF CONDUCT.

(a) Provision and Enforcement.--The Secretary shall provide, and directors of Job Corps centers shall stringently enforce, standards of conduct within the centers. Such standards of conduct shall include provisions forbidding the actions described in subsection (b)(2)(A).

(b) Disciplinary Measures.--

(1) In general.--To promote the proper moral and disciplinary conditions in the Job Corps, the directors of Job Corps centers shall take appropriate disciplinary measures against enrollees. If such a director determines that an enrollee has committed a violation of the standards of conduct, the director shall dismiss the enrollee from the Job Corps if the director determines that the retention of the enrollee in the Job Corps will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees.

(2) Zero tolerance policy and drug testing.--

(A) Guidelines.--The Secretary shall adopt guidelines establishing a zero tolerance policy for an act of violence, for use, sale, or possession of a controlled substance, for abuse of alcohol, or for other illegal or disruptive activity.

(B) Drug testing.--The Secretary shall require drug testing of all enrollees for controlled substances in accordance with procedures prescribed by the Secretary under section 145(a).

(C) Definitions.--In this paragraph:

(i) Controlled substance.--The term ``controlled substance'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(ii) Zero tolerance policy.--The term ``zero tolerance policy'' means a policy under which an enrollee shall be automatically dismissed from the Job Corps after a determination by the director that the enrollee has carried

out an action described in subparagraph (A).

(c) Appeal.--A disciplinary measure taken by a director under this section shall be subject to expeditious appeal in accordance with procedures established by the Secretary.

SEC. 153. COMMUNITY PARTICIPATION.

(a) Business and Community Liaison.--Each Job Corps center shall have a Business and Community Liaison (referred to in this Act as a ``Liaison''), designated by the director of the center.

(b) Responsibilities.--The responsibilities of the Liaison shall include--

(1) establishing and developing relationships and networks with--

(A) local and distant employers; and

(B) applicable one-stop centers and applicable local boards,

for the purpose of providing job opportunities for Job Corps graduates; and

(2) establishing and developing relationships with members of the community in which the Job Corps center is located, informing members of the community about the projects of the Job Corps center and changes in the rules, procedures, or activities of the center that may affect the community, and planning events of mutual interest to the community and the Job Corps center.

(c) New Centers.--The Liaison for a Job Corps center that is not yet operating shall establish and develop the relationships and networks described in subsection (b) at least 3 months prior to the date on which the center accepts the first enrollee at the center.

SEC. 154. INDUSTRY COUNCILS.

(a) In General.--Each Job Corps center shall have an industry council, appointed by the director of the center after consultation with the Liaison, in accordance with procedures established by the Secretary.

(b) Industry Council Composition.--

(1) In general.--An industry council shall be comprised of--

(A) a majority of members who shall be local and distant owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector employers, who--

(i) have substantial management, hiring, or policy responsibility; and

(ii) represent businesses with employment opportunities

that reflect the employment opportunities of the applicable local area;

(B) representatives of labor organizations (where present) and representatives of employees; and

(C) enrollees and graduates of the Job Corps.

(2) Local board.--The industry council may include members of the applicable local boards who meet the requirements described in paragraph (1).

(c) Responsibilities.--The responsibilities of the industry council shall be--

(1) to work closely with all applicable local boards in order to determine, and recommend to the Secretary, appropriate vocational training for the center;

(2) to review all the relevant labor market information to--

(A) determine the employment opportunities in the local areas in which the enrollees intend to seek employment after graduation;

(B) determine the skills and education that are necessary to obtain the employment opportunities; and

(C) recommend to the Secretary the type of vocational training that should be implemented at the center to enable the enrollees to obtain the employment opportunities; and

(3) to meet at least once every 6 months to reevaluate the labor market information, and other relevant information, to determine, and recommend to the Secretary, any necessary changes in the vocational training provided at the center.

(d) New Centers.--The industry council for a Job Corps center that is not yet operating shall carry out the responsibilities described in subsection (c) at least 3 months prior to the date on which the center accepts the first enrollee at the center.

SEC. 155. ADVISORY COMMITTEES.

The Secretary may establish and use advisory committees in connection with the operation of the Job Corps program, and the operation of Job Corps centers, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

SEC. 156. EXPERIMENTAL, RESEARCH, AND DEMONSTRATION PROJECTS.

The Secretary may carry out experimental, research, or

demonstration projects relating to carrying out the Job Corps program and may waive any provisions of this subtitle that the Secretary finds would prevent the Secretary from carrying out the projects.

SEC. 157. APPLICATION OF PROVISIONS OF FEDERAL LAW.

(a) Enrollees Not Considered To Be Federal Employees.--

(1) In general.--Except as otherwise provided in this subsection and in section 8143(a) of title 5, United States Code, enrollees shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to Federal employment, including such provisions regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) Provisions relating to taxes and social security benefits.--For purposes of the Internal Revenue Code of 1986 and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed to be employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(3) Provisions relating to compensation to federal employees for work injuries.--For purposes of subchapter I of chapter 81 of title 5, United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed to be civil employees of the Government of the United States within the meaning of the term ``employee'' as defined in section 8101 of title 5, United States Code, and the provisions of such subchapter shall apply as specified in section 8143(a) of title 5, United States Code.

(4) Federal tort claims provisions.--For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered to be employees of the Government.

(b) Adjustments and Settlements.--Whenever the Secretary finds a claim for damages to a person or property resulting from the operation of the Job Corps to be a proper charge against the United States, and the claim is not cognizable under section 2672 of title 28, United States Code, the Secretary may adjust and settle the claim in an amount not exceeding $1,500.

(c) Personnel of the Uniformed Services.--Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade in such services.

SEC. 158. SPECIAL PROVISIONS.

(a) Enrollment.--The Secretary shall ensure that women and men have an equal opportunity to participate in the Job Corps program, consistent with section 145.

(b) Studies, Evaluations, Proposals, and Data.--The Secretary shall assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of carrying out the Job Corps program shall become the property of the United States.

(c) Transfer of Property.--

(1) In general.--Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

(2) Property.--The property described in this paragraph is real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.

(d) Gross Receipts.--Transactions conducted by a private for-profit or nonprofit entity that is an operator or service provider for a Job Corps center shall not be considered to be generating gross receipts. Such an operator or service provider shall not be liable, directly or indirectly, to any State or subdivision of a State (nor to any person acting on behalf of such a State or subdivision) for any gross receipts taxes, business privilege taxes measured by gross receipts, or any similar taxes imposed on, or measured by, gross receipts in connection with any payments made to or by such entity for operating or providing services to a Job Corps center. Such an operator or service provider shall not be liable to any State or subdivision of a State to collect or pay any sales, excise, use, or similar tax imposed on the sale to or use by such operator or service provider of any property, service, or other item in connection with the operation of or provision of services to a Job Corps center.

(e) Management Fee.--The Secretary shall provide each operator and (in an appropriate case, as determined by the Secretary) service provider with an equitable and negotiated management fee of not less than 1 percent of the amount of the funding provided under the appropriate agreement specified in section 147.

(f) Donations.--The Secretary may accept on behalf of the Job Corps or individual Job Corps centers charitable donations of cash or other assistance, including equipment and materials, if such donations are

available for appropriate use for the purposes set forth in this subtitle.

(g) Sale of Property.--Notwithstanding any other provision of law, if the Administrator of General Services sells a Job Corps center facility, the Administrator shall transfer the proceeds from the sale to the Secretary, who shall use the proceeds to carry out the Job Corps program.

SEC. 159. MANAGEMENT INFORMATION.

(a) Financial Management Information System.--

(1) In general.--The Secretary shall establish procedures to ensure that each operator, and each service provider, maintains a financial management information system that will provide--

(A) accurate, complete, and current disclosures of the costs of Job Corps operations; and

(B) sufficient data for the effective evaluation of activities carried out through the Job Corps program.

(2) Accounts.--Each operator and service provider shall maintain funds received under this subtitle in accounts in a manner that ensures timely and accurate reporting as required by the Secretary.

(3) Fiscal responsibility.--Operators shall remain fiscally responsible and control costs, regardless of whether the funds made available for Job Corps centers are incrementally increased or decreased between fiscal years.

(b) Audit.--

(1) Access.--The Secretary, the Inspector General of the Department of Labor, the Comptroller General of the United States, and any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the operators and service providers described in subsection (a) that are pertinent to the Job Corps program, for purposes of conducting surveys, audits, and evaluations of the operators and service providers.

(2) Surveys, audits, and evaluations.--The Secretary shall survey, audit, or evaluate, or arrange for the survey, audit, or evaluation of, the operators and service providers, using Federal auditors or independent public accountants. The Secretary shall conduct such surveys, audits, or evaluations not less often than once every 3 years.

(c) Information on Indicators of Performance.--

(1) Establishment.--The Secretary shall, with continuity and consistency from year to year, establish indicators of performance, and expected levels of performance for Job Corps centers and the Job Corps program, relating to--

(A) the number of graduates and the rate of such graduation, analyzed by type of vocational training received through the Job Corps program and by whether the vocational training was provided by a local or national service provider;

(B) the number of graduates who entered unsubsidized employment related to the vocational training received through the Job Corps program and the number who entered unsubsidized employment not related to the vocational training received, analyzed by whether the vocational training was provided by a local or national service provider and by whether the placement in the employment was conducted by a local or national service provider;

(C) the average wage received by graduates who entered unsubsidized employment related to the vocational training received through the Job Corps program and the average wage received by graduates who entered unsubsidized employment unrelated to the vocational training received;

(D) the average wage received by graduates placed in unsubsidized employment after completion of the Job Corps program--

(i) on the first day of the employment;

(ii) 6 months after the first day of the employment; and

(iii) 12 months after the first day of the employment, analyzed by type of vocational training received through the Job Corps program;

(E) the number of graduates who entered unsubsidized employment and were retained in the unsubsidized employment--

(i) 6 months after the first day of the employment; and

(ii) 12 months after the first day of the employment;

(F) the number of graduates who entered unsubsidized employment--

(i) for 32 hours per week or more;

(ii) for not less than 20 but less than 32 hours per week; and

(iii) for less than 20 hours per week;

(G) the number of graduates who entered post- secondary education or advanced training programs, including apprenticeship programs, as appropriate; and

(H) the number of graduates who attained job readiness and employment skills.

(2) Performance of recruiters.--The Secretary shall also establish performance measures, and expected performance levels on the performance measures, for local and national recruitment service providers serving the Job Corps program. The performance

measures shall relate to the number of enrollees retained in the Job Corps program for 30 days and for 60 days after initial placement in the program.

(3) Report.--The Secretary shall collect, and annually submit a report to the appropriate committees of Congress containing information on the performance of each Job Corps center, and the Job Corps program, on the core performance measures, as compared to the expected performance level for each performance measure. The report shall also contain information on the performance of the service providers described in paragraph (2) on the performance measures established under such paragraph, as compared to the expected performance levels for the performance measures.

(d) Additional Information.--The Secretary shall also collect, and submit in the report described in subsection (c), information on the performance of each Job Corps center, and the Job Corps program, regarding--

(1) the number of enrollees served;

(2) the average level of learning gains for graduates and former enrollees;

(3) the number of former enrollees and graduates who entered the Armed Forces;

(4) the number of former enrollees who entered post- secondary education;

(5) the number of former enrollees who entered unsubsidized employment related to the vocational training received through the Job Corps program and the number who entered unsubsidized employment not related to the vocational training received;

(6) the number of former enrollees and graduates who obtained a secondary school diploma or its recognized equivalent;

(7) the number and percentage of dropouts from the Job Corps program including the number dismissed under the zero tolerance policy described in section 152(b); and

(8) any additional information required by the Secretary.

(e) Methods.--The Secretary may collect the information described in subsections (c) and (d) using methods described in section 136(f)(2) consistent with State law.

(f) Performance Assessments and Improvements.--

(1) Assessments.--The Secretary shall conduct an annual assessment of the performance of each Job Corps center. Based on the assessment, the Secretary shall take measures to continuously improve the performance of the Job Corps program.

(2) Performance improvement plans.--With respect to a Job Corps center that fails to meet the expected levels of performance relating to the core performance measures specified in subsection (c), the Secretary shall develop and implement a performance

improvement plan. Such a plan shall require action including--

(A) providing technical assistance to the center;

(B) changing the vocational training offered at the center;

(C) changing the management staff of the center;

(D) replacing the operator of the center;

(E) reducing the capacity of the center;

(F) relocating the center; or

(G) closing the center.

(3) Additional performance improvement plans.--In addition to the performance improvement plans required under paragraph (2), the Secretary may develop and implement additional performance improvement plans. Such a plan shall require improvements, including the actions described in paragraph (2), for a Job Corps center that fails to meet criteria established by the Secretary other than the expected levels of performance described in paragraph (2).

(g) Closure of Job Corps Center.--Prior to the closure of any Job Corps center, the Secretary shall ensure--

(1) that the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary; and

(3) that the Member of Congress who represents the district in which such center is located is notified within a reasonable period of time in advance of any final decision to close the center.

SEC. 160. GENERAL PROVISIONS.

The Secretary is authorized to--

(1) disseminate, with regard to the provisions of section 3204 of title 39, United States Code, data and information in such forms as the Secretary shall determine to be appropriate, to public agencies, private organizations, and the general public;

(2) subject to section 157(b), collect or compromise all obligations to or held by the Secretary and exercise all legal or equitable rights accruing to the Secretary in connection with the payment of obligations until such time as such obligations may be referred to the Attorney General for suit or collection; and

(3) expend funds made available for purposes of this subtitle--

(A) for printing and binding, in accordance with applicable law (including regulation); and

(B) without regard to any other law (including regulation), for rent of buildings and space in buildings and for repair,

alteration, and improvement of buildings and space in buildings rented by the Secretary, except that the Secretary shall not expend funds under the authority of this subparagraph--

(i) except when necessary to obtain an item, service, or facility, that is required in the proper administration of this subtitle, and that otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which the item, service, or facility is needed; and

(ii) prior to having given written notification to the Administrator of General Services (if the expenditure would affect an activity that otherwise would be under the jurisdiction of the General Services Administration) of the intention of the Secretary to make the expenditure, and the reasons and justifications for the expenditure.

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of the fiscal years 1999 through 2003.

Subtitle D--National Programs

SEC. 166. NATIVE AMERICAN PROGRAMS.

(a) Purpose.--

(1) In general.--The purpose of this section is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals in order--

(A) to develop more fully the academic, occupational, and literacy skills of such individuals;

(B) to make such individuals more competitive in the workforce; and

(C) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.

(2) Indian policy.--All programs assisted under this section shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

(b) Definitions.--As used in this section:

(1) Alaska native.--The term ``Alaska Native'' means a Native as such term is defined in section 3(b) of the Alaska Native Claims

Settlement Act (43 U.S.C. 1602(b)).

(2) Indian, indian tribe, and tribal organization.--The terms ``Indian'', ``Indian tribe'', and ``tribal organization'' have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) Native hawaiian and native hawaiian organization.--The terms ``Native Hawaiian'' and ``Native Hawaiian organization'' have the meanings given such terms in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

(c) Program Authorized.--

(1) In general.--The Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out the authorized activities described in subsection (d).

(2) Exception.--The competition for grants, contracts, or cooperative agreements conducted under paragraph (1) shall be conducted every 2 years, except that if a recipient of such a grant, contract, or agreement has performed satisfactorily, the Secretary may waive the requirements for such competition on receipt from the recipient of a satisfactory 2-year program plan for the succeeding 2-year period of the grant, contract, or agreement.

(d) Authorized Activities.--

(1) In general.--Funds made available under subsection (c) shall be used to carry out the activities described in paragraph (2) that--

(A) are consistent with this section; and

(B) are necessary to meet the needs of Indians or Native Hawaiians preparing to enter, reenter, or retain unsubsidized employment.

(2) Workforce investment activities and supplemental services.--

(A) In general.--Funds made available under subsection (c) shall be used for--

(i) comprehensive workforce investment activities for Indians or Native Hawaiians; or

(ii) supplemental services for Indian or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.

(B) Special rule.--Notwithstanding any other provision of this section, individuals who were eligible to participate in

programs under section 401 of the Job Training Partnership Act (29 U.S.C. 1671) (as such section was in effect on the day before the date of enactment of this Act) shall be eligible to participate in an activity assisted under this section.

(e) Program Plan.--In order to receive a grant or enter into a contract or cooperative agreement under this section an entity described in subsection (c) shall submit to the Secretary a program plan that describes a 2-year strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals, as appropriate, in the area served by such entity. Such plan shall--

(1) be consistent with the purpose of this section;

(2) identify the population to be served;

(3) identify the education and employment needs of the population to be served and the manner in which the activities to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment;

(4) describe the activities to be provided and the manner in which such activities are to be integrated with other appropriate activities; and

(5) describe, after the entity submitting the plan consults with the Secretary, the performance measures to be used to assess the performance of entities in carrying out the activities assisted under this section.

(f) Consolidation of Funds.--Each entity receiving assistance under subsection (c) may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

(g) Nonduplicative and Nonexclusive Services.--Nothing in this section shall be construed--

(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this Act; or

(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.

(h) Administrative Provisions.--

(1) Organizational unit established.--The Secretary shall designate a single organizational unit within the Department of Labor that shall have primary responsibility for the administration of the activities authorized under this section.

(2) Regulations.--The Secretary shall consult with the entities described in subsection (c) in--

(A) establishing regulations to carry out this section,

including performance measures for entities receiving assistance under such subsection, taking into account the economic circumstances of such entities; and

(B) developing a funding distribution plan that takes into consideration previous levels of funding (prior to the date of enactment of this Act) to such entities.

(3) Waivers.--

(A) In general.--With respect to an entity described in subsection (c), the Secretary, notwithstanding any other provision of law, may, pursuant to a request submitted by such entity that meets the requirements established under paragraph (2), waive any of the statutory or regulatory requirements of this title that are inconsistent with the specific needs of the entities described in such subsection, except that the Secretary may not waive requirements relating to wage and labor standards, worker rights, participation and protection of workers and participants, grievance procedures, and judicial review.

(B) Request and approval.--An entity described in subsection (c) that requests a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the program of workforce investment activities carried out by the entity, which plan shall meet the requirements established by the Secretary and shall be generally consistent with the requirements of section 189(i)(4)(B).

(4) Advisory council.--

(A) In general.--Using funds made available to carry out this section, the Secretary shall establish a Native American Employment and Training Council to facilitate the consultation described in paragraph (2).

(B) Composition.--The Council shall be composed of individuals, appointed by the Secretary, who are representatives of the entities described in subsection (c).

(C) Duties.--The Council shall advise the Secretary on all aspects of the operation and administration of the programs assisted under this section, including the selection of the individual appointed as the head of the unit established under paragraph (1).

(D) Personnel matters.--

(i) Compensation of members.--Members of the Council shall serve without compensation.

(ii) Travel expenses.--The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States

Code, while away from their homes or regular places of business in the performance of services for the Council.

(iii) Administrative support.--The Secretary shall provide the Council with such administrative support as may be necessary to perform the functions of the Council.

(E) Chairperson.--The Council shall select a chairperson from among its members.

(F) Meetings.--The Council shall meet not less than twice each year.

(G) Application.--Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(5) Technical assistance.--The Secretary, acting through the unit established under paragraph (1), is authorized to provide technical assistance to entities described in subsection (c) that receive assistance under subsection (c) to enable such entities to improve the activities authorized under this section that are provided by such entities.

(6) Agreement for certain federally recognized indian tribes to transfer funds to the program.--A federally recognized Indian tribe that administers funds provided under this section and funds provided by more than one State under other sections of this title may enter into an agreement with the Secretary and the Governors of the affected States to transfer the funds provided by the States to the program administered by the tribe under this section.

(i) Compliance With Single Audit Requirements; Related Requirement.--Grants, contracts, and cooperative agreements entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code (enacted by the Single Audit Act of 1984) and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

(j) Assistance to American Samoans in Hawaii.--

(1) In general.--Notwithstanding any other provision of law, the Secretary is authorized to provide assistance to American Samoans who reside in Hawaii for the co-location of federally funded and State-funded workforce investment activities.

(2) Authorization of appropriations.--There are authorized to be appropriated for fiscal year 1999 such sums as may be necessary to carry out this subsection.

SEC. 167. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

(a) In General.--Every 2 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection

(d).

(b) Eligible Entities.--To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of eligible migrant and seasonal farmworkers (including dependents), a familiarity with the area to be served, and the ability to demonstrate a capacity to administer effectively a diversified program of workforce investment activities (including youth activities) and related assistance for eligible migrant and seasonal farmworkers.

(c) Program Plan.--

(1) In general.--To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary a plan that describes a 2-year strategy for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity.

(2) Contents.--Such plan shall--

(A) identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible migrant and seasonal farmworkers and dependents to obtain or retain unsubsidized employment or stabilize their unsubsidized employment;

(B) describe the related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services; and

(C) describe the indicators of performance to be used to assess the performance of such entity in carrying out the activities assisted under this section.

(3) Administration.--Grants and contracts awarded under this section shall be centrally administered by the Department of Labor and competitively awarded by the Secretary using procedures consistent with standard Federal Government competitive procurement policies.

(4) Competition.--

(A) In general.--The competition for grants made and contracts entered into under this section shall be conducted every 2 years.

(B) Exception.--Notwithstanding subparagraph (A), if a recipient of such a grant or contract has performed satisfactorily under the terms of the grant agreement or contract, the Secretary may waive the requirement for such competition for such recipient upon receipt from the recipient of a satisfactory 2-year plan described in paragraph (1) for the succeeding 2-year grant or contract period. The Secretary

may exercise the waiver authority of the preceding sentence not more than once during any 4-year period with respect to any single recipient.

(d) Authorized Activities.--Funds made available under this section shall be used to carry out workforce investment activities (including youth activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may include employment, training, educational assistance, literacy assistance, an English language program, worker safety training, housing, supportive services, dropout prevention activities, followup services for those individuals placed in employment, self-employment and related business enterprise development education as needed by eligible migrant and seasonal farmworkers and identified pursuant to the plan required by subsection (c), and technical assistance relating to capacity enhancement in such areas as management information technology.

(e) Consultation With Governors and Local Boards.--In making grants and entering into contracts under this section, the Secretary shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).

(f) Regulations.--The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section, including performance measures for eligible entities that take into account the economic circumstances and demographics of eligible migrant and seasonal farmworkers.

(g) Compliance With Single Audit Requirements; Related Requirement.--Grants and contracts entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code (enacted by the Single Audit Act of 1984) and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

(h) Definitions.--In this section:

(1) Disadvantaged.--The term ``disadvantaged", used with respect to a farmworker, means a farmworker whose income, for 12 consecutive months out of the 24 months prior to application for the program involved, does not exceed the higher of--

(A) the poverty line (as defined in section 334(a)(2)(B)) for an equivalent period; or

(B) 70 percent of the lower living standard income level, for an equivalent period.

(2) Eligible migrant and seasonal farmworkers.--The term ``eligible migrant and seasonal farmworkers" means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.

(3) Eligible migrant farmworker.--The term ``eligible migrant

farmworker'' means--

(A) an eligible seasonal farmworker described in paragraph (4)(A) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and

(B) a dependent of the farmworker described in subparagraph (A).

(4) Eligible seasonal farmworker.--The term ``eligible seasonal farmworker'' means--

(A) a disadvantaged person who, for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural labor that is characterized by chronic unemployment or underemployment; and

(B) a dependent of the person described in subparagraph (A).

SEC. 168. VETERANS' WORKFORCE INVESTMENT PROGRAMS.

(a) Authorization.--

(1) In general.--The Secretary shall conduct, directly or through grants or contracts, programs to meet the needs for workforce investment activities of veterans with service-connected disabilities, veterans who have significant barriers to employment, veterans who served on active duty in the armed forces during a war or in a campaign or expedition for which a campaign badge has been authorized, and recently separated veterans.

(2) Conduct of programs.--Programs supported under this section may be conducted through grants and contracts with public agencies and private nonprofit organizations, including recipients of Federal assistance under other provisions of this title, that the Secretary determines have an understanding of the unemployment problems of veterans described in paragraph (1), familiarity with the area to be served, and the capability to administer effectively a program of workforce investment activities for such veterans.

(3) Required activities.--Programs supported under this section shall include--

(A) activities to enhance services provided to veterans by other providers of workforce investment activities funded by Federal, State, or local government;

(B) activities to provide workforce investment activities to such veterans that are not adequately provided by other public providers of workforce investment activities; and

(C) outreach and public information activities to develop and promote maximum job and job training opportunities for such veterans and to inform such veterans about employment, job

training, on-the-job training and educational opportunities under this title, under title 38, United States Code, and under other provisions of law, which activities shall be coordinated with activities provided through the one-stop centers described in section 134(c).

(b) Administration of Programs.--

(1) In general.--The Secretary shall administer programs supported under this section through the Assistant Secretary for Veterans' Employment and Training.

(2) Additional responsibilities.--In carrying out responsibilities under this section, the Assistant Secretary for Veterans' Employment and Training shall--

(A) be responsible for the awarding of grants and contracts and the distribution of funds under this section and for the establishment of appropriate fiscal controls, accountability, and program performance measures for recipients of grants and contracts under this section; and

(B) consult with the Secretary of Veterans Affairs and take steps to ensure that programs supported under this section are coordinated, to the maximum extent feasible, with related programs and activities conducted under title 38, United States Code, including programs and activities conducted under subchapter II of chapter 77 of such title, chapters 30, 31, 32, and 34 of such title, and sections 1712A, 1720A, 3687, and 4103A of such title.

SEC. 169. YOUTH OPPORTUNITY GRANTS.

(a) Grants.--

(1) In general.--Using funds made available under section 127(b)(1)(A), the Secretary shall make grants to eligible local boards and eligible entities described in subsection (d) to provide activities described in subsection (b) for youth to increase the long-term employment of youth who live in empowerment zones, enterprise communities, and high poverty areas and who seek assistance.

(2) Definition.--In this section, the term ``youth'' means an individual who is not less than age 14 and not more than age 21.

(3) Grant period.--The Secretary may make a grant under this section for a 1-year period, and may renew the grant for each of the 4 succeeding years.

(4) Grant awards.--In making grants under this section, the Secretary shall ensure that grants are distributed equitably among local boards and entities serving urban areas and local boards and entities serving rural areas, taking into consideration the poverty

rate in such urban and rural areas, as described in subsection (c)(3)(B).

(b) Use of Funds.--

(1) In general.--A local board or entity that receives a grant under this section shall use the funds made available through the grant to provide activities that meet the requirements of section 129, except as provided in paragraph (2), as well as youth development activities such as activities relating to leadership development, citizenship, and community service, and recreation activities.

(2) Intensive placement and followup services.--In providing activities under this section, a local board or entity shall provide--

(A) intensive placement services; and

(B) followup services for not less than 24 months after the completion of participation in the other activities described in this subsection, as appropriate.

(c) Eligible Local Boards.--To be eligible to receive a grant under this section, a local board shall serve a community that--

(1) has been designated as an empowerment zone or enterprise community under section 1391 of the Internal Revenue Code of 1986;

(2)(A) is a State without a zone or community described in paragraph (1); and

(B) has been designated as a high poverty area by the Governor of the State; or

(3) is 1 of 2 areas in a State that--

(A) have been designated by the Governor as areas for which a local board may apply for a grant under this section; and

(B) meet the poverty rate criteria set forth in subsections (a)(4), (b), and (d) of section 1392 of the Internal Revenue Code of 1986.

(d) Eligible Entities.--To be eligible to receive a grant under this section, an entity (other than a local board) shall--

(1) be a recipient of financial assistance under section 166; and

(2) serve a community that--

(A) meets the poverty rate criteria set forth in subsections (a)(4), (b), and (d) of section 1392 of the Internal Revenue Code of 1986; and

(B) is located on an Indian reservation or serves Oklahoma Indians or Alaska Native villages or Native groups (as such terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(e) Application.--To be eligible to receive a grant under this section, a local board or entity shall submit an application to the

Secretary at such time, in such manner, and containing such information as the Secretary may require, including--

(1) a description of the activities that the local board or entity will provide under this section to youth in the community described in subsection (c);

(2) a description of the performance measures negotiated under subsection (f), and the manner in which the local boards or entities will carry out the activities to meet the performance measures;

(3) a description of the manner in which the activities will be linked to activities described in section 129; and

(4) a description of the community support, including financial support through leveraging additional public and private resources, for the activities.

(f) Performance Measures.--

(1) In general.--The Secretary shall negotiate and reach agreement with the local board or entity on performance measures for the indicators of performance referred to in subparagraphs (A) and (B) of section 136(b)(2) that will be used to evaluate the performance of the local board or entity in carrying out the activities described in subsection (b). Each local performance measure shall consist of such a indicator of performance, and a performance level referred to in paragraph (2).

(2) Performance levels.--The Secretary shall negotiate and reach agreement with the local board or entity regarding the levels of performance expected to be achieved by the local board or entity on the indicators of performance.

(g) Role Model Academy Project.--

(1) In general.--Using the funds made available pursuant to section 127(b)(1)(A)(iv) for fiscal year 1999, the Secretary shall provide assistance to an entity to carry out a project establishing a role model academy for out-of-school youth.

(2) Residential center.--The entity shall use the assistance to establish an academy that consists of a residential center located on the site of a military installation closed or realigned pursuant to a law providing for closures and realignments of such installations.

(3) Services.--The academy established pursuant to this subsection shall provide services that--

(A) utilize a military style model that emphasizes leadership skills and discipline, or another model of demonstrated effectiveness; and

(B) include vocational training, secondary school course work leading to a secondary school diploma or recognized equivalent, and the use of mentors who serve as role models and

who provide academic training and career counseling to the youth.

SEC. 170. TECHNICAL ASSISTANCE.

(a) General Technical Assistance.--

(1) In general.--The Secretary shall provide, coordinate, and support the development of, appropriate training, technical assistance, staff development, and other activities, including assistance in replicating programs of demonstrated effectiveness, to States and localities, and, in particular, to assist States in making transitions from carrying out activities under the provisions of law repealed under section 199 to carry out activities under this title.

(2) Form of assistance.--In carrying out paragraph (1) on behalf of a State, or recipient of financial assistance under any of sections 166 through 169, the Secretary, after consultation with the State or grant recipient, may award grants and enter into contracts and cooperative agreements.

(3) Limitation.--Grants or contracts awarded under paragraph (1) to entities other than States or local units of government that are for amounts in excess of $100,000 shall only be awarded on a competitive basis.

(b) Dislocated Worker Technical Assistance.--

(1) Authority.--Of the amounts available pursuant to section 132(a)(2), the Secretary shall reserve not more than 5 percent of such amounts to provide technical assistance to States that do not meet the State performance measures described in section 136 with respect to employment and training activities for dislocated workers. Using such reserved funds, the Secretary may provide such assistance to other States, local areas, and other entities involved in providing assistance to dislocated workers, to promote the continuous improvement of assistance provided to dislocated workers, under this title.

(2) Training.--Amounts reserved under this subsection may be used to provide for the training of staff, including specialists, who provide rapid response services. Such training shall include instruction in proven methods of promoting, establishing, and assisting labor-management committees. Such projects shall be administered through the dislocated worker office described in section 174(b).

SEC. 171. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH, AND MULTISTATE PROJECTS.

(a) Strategic Plan.--

(1) In general.--After consultation with States, localities, and other interested parties, the Secretary shall, every 2 years, publish in the Federal Register, a plan that describes the demonstration and pilot (including dislocated worker demonstration and pilot), multiservice, research, and multistate project priorities of the Department of Labor concerning employment and training for the 5-year period following the submission of the plan. Copies of the plan shall be transmitted to the appropriate committees of Congress.

(2) Factors.--The plan published under paragraph (1) shall contain strategies to address national employment and training problems and take into account factors such as--

(A) the availability of existing research (as of the date of the publication);

(B) the need to ensure results that have interstate validity;

(C) the benefits of economies of scale and the efficiency of proposed projects; and

(D) the likelihood that the results of the projects will be useful to policymakers and stakeholders in addressing employment and training problems.

(b) Demonstration and Pilot Projects.--

(1) In general.--Under a plan published under subsection (a), the Secretary shall, through grants or contracts, carry out demonstration and pilot projects for the purpose of developing and implementing techniques and approaches, and demonstrating the effectiveness of specialized methods, in addressing employment and training needs. Such projects shall include the provision of direct services to individuals to enhance employment opportunities and an evaluation component and may include--

(A) the establishment of advanced manufacturing technology skill centers developed through local partnerships of industry, labor, education, community-based organizations, and economic development organizations to meet unmet, high-tech skill needs of local communities;

(B) projects that provide training to upgrade the skills of employed workers who reside and are employed in enterprise communities or empowerment zones;

(C) programs conducted jointly with the Department of Defense to develop training programs utilizing computer-based and other innovative learning technologies;

(D) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet;

(E) projects that assist in providing comprehensive services to increase the employment rates of out-of-school youth residing in targeted high poverty areas within empowerment zones and enterprise communities;

(F) the establishment of partnerships with national organizations with special expertise in developing, organizing, and administering employment and training services, for individuals with disabilities, at the national, State, and local levels;

(G) projects to assist public housing authorities that provide, to public housing residents, job training programs that demonstrate success in upgrading the job skills and promoting employment of the residents; and

(H) projects that assist local areas to develop and implement local self-sufficiency standards to evaluate the degree to which participants in programs under this title are achieving self-sufficiency.

(2) Limitations.--

(A) Competitive awards.--Grants or contracts awarded for carrying out demonstration and pilot projects under this subsection shall be awarded only on a competitive basis, except that a noncompetitive award may be made in the case of a project that is funded jointly with other public or private sector entities that provide a portion of the funding for the project.

(B) Eligible entities.--Grants or contracts may be awarded under this subsection only to--

(i) entities with recognized expertise in--

(I) conducting national demonstration projects;

(II) utilizing state-of-the-art demonstration methods; or

(III) conducting evaluations of workforce investment projects; or

(ii) State and local entities with expertise in operating or overseeing workforce investment programs.

(C) Time limits.--The Secretary shall establish appropriate time limits for carrying out demonstration and pilot projects under this subsection.

(c) Multiservice Projects, Research Projects, and Multistate Projects.--

(1) Multiservice projects.--Under a plan published under subsection (a), the Secretary shall, through grants or contracts, carry out multiservice projects--

(A) that will test an array of approaches to the provision of employment and training services to a variety of targeted

populations;

(B) in which the entity carrying out the project, in conjunction with employers, organized labor, and other groups such as the disability community, will design, develop, and test various training approaches in order to determine effective practices; and

(C) that will assist in the development and replication of effective service delivery strategies for targeted populations for the national employment and training system as a whole.

(2) Research projects.--

(A) In general.--Under a plan published under subsection (a), the Secretary shall, through grants or contracts, carry out research projects that will contribute to the solution of employment and training problems in the United States.

(B) Formula improvement study and report.--

(i) Study.--The Secretary shall conduct a 2-year study concerning improvements in the formulas described in section 132(b)(1)(B) and paragraphs (2)(A) and (3) of section 133(b) (regarding distributing funds under subtitle B to States and local areas for adult employment and training activities). In conducting the study, the Secretary shall examine means of improving the formulas by--

(I) developing formulas based on statistically reliable data;

(II) developing formulas that are consistent with the goals and objectives of this title; and

(III) developing formulas based on organizational and financial stability of State boards and local boards.

(ii) Report.--The Secretary shall prepare and submit to Congress a report containing the results of the study, including recommendations for improved formulas.

(3) Multistate projects.--

(A) In general.--

(i) Authority.--Under a plan published under subsection (a), the Secretary may, through grants or contracts, carry out multistate projects that require demonstrated expertise that is available at the national level to effectively disseminate best practices and models for implementing employment and training services, address the specialized employment and training needs of particular service populations, or address industry-wide skill shortages.

(ii) Design of grants.--Grants or contracts awarded under this subsection shall be designed to obtain

information relating to the provision of services under different economic conditions or to various demographic groups in order to provide guidance at the national and State levels about how best to administer specific employment and training services.

(4) Limitations.--

(A) Competitive awards.--Grants or contracts awarded for carrying out projects under this subsection in amounts that exceed $100,000 shall be awarded only on a competitive basis, except that a noncompetitive award may be made in the case of a project that is funded jointly with other public or private sector entities that provide a substantial portion of assistance under the grant or contract for the project.

(B) Time limits.--A grant or contract shall not be awarded under this subsection to the same organization for more than 3 consecutive years unless such grant or contract is competitively reevaluated within such period.

(C) Peer review.--

(i) In general.--The Secretary shall utilize a peer review process--

(I) to review and evaluate all applications for grants in amounts that exceed $500,000 that are submitted under this section; and

(II) to review and designate exemplary and promising programs under this section.

(ii) Availability of funds.--The Secretary is authorized to use funds provided under this section to carry out peer review activities under this subparagraph.

(D) Priority.--In awarding grants or contracts under this subsection, priority shall be provided to entities with nationally recognized expertise in the methods, techniques, and knowledge of workforce investment activities and shall include appropriate time limits, established by the Secretary, for the duration of such projects.

(d) Dislocated Worker Projects.--Of the amount made available pursuant to section 132(a)(2)(A) for any program year, the Secretary shall use not more than 10 percent of such amount to carry out demonstration and pilot projects, multiservice projects, and multistate projects, relating to the employment and training needs of dislocated workers. Of the requirements of this section, such projects shall be subject only to the provisions relating to review and evaluation of applications under subsection (c)(4)(C). Such projects may include demonstration and pilot projects relating to promoting self-employment, promoting job creation, averting dislocations, assisting dislocated farmers, assisting dislocated fishermen, and promoting public works.

Such projects shall be administered through the dislocated worker office described in section 173(b).

SEC. 172. EVALUATIONS.

(a) Programs and Activities Carried Out Under This Title.--For the purpose of improving the management and effectiveness of programs and activities carried out under this title, the Secretary shall provide for the continuing evaluation of the programs and activities, including those programs and activities carried out under section 171. Such evaluations shall address--

(1) the general effectiveness of such programs and activities in relation to their cost, including the extent to which the programs and activities--

(A) improve the employment competencies of participants in comparison to comparably-situated individuals who did not participate in such programs and activities; and

(B) to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs and activities;

(2) the effectiveness of the performance measures relating to such programs and activities;

(3) the effectiveness of the structure and mechanisms for delivery of services through such programs and activities;

(4) the impact of the programs and activities on the community and participants involved;

(5) the impact of such programs and activities on related programs and activities;

(6) the extent to which such programs and activities meet the needs of various demographic groups; and

(7) such other factors as may be appropriate.

(b) Other Programs and Activities.--The Secretary may conduct evaluations of other federally funded employment-related programs and activities under other provisions of law.

(c) Techniques.--Evaluations conducted under this section shall utilize appropriate methodology and research designs, including the use of control groups chosen by scientific random assignment methodologies. The Secretary shall conduct as least 1 multisite control group evaluation under this section by the end of fiscal year 2005.

(d) Reports.--The entity carrying out an evaluation described in subsection (a) or (b) shall prepare and submit to the Secretary a draft report and a final report containing the results of the evaluation.

(e) Reports to Congress.--Not later than 30 days after the completion of such a draft report, the Secretary shall transmit the draft report to the Committee on Education and the Workforce of the

House of Representatives and the Committee on Labor and Human Resources of the Senate. Not later than 60 days after the completion of such a final report, the Secretary shall transmit the final report to such committees of the Congress.

(f) Coordination.--The Secretary shall ensure the coordination of evaluations carried out by States pursuant to section 136(e) with the evaluations carried out under this section.

SEC. 173. NATIONAL EMERGENCY GRANTS.

(a) In General.--The Secretary is authorized to award national emergency grants in a timely manner--

(1) to an entity described in subsection (c) to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations;

(2) to provide assistance to the Governor of any State within the boundaries of which is an area that has suffered an emergency or a major disaster as defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 (1) and (2)) (referred to in this section as the ``disaster area'') to provide disaster relief employment in the area; and

(3) to provide additional assistance to a State or local board for eligible dislocated workers in a case in which the State or local board has expended the funds provided under this section to carry out activities described in paragraphs (1) and (2) and can demonstrate the need for additional funds to provide appropriate services for such workers, in accordance with requirements prescribed by the Secretary.

(b) Administration.--The Secretary shall designate a dislocated worker office to coordinate the functions of the Secretary under this title relating to employment and training activities for dislocated workers, including activities carried out under the national emergency grants.

(c) Employment and Training Assistance Requirements.--

(1) Grant recipient eligibility.--

(A) Application.--To be eligible to receive a grant under subsection (a)(1), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) Eligible entity.--In this paragraph, the term ``entity'' means a State, a local board, an entity described in section 166(c), entities determined to be eligible by the Governor of the State involved, and other entities that

demonstrate to the Secretary the capability to effectively respond to the circumstances relating to particular dislocations.

(2) Participant eligibility.--

(A) In general.--In order to be eligible to receive employment and training assistance under a national emergency grant awarded pursuant to subsection (a)(1), an individual shall be--

(i) a dislocated worker;

(ii) a civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will undergo realignment, within the next 24 months after the date of the determination of eligibility;

(iii) an individual who is employed in a nonmanagerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at-risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs; or

(iv) a member of the Armed Forces who--

(I) was on active duty or full-time National Guard duty;

(II)(aa) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(bb) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

(III) is not entitled to retired or retained pay incident to the separation described in subclause (II); and

(IV) applies for such employment and training assistance before the end of the 180-day period beginning on the date of that separation.

(B) Retraining assistance.--The individuals described in subparagraph (A)(iii) shall be eligible for retraining assistance to upgrade skills by obtaining marketable skills needed to support the conversion described in subparagraph (A)(iii).

(C) Additional requirements.--The Secretary shall establish and publish additional requirements related to eligibility for

employment and training assistance under the national emergency grants to ensure effective use of the funds available for this purpose.

(D) Definitions.--In this paragraph, the terms ``military institution'' and ``realignment'' have the meanings given the terms in section 2910 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note).

(d) Disaster Relief Employment Assistance Requirements.--

(1) In general.--Funds made available under subsection (a)(2)--

(A) shall be used to provide disaster relief employment on projects that provide food, clothing, shelter, and other humanitarian assistance for disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area;

(B) may be expended through public and private agencies and organizations engaged in such projects; and

(C) may be expended to provide employment and training activities.

(2) Eligibility.--An individual shall be eligible to be offered disaster relief employment under subsection (a)(2) if such individual is a dislocated worker, is a long-term unemployed individual, or is temporarily or permanently laid off as a consequence of the disaster.

(3) Limitations on disaster relief employment.--No individual shall be employed under subsection (a)(2) for more than 6 months for work related to recovery from a single natural disaster.

SEC. 174. AUTHORIZATION OF APPROPRIATIONS.

(a) Native American Programs; Migrant and Seasonal Farmworker Programs; Veterans' Workforce Investment Programs.--

(1) In general.--Subject to paragraph (2), there are authorized to be appropriated to carry out sections 166 through 168 such sums as may be necessary for each of the fiscal years 1999 through 2003.

(2) Reservations.--Of the amount appropriated pursuant to the authorization of appropriations under paragraph (1) for a fiscal year, the Secretary shall--

(A) reserve not less than $55,000,000 for carrying out section 166;

(B) reserve not less than $70,000,000 for carrying out section 167; and

(C) reserve not less than $7,300,000 for carrying out section 168.

(b) Technical Assistance; Demonstration and Pilot Projects; Evaluations; Incentive Grants.--

(1) In general.--Subject to paragraph (2), there are authorized to be appropriated to carry out sections 170 through 172 and section 503 such sums as may be necessary for each of the fiscal years 1999 through 2003.

(2) Reservations.--Of the amount appropriated pursuant to the authorization of appropriations under paragraph (1) for a fiscal year, the Secretary shall--

(A)(i) for fiscal year 1999, reserve up to 40 percent for carrying out section 170 (other than subsection (b) of such section);

(ii) for fiscal year 2000, reserve up to 25 percent for carrying out section 170 (other than subsection (b) of such section); and

(iii) for each of the fiscal years 2001 through 2003, reserve up to 20 percent for carrying out section 170 (other than subsection (b) of such section);

(B)(i) for fiscal year 1999, reserve not less than 50 percent for carrying out section 171; and

(ii) for each of the fiscal years 2000 through 2003, reserve not less than 45 percent for carrying out section 171;

(C)(i) for fiscal year 1999, reserve not less than 10 percent for carrying out section 172; and

(ii) for each of the fiscal years 2000 through 2003, reserve not less than 10 percent for carrying out section 172; and

(D)(i) for fiscal year 1999, reserve no funds for carrying out section 503;

(ii) for fiscal year 2000, reserve up to 20 percent for carrying out section 503; and

(iii) for each of the fiscal years 2001 through 2003, reserve up to 25 percent for carrying out section 503.

Subtitle E--Administration

SEC. 181. REQUIREMENTS AND RESTRICTIONS.

(a) Benefits.--

(1) Wages.--

(A) In general.--Individuals in on-the-job training or individuals employed in activities under this title shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training,

experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.

(B) Rule of construction.--The reference in subparagraph (A) to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1))--

(i) shall be deemed to be a reference to section 6(a)(3) of that Act for individuals in American Samoa; and

(ii) shall not be applicable for individuals in other territorial jurisdictions in which section 6 of the Fair Labor Standards Act of 1938 does not apply.

(2) Treatment of allowances, earnings, and payments.--Allowances, earnings, and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).

(b) Labor Standards.--

(1) Limitations on activities that impact wages of employees.--No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce investment system.

(2) Displacement.--

(A) Prohibition.--A participant in a program or activity authorized under this title (referred to in this section as a ``specified activity'') shall not displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

(B) Prohibition on impairment of contracts.--A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) Other prohibitions.--A participant in a specified activity shall not be employed in a job if--

(A) any other individual is on layoff from the same or any substantially equivalent job;

(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the

employer with the intention of filling the vacancy so created with the participant; or

(C) the job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

(4) Health and safety.--Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.

(5) Employment conditions.--Individuals in on-the-job training or individuals employed in programs and activities under this title, shall be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

(6) Opportunity to submit comments.--Interested members of the public, including representatives of businesses and of labor organizations, shall be provided an opportunity to submit comments to the Secretary with respect to programs and activities proposed to be funded under subtitle B.

(7) No impact on union organizing.--Each recipient of funds under this title shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.

(c) Grievance Procedure.--

(1) In general.--Each State and local area receiving an allotment under this title shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this title from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days after the filing of the grievance or complaint.

(2) Investigation.--

(A) In general.--The Secretary shall investigate an allegation of a violation described in paragraph (1) if--

(i) a decision relating to such violation has not been reached within 60 days after the date of the filing of the grievance or complaint and either party appeals to the Secretary; or

(ii) a decision relating to such violation has been reached within such 60 days and the party to which such

decision is adverse appeals such decision to the Secretary.

(B) Additional requirement.--The Secretary shall make a final determination relating to an appeal made under subparagraph (A) no later than 120 days after receiving such appeal.

(3) Remedies.--Remedies that may be imposed under this section for a violation of any requirement of this title shall be limited--

(A) to suspension or termination of payments under this title;

(B) to prohibition of placement of a participant with an employer that has violated any requirement under this title;

(C) where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and

(D) where appropriate, to other equitable relief.

(4) Rule of construction.--Nothing in paragraph (3) shall be construed to prohibit a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law for a violation of this title.

(d) Relocation.--

(1) Prohibition on use of funds to encourage or induce relocation.--No funds provided under this title shall be used, or proposed for use, to encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(2) Prohibition on use of funds for customized or skill training and related activities after relocation.--No funds provided under this title for an employment and training activity shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(3) Repayment.--If the Secretary determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State that has violated such paragraph to repay to the United States an amount equal to the amount expended in violation of such paragraph.

(e) Limitation on Use of Funds.--No funds available under this

title shall be used for employment generating activities, economic development activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, and similar activities that are not directly related to training for eligible individuals under this title. No funds available under subtitle B shall be used for foreign travel.

(f) Testing and Sanctioning for Use of Controlled Substances.--

(1) In general.--Notwithstanding any other provision of law, a State shall not be prohibited by the Federal Government from--

(A) testing participants in programs under subtitle B for the use of controlled substances; and

(B) sanctioning such participants who test positive for the use of such controlled substances.

(2) Additional requirements.--

(A) Period of sanction.--In sanctioning participants in programs under subtitle B who test positive for the use of controlled substances--

(i) with respect to the first occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 6 months; and

(ii) with respect to the second occurrence and each subsequent occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 2 years.

(B) Appeal.--The testing of participants and the imposition of sanctions under this subsection shall be subject to expeditious appeal in accordance with due process procedures established by the State.

(C) Privacy.--A State shall establish procedures for testing participants for the use of controlled substances that ensure a maximum degree of privacy for the participants.

(4) Funding requirement.--In testing and sanctioning of participants for the use of controlled substances in accordance with this subsection, the only Federal funds that a State may use are the amounts made available for the administration of statewide workforce investment activities under section 134(a)(3)(B).

SEC. 182. PROMPT ALLOCATION OF FUNDS.

(a) Allotments Based on Latest Available Data.--All allotments to States and grants to outlying areas under this title shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to disadvantaged adults and disadvantaged youth shall be based on the most recent satisfactory data from the Bureau of the

Census.

(b) Publication in Federal Register Relating to Formula Funds.--Whenever the Secretary allots funds required to be allotted under this title, the Secretary shall publish in a timely fashion in the Federal Register the proposed amount to be distributed to each recipient of the funds.

(c) Requirement for Funds Distributed by Formula.--All funds required to be allotted under section 127 or 132 shall be allotted within 45 days after the date of enactment of the Act appropriating the funds, except that, if such funds are appropriated in advance as authorized by section 189(g), such funds shall be allotted or allocated not later than the March 31 preceding the program year for which such funds are to be available for obligation.

(d) Publication in Federal Register Relating to Discretionary Funds.--Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under this title, the Secretary shall, not later than 30 days prior to such allotment or allocation, publish such formula in the Federal Register for comments along with the rationale for the formula and the proposed amounts to be distributed to each State and local area. After consideration of any comments received, the Secretary shall publish final allotments and allocations in the Federal Register.

(e) Availability of Funds.--Funds shall be made available under sections 128 and 133 for a local area not later than 30 days after the date the funds are made available to the Governor involved, under section 127 or 132 (as the case may be), or 7 days after the date the local plan for the area is approved, whichever is later.

SEC. 183. MONITORING.

(a) In General.--The Secretary is authorized to monitor all recipients of financial assistance under this title to determine whether the recipients are complying with the provisions of this title, including the regulations issued under this title.

(b) Investigations.--The Secretary may investigate any matter the Secretary determines to be necessary to determine the compliance of the recipients with this title, including the regulations issued under this title. The investigations authorized by this subsection may include examining records (including making certified copies of the records), questioning employees, and entering any premises or onto any site in which any part of a program or activity of such a recipient is conducted or in which any of the records of the recipient are kept.

(c) Additional Requirement.--For the purpose of any investigation or hearing conducted under this title by the Secretary, the provisions of section 9 of the Federal Trade Commission Act (15 U.S.C. 49)

(relating to the attendance of witnesses and the production of documents) apply to the Secretary, in the same manner and to the same extent as the provisions apply to the Federal Trade Commission.

SEC. 184. FISCAL CONTROLS; SANCTIONS.

(a) Establishment of Fiscal Controls by States.--

(1) In general.--Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds allocated to local areas under subtitle B. Such procedures shall ensure that all financial transactions carried out under subtitle B are conducted and records maintained in accordance with generally accepted accounting principles applicable in each State.

(2) Cost principles.--

(A) In general.--Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the applicable uniform cost principles included in the appropriate circulars of the Office of Management and Budget for the type of entity receiving the funds.

(B) Exception.--The funds made available to a State for administration of statewide workforce investment activities in accordance with section 134(a)(3)(B) shall be allocable to the overall administration of workforce investment activities, but need not be specifically allocable to--

(i) the administration of adult employment and training activities;

(ii) the administration of dislocated worker employment and training activities; or

(iii) the administration of youth activities.

(3) Uniform administrative requirements.--

(A) In general.--Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.

(B) Additional requirement.--Procurement transactions under this title between local boards and units of State or local governments shall be conducted only on a cost-reimbursable basis.

(4) Monitoring.--Each Governor of a State shall conduct on an annual basis onsite monitoring of each local area within the State

to ensure compliance with the uniform administrative requirements referred to in paragraph (3).

(5) Action by governor.--If the Governor determines that a local area is not in compliance with the uniform administrative requirements referred to in paragraph (3), the Governor shall--

(A) require corrective action to secure prompt compliance; and

(B) impose the sanctions provided under subsection (b) in the event of failure to take the required corrective action.

(6) Certification.--The Governor shall, every 2 years, certify to the Secretary that--

(A) the State has implemented the uniform administrative requirements referred to in paragraph (3);

(B) the State has monitored local areas to ensure compliance with the uniform administrative requirements as required under paragraph (4); and

(C) the State has taken appropriate action to secure compliance pursuant to paragraph (5).

(7) Action by the secretary.--If the Secretary determines that the Governor has not fulfilled the requirements of this subsection, the Secretary shall--

(A) require corrective action to secure prompt compliance; and

(B) impose the sanctions provided under subsection (e) in the event of failure of the Governor to take the required appropriate action to secure compliance.

(b) Substantial Violation.--

(1) Action by governor.--If, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this title, and corrective action has not been taken, the Governor shall--

(A) issue a notice of intent to revoke approval of all or part of the local plan affected; or

(B) impose a reorganization plan, which may include--

(i) decertifying the local board involved;

(ii) prohibiting the use of eligible providers;

(iii) selecting an alternative entity to administer the program for the local area involved;

(iv) merging the local area into one or more other local areas; or

(v) making other such changes as the Secretary or Governor determines necessary to secure compliance.

(2) Appeal.--

(A) In general.--The actions taken by the Governor pursuant to subparagraphs (A) and (B) of paragraph (1) may be appealed

to the Secretary and shall not become effective until--

(i) the time for appeal has expired; or

(ii) the Secretary has issued a decision.

(B) Additional requirement.--The Secretary shall make a final decision under subparagraph (A) not later than 45 days after the receipt of the appeal.

(3) Action by the secretary.--If the Governor fails to promptly take the actions required under paragraph (1), the Secretary shall take such actions.

(c) Repayment of Certain Amounts to the United States.--

(1) In general.--Every recipient of funds under this title shall repay to the United States amounts found not to have been expended in accordance with this title.

(2) Offset of repayment.--If the Secretary determines that a State has expended funds made available under this title in a manner contrary to the requirements of this title, the Secretary may offset repayment of such expenditures against any other amount to which the State is or may be entitled, except as provided under subsection (d)(1).

(3) Repayment from deduction by state.--If the Secretary requires a State to repay funds as a result of a determination that a local area of the State has expended funds contrary to the requirements of this title, the Governor of the State may use an amount deducted under paragraph (4) to repay the funds, except as provided under subsection (e)(1).

(4) Deduction by state.--The Governor may deduct an amount equal to the misexpenditure described in paragraph (3) from subsequent program year allocations to the local area from funds reserved for the administrative costs of the local programs involved, as appropriate.

(5) Limitations.--A deduction made by a State as described in paragraph (4) shall not be made until such time as the Governor has taken appropriate corrective action to ensure full compliance within such local area with regard to appropriate expenditures of funds under this title.

(d) Repayment of Amounts.--

(1) In general.--Each recipient of funds under this title shall be liable to repay the amounts described in subsection (c)(1), from funds other than funds received under this title, upon a determination by the Secretary that the misexpenditure of funds was due to willful disregard of the requirements of this title, gross negligence, failure to observe accepted standards of administration, or a pattern of misexpenditure as described in paragraphs (2) and (3) of subsection (c). No such determination shall be made under this subsection or subsection (c) until notice

and opportunity for a fair hearing has been given to the recipient.

(2) Factors in imposing sanctions.--In determining whether to impose any sanction authorized by this section against a recipient for violations by a subgrantee or contractor of such recipient under this title (including the regulations issued under this title), the Secretary shall first determine whether such recipient has adequately demonstrated that the recipient has--

(A) established and adhered to an appropriate system for the award and monitoring of grants and contracts with subgrantees and contractors that contains acceptable standards for ensuring accountability;

(B) entered into a written grant agreement or contract with such subgrantee or contractor that established clear goals and obligations in unambiguous terms;

(C) acted with due diligence to monitor the implementation of the grant agreement or contract, including the carrying out of the appropriate monitoring activities (including audits) at reasonable intervals; and

(D) taken prompt and appropriate corrective action upon becoming aware of any evidence of a violation of this title, including regulations issued under this title, by such subgrantee or contractor.

(3) Waiver.--If the Secretary determines that the recipient has demonstrated substantial compliance with the requirements of paragraph (2), the Secretary may waive the imposition of sanctions authorized by this section upon such recipient. The Secretary is authorized to impose any sanction consistent with the provisions of this title and any applicable Federal or State law directly against any subgrantee or contractor for violation of this title, including regulations issued under this title.

(e) Immediate Termination or Suspension of Assistance in Emergency Situations.--In emergency situations, if the Secretary determines it is necessary to protect the integrity of the funds or ensure the proper operation of the program or activity involved, the Secretary may immediately terminate or suspend financial assistance, in whole or in part, to the recipient if the recipient is given prompt notice and the opportunity for a subsequent hearing within 30 days after such termination or suspension. The Secretary shall not delegate any of the functions or authority specified in this subsection, other than to an officer whose appointment is required to be made by and with the advice and consent of the Senate.

(f) Discrimination Against Participants.--If the Secretary determines that any recipient under this title has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program

involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title, or has testified or is about to testify in any such proceeding or investigation under or related to this title, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this title or the Secretary's regulations, the Secretary shall, within 30 days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

(g) Remedies.--The remedies described in this section shall not be construed to be the exclusive remedies available for violations described in this section.

SEC. 185. REPORTS; RECORDKEEPING; INVESTIGATIONS.

(a) Reports.--

(1) In general.--Recipients of funds under this title shall keep records that are sufficient to permit the preparation of reports required by this title and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully.

(2) Submission to the secretary.--Every such recipient shall maintain such records and submit such reports, in such form and containing such information, as the Secretary may require regarding the performance of programs and activities carried out under this title. Such records and reports shall be submitted to the Secretary but shall not be required to be submitted more than once each quarter unless specifically requested by Congress or a committee of Congress, in which case an estimate may be provided.

(3) Maintenance of standardized records.--In order to allow for the preparation of the reports required under subsection (c), such recipients shall maintain standardized records for all individual participants and provide to the Secretary a sufficient number of such records to provide for an adequate analysis of the records.

(4) Availability to the public.--

(A) In general.--Except as provided in subparagraph (B), records maintained by such recipients pursuant to this subsection shall be made available to the public upon request.

(B) Exception.--Subparagraph (A) shall not apply to--

(i) information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(ii) trade secrets, or commercial or financial information, that is obtained from a person and privileged or confidential.

(C) Fees to recover costs.--Such recipients may charge fees sufficient to recover costs applicable to the processing of requests for records under subparagraph (A).

(b) Investigations of Use of Funds.--

(1) In general.--

(A) Secretary.--In order to evaluate compliance with the provisions of this title, the Secretary shall conduct, in several States, in each fiscal year, investigations of the use of funds received by recipients under this title.

(B) Comptroller general of the united states.--In order to ensure compliance with the provisions of this title, the Comptroller General of the United States may conduct investigations of the use of funds received under this title by any recipient.

(2) Prohibition.--In conducting any investigation under this title, the Secretary or the Comptroller General of the United States may not request the compilation of any information that the recipient is not otherwise required to compile and that is not readily available to such recipient.

(3) Audits.--

(A) In general.--In carrying out any audit under this title (other than any initial audit survey or any audit investigating possible criminal or fraudulent conduct), either directly or through grant or contract, the Secretary, the Inspector General of the Department of Labor, or the Comptroller General of the United States shall furnish to the State, recipient, or other entity to be audited, advance notification of the overall objectives and purposes of the audit, and any extensive recordkeeping or data requirements to be met, not later than 14 days (or as soon as practicable), prior to the commencement of the audit.

(B) Notification requirement.--If the scope, objectives, or purposes of the audit change substantially during the course of the audit, the entity being audited shall be notified of the change as soon as practicable.

(C) Additional requirement.--The reports on the results of such audits shall cite the law, regulation, policy, or other criteria applicable to any finding contained in the reports.

(D) Rule of construction.--Nothing contained in this title shall be construed so as to be inconsistent with the Inspector General Act of 1978 (5 U.S.C. App.) or government auditing standards issued by the Comptroller General of the United States.

(c) Accessibility of Reports.--Each State, each local board, and each recipient (other than a subrecipient, subgrantee, or contractor of

a recipient) receiving funds under this title--

(1) shall make readily accessible such reports concerning its operations and expenditures as shall be prescribed by the Secretary;

(2) shall prescribe and maintain comparable management information systems, in accordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide, local area, and other appropriate bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 188; and

(3) shall monitor the performance of providers in complying with the terms of grants, contracts, or other agreements made pursuant to this title.

(d) Information To Be Included in Reports.--

(1) In general.--The reports required in subsection (c) shall include information regarding programs and activities carried out under this title pertaining to--

(A) the relevant demographic characteristics (including race, ethnicity, sex, and age) and other related information regarding participants;

(B) the programs and activities in which participants are enrolled, and the length of time that participants are engaged in such programs and activities;

(C) outcomes of the programs and activities for participants, including the occupations of participants, and placement for participants in nontraditional employment;

(D) specified costs of the programs and activities; and

(E) information necessary to prepare reports to comply with section 188.

(2) Additional requirement.--The Secretary shall ensure that all elements of the information required for the reports described in paragraph (1) are defined and reported uniformly.

(e) Quarterly Financial Reports.--

(1) In general.--Each local board in the State shall submit quarterly financial reports to the Governor with respect to programs and activities carried out under this title. Such reports shall include information identifying all program and activity costs by cost category in accordance with generally accepted accounting principles and by year of the appropriation involved.

(2) Additional requirement.--Each State shall submit to the Secretary, on a quarterly basis, a summary of the reports submitted to the Governor pursuant to paragraph (1).

(f) Maintenance of Additional Records.--Each State and local board

shall maintain records with respect to programs and activities carried out under this title that identify--

(1) any income or profits earned, including such income or profits earned by subrecipients; and

(2) any costs incurred (such as stand-in costs) that are otherwise allowable except for funding limitations.

(g) Cost Categories.--In requiring entities to maintain records of costs by category under this title, the Secretary shall require only that the costs be categorized as administrative or programmatic costs.

SEC. 186. ADMINISTRATIVE ADJUDICATION.

(a) In General.--Whenever any applicant for financial assistance under this title is dissatisfied because the Secretary has made a determination not to award financial assistance in whole or in part to such applicant, the applicant may request a hearing before an administrative law judge of the Department of Labor. A similar hearing may also be requested by any recipient for whom a corrective action has been required or a sanction has been imposed by the Secretary under section 184.

(b) Appeal.--The decision of the administrative law judge shall constitute final action by the Secretary unless, within 20 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part of the decision has filed exceptions with the Secretary specifically identifying the procedure, fact, law, or policy to which exception is taken. Any exception not specifically urged shall be deemed to have been waived. After the 20-day period the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 30 days after such filing, has notified the parties that the case involved has been accepted for review.

(c) Time Limit.--Any case accepted for review by the Secretary under subsection (b) shall be decided within 180 days after such acceptance. If the case is not decided within the 180-day period, the decision of the administrative law judge shall become the final decision of the Secretary at the end of the 180-day period.

(d) Additional Requirement.--The provisions of section 187 shall apply to any final action of the Secretary under this section.

SEC. 187. JUDICIAL REVIEW.

(a) Review.--

(1) Petition.--With respect to any final order by the Secretary under section 186 by which the Secretary awards, declines to award, or only conditionally awards, financial assistance under his title,

or any final order of the Secretary under section 186 with respect to a corrective action or sanction imposed under section 184, any party to a proceeding which resulted in such final order may obtain review of such final order in the United States Court of Appeals having jurisdiction over the applicant or recipient of funds involved, by filing a review petition within 30 days after the date of issuance of such final order.

(2) Action on petition.--The clerk of the court shall transmit a copy of the review petition to the Secretary who shall file the record on which the final order was entered as provided in section 2112 of title 28, United States Code. The filing of a review petition shall not stay the order of the Secretary, unless the court orders a stay. Petitions filed under this subsection shall be heard expeditiously, if possible within 10 days after the date of filing of a reply to the petition.

(3) Standard and scope of review.--No objection to the order of the Secretary shall be considered by the court unless the objection was specifically urged, in a timely manner, before the Secretary. The review shall be limited to questions of law and the findings of fact of the Secretary shall be conclusive if supported by substantial evidence.

(b) Judgment.--The court shall have jurisdiction to make and enter a decree affirming, modifying, or setting aside the order of the Secretary in whole or in part. The judgment of the court regarding the order shall be final, subject to certiorari review by the Supreme Court as provided in section 1254(1) of title 28, United States Code.

SEC. 188. NONDISCRIMINATION.

(a) In General.--

(1) Federal financial assistance.--For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) Prohibition of discrimination regarding participation, benefits, and employment.--No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of

or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

(3) Prohibition on assistance for facilities for sectarian instruction or religious worship.--Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).

(4) Prohibition on discrimination on basis of participant status.--No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

(5) Prohibition on discrimination against certain noncitizens.--Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

(b) Action of Secretary.--Whenever the Secretary finds that a State or other recipient of funds under this title has failed to comply with a provision of law referred to in subsection (a)(1), or with paragraph (2), (3), (4), or (5) of subsection (a), including an applicable regulation prescribed to carry out such provision or paragraph, the Secretary shall notify such State or recipient and shall request that the State or recipient comply. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may--

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(2) take such other action as may be provided by law.

(c) Action of Attorney General.--When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or other recipient of funds under this title is engaged in a pattern or practice of discrimination in violation of a provision of law referred to in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of

subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) Job Corps.--For the purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.

(e) Regulations.--The Secretary shall issue regulations necessary to implement this section not later than one year after the date of the enactment of the Workforce Investment Act of 1998. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in a subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.

SEC. 189. ADMINISTRATIVE PROVISIONS.

(a) In General.--The Secretary may, in accordance with chapter 5 of title 5, United States Code, prescribe rules and regulations to carry out this title only to the extent necessary to administer and ensure compliance with the requirements of this title. Such rules and regulations may include provisions making adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968. All such rules and regulations shall be published in the Federal Register at least 30 days prior to their effective dates. Copies of each such rule or regulation shall be transmitted to the appropriate committees of Congress on the date of such publication and shall contain, with respect to each material provision of such rule or regulation, a citation to the particular substantive section of law that is the basis for the provision.

(b) Acquisition of Certain Property and Services.--The Secretary is authorized, in carrying out this title, to accept, purchase, or lease in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(c) Authority To Enter Into Certain Agreements and To Make Certain Expenditures.--The Secretary may make such grants, enter into such contracts or agreements, establish such procedures, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend such funds under this title, as may be necessary to carry out this title, including making expenditures for construction, repairs, and capital improvements, and including making

necessary adjustments in payments on account of over-payments or underpayments.

(d) Annual Report.--The Secretary shall prepare and submit to Congress an annual report regarding the programs and activities carried out under this title. The Secretary shall include in such report--

(1) a summary of the achievements, failures, and problems of the programs and activities in meeting the objectives of this title;

(2) a summary of major findings from research, evaluations, pilot projects, and experiments conducted under this title in the fiscal year prior to the submission of the report;

(3) recommendations for modifications in the programs and activities based on analysis of such findings; and

(4) such other recommendations for legislative or administrative action as the Secretary determines to be appropriate.

(e) Utilization of Services and Facilities.--The Secretary is authorized, in carrying out this title, under the same procedures as are applicable under subsection (c) or to the extent permitted by law other than this title, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized, in carrying out this title, to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with the consent of the State or political subdivision.

(f) Obligational Authority.--Notwithstanding any other provision of this title, the Secretary shall have no authority to enter into contracts, grant agreements, or other financial assistance agreements under this title except to such extent and in such amounts as are provided in advance in appropriations Acts.

(g) Program Year.--

(1) In general.--

(A) Program year.--Except as provided in subparagraph (B), appropriations for any fiscal year for programs and activities carried out under this title shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(B) Youth activities.--The Secretary may make available for obligation, beginning April 1 of any fiscal year, funds appropriated for such fiscal year to carry out youth activities under subtitle B.

(2) Availability.--Funds obligated for any program year for a program or activity carried out under this title may be expended by each State receiving such funds during that program year and the 2

succeeding program years. Funds obligated for any program year for a program or activity carried out under section 171 or 172 shall remain available until expended. Funds received by local areas from States under this title during a program year may be expended during that program year and the succeeding program year. No amount of the funds described in this paragraph shall be deobligated on account of a rate of expenditure that is consistent with a State plan, an operating plan described in section 151, or a plan, grant agreement, contract, application, or other agreement described in subtitle D, as appropriate.

(h) Enforcement of Military Selective Service Act.--The Secretary shall ensure that each individual participating in any program or activity established under this title, or receiving any assistance or benefit under this title, has not violated section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary to enable the Secretary to carry out this subsection.

(i) Waivers and Special Rules.--

(1) Existing waivers.--With respect to a State that has been granted a waiver under the provisions relating to training and employment services of the Department of Labor in title I of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-234), the authority provided under such waiver shall continue in effect and apply, and include a waiver of the related provisions of subtitle B and this subtitle, for the duration of the initial waiver.

(2) Special rule regarding designated areas.--A State that has enacted, not later than December 31, 1997, a State law providing for the designation of service delivery areas for the delivery of workforce investment activities, may use such areas as local areas under this title, notwithstanding section 116.

(3) Special rule regarding sanctions.--A State that enacts, not later than December 31, 1997, a State law providing for the sanctioning of such service delivery areas for failure to meet performance measures for workforce investment activities, may use the State law to sanction local areas for failure to meet State performance measures under this title.

(4) General waivers of statutory or regulatory requirements.--

(A) General authority.--Notwithstanding any other provision of law, the Secretary may waive for a State, or a local area in a State, pursuant to a request submitted by the Governor of the State (in consultation with appropriate local elected officials) that meets the requirements of subparagraph (B)--

(i) any of the statutory or regulatory requirements of subtitle B or this subtitle (except for requirements relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, and procedures for review and approval of plans); and

(ii) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers).

(B) Requests.--A Governor requesting a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the statewide workforce investment system that--

(i) identifies the statutory or regulatory requirements that are requested to be waived and the goals that the State or local area in the State, as appropriate, intends to achieve as a result of the waiver;

(ii) describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

(iii) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

(iv) describes the individuals impacted by the waiver; and

(v) describes the process used to monitor the progress in implementing such a waiver, and the process by which notice and an opportunity to comment on such request has been provided to the local board.

(C) Conditions.--Not later than 90 days after the date of the original submission of a request for a waiver under subparagraph (A), the Secretary shall provide a waiver under this paragraph if and only to the extent that--

(i) the Secretary determines that the requirements requested to be waived impede the ability of the State or local area, as appropriate, to implement the plan described in subparagraph (B); and

(ii) the State has executed a memorandum of understanding with the Secretary requiring such State to meet, or ensure that the local area meets, agreed-upon outcomes and to implement other appropriate measures to

ensure accountability.

SEC. 190. REFERENCE.

Effective on the date of the enactment of the Workforce Investment Act of 1998, all references in any other provision of law (other than section 665 of title 18, United States Code) to the Comprehensive Employment and Training Act, or to the Job Training Partnership Act, as the case may be, shall be deemed to refer to the ``Workforce Investment Act of 1998.".

SEC. 191. STATE LEGISLATIVE AUTHORITY.

(a) Authority of State Legislature.--Nothing in this title shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this title, of the activities assisted under this title. Any funds received by a State under this title shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under this title.

(b) Interstate Compacts and Cooperative Agreements.--In the event that compliance with provisions of this title would be enhanced by compacts and cooperative agreements between States, the consent of Congress is given to States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

SEC. 192. WORKFORCE FLEXIBILITY PLANS.

(a) Plans.--A State may submit to the Secretary, and the Secretary may approve, a workforce flexibility plan under which the State is authorized to waive, in accordance with the plan--

(1) any of the statutory or regulatory requirements applicable under this title to local areas, pursuant to applications for such waivers from the local areas, except for requirements relating to the basic purposes of this title, wage and labor standards, grievance procedures and judicial review, nondiscrimination, eligibility of participants, allocation of funds to local areas, establishment and functions of local areas and local boards, review and approval of local plans, and worker rights, participation, and protection;

(2) any of the statutory or regulatory requirements applicable under sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i), to the State, except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services

without cost to jobseekers; and

(3) any of the statutory or regulatory requirements applicable under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), to State agencies on aging with respect to activities carried out using funds allotted under section 506(a)(3) of such Act (42 U.S.C. 3056d(a)(3)), except for requirements relating to the basic purposes of such Act, wage and labor standards, eligibility of participants in the activities, and standards for agreements.

(b) Content of Plans.--A workforce flexibility plan implemented by a State under subsection (a) shall include descriptions of--

(1)(A) the process by which local areas in the State may submit and obtain approval by the State of applications for waivers of requirements applicable under this title; and

(B) the requirements described in subparagraph (A) that are likely to be waived by the State under the plan;

(2) the requirements applicable under sections 8 through 10 of the Wagner-Peyser Act that are proposed to be waived, if any;

(3) the requirements applicable under the Older Americans Act of 1965 that are proposed to be waived, if any;

(4) the outcomes to be achieved by the waivers described in paragraphs (1) through (3); and

(5) other measures to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.

(c) Periods.--The Secretary may approve a workforce flexibility plan for a period of not more than 5 years.

(d) Opportunity for Public Comments.--Prior to submitting a workforce flexibility plan to the Secretary for approval, the State shall provide to all interested parties and to the general public adequate notice and a reasonable opportunity for comment on the waiver requests proposed to be implemented pursuant to such plan.

SEC. 193. USE OF CERTAIN REAL PROPERTY.

(a) In General.--Notwithstanding any other provision of law, the Governor may authorize a public agency to make available, for the use of a one-stop service delivery system within the State which is carried out by a consortium of entities that includes the public agency, real property in which, as of the date of the enactment of the Workforce Investment Act of 1998, the Federal Government has acquired equity through the use of funds provided under title III of the Social Security Act (42 U.S.C. 501 et seq.), section 903(c) of such Act (42 U.S.C. 1103(c)), or the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(b) Use of Funds.--Subsequent to the commencement of the use of the property described in subsection (a) for the functions of a one-stop service delivery system, funds provided under the provisions of law

described in subsection (a) may only be used to acquire further equity in such property, or to pay operating and maintenance expenses relating to such property in proportion to the extent of the use of such property attributable to the activities authorized under such provisions of law.

SEC. 194. CONTINUATION OF STATE ACTIVITIES AND POLICIES.

(a) In General.--Notwithstanding any other provision of this title, the Secretary may not deny approval of a State plan for a covered State, or an application of a covered State for financial assistance, under this title or find a covered State (including a State board or Governor), or a local area (including a local board or chief elected official) in a covered State, in violation of a provision of this title, on the basis that--

(1)(A) the State proposes to allocate or disburse, allocates, or disburses, within the State, funds made available to the State under section 127 or 132 in accordance with the allocation formula for the type of activities involved, or in accordance with a disbursal procedure or process, used by the State under prior consistent State laws; or

(B) a local board in the State proposes to disburse, or disburses, within the local area, funds made available to a State under section 127 or 132 in accordance with a disbursal procedure or process used by a private industry council under prior consistent State law;

(2) the State proposes to carry out or carries out a State procedure through which local areas use, as fiscal agents for funds made available to the State under section 127 or 132 and allocated within the State, fiscal agents selected in accordance with a process established under prior consistent State laws;

(3) the State proposes to carry out or carries out a State procedure through which the local board in the State (or the local boards, the chief elected officials in the State, and the Governor) designate or select the one-stop partners and one-stop operators of the statewide system in the State under prior consistent State laws, in lieu of making the designation, or certification described in section 121 (regardless of the date the one-stop delivery systems involved have been established);

(4) the State proposes to carry out or carries out a State procedure through which the persons responsible for selecting eligible providers for purposes of subtitle B are permitted to determine that a provider shall not be selected to provide both intake services under section 134(d)(2) and training services under section 134(d)(4), under prior consistent State laws;

(5) the State proposes to designate or designates a State board, or proposes to assign or assigns functions and roles of the State board (including determining the time periods for development and submission of a State plan required under section 112), for purposes of subtitle B in accordance with prior consistent State laws; or

(6) a local board in the State proposes to use or carry out, uses, or carries out a local plan (including assigning functions and roles of the local board) for purposes of subtitle B in accordance with the authorities and requirements applicable to local plans and private industry councils under prior consistent State laws.

(b) Definition.--In this section:

(1) Covered state.--The term ``covered State'' means a State that enacted State laws described in paragraph (2).

(2) Prior consistent state laws.--The term ``prior consistent State laws'' means State laws, not inconsistent with the Job Training Partnership Act or any other applicable Federal law, that took effect on September 1, 1993, September 1, 1995, and September 1, 1997.

SEC. 195. GENERAL PROGRAM REQUIREMENTS.

Except as otherwise provided in this title, the following conditions are applicable to all programs under this title:

(1) Each program under this title shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. In addition, efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment.

(2) Funds provided under this title shall only be used for activities that are in addition to those that would otherwise be available in the local area in the absence of such funds.

(3)(A) Any local area may enter into an agreement with another local area (including a local area that is a city or county within the same labor market) to pay or share the cost of educating, training, or placing individuals participating in programs assisted under this title, including the provision of supportive services.

(B) Such agreement shall be approved by each local board providing guidance to the local area and shall be described in the local plan under section 118.

(4) On-the-job training contracts under this title shall not be entered into with employers who have received payments under previous contracts and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term

employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(5) No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under this title.

(6) The Secretary shall not provide financial assistance for any program under this title that involves political activities.

(7)(A) Income under any program administered by a public or private nonprofit entity may be retained by such entity only if such income is used to continue to carry out the program.

(B) Income subject to the requirements of subparagraph (A) shall include--

(i) receipts from goods or services (including conferences) provided as a result of activities funded under this title;

(ii) funds provided to a service provider under this title that are in excess of the costs associated with the services provided; and

(iii) interest income earned on funds received under this title.

(C) For purposes of this paragraph, each entity receiving financial assistance under this title shall maintain records sufficient to determine the amount of such income received and the purposes for which such income is expended.

(8)(A) The Secretary shall notify the Governor and the appropriate local board and chief elected official of, and consult with the Governor and such board and official concerning, any activity to be funded by the Secretary under this title within the corresponding State or local area.

(B) The Governor shall notify the appropriate local board and chief elected official of, and consult with such board and official concerning, any activity to be funded by the Governor under this title within the corresponding local area.

(9)(A) All education programs for youth supported with funds provided under chapter 4 of subtitle B shall be consistent with applicable State and local educational standards.

(B) Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such chapter shall be consistent with the requirements of applicable State and local law, including regulation.

(10) No funds available under this title may be used for public service employment except as specifically authorized under this title.

(11) The Federal requirements governing the title, use, and

disposition of real property, equipment, and supplies purchased with funds provided under this title shall be the Federal requirements generally applicable to Federal grants to States and local governments.

(12) Nothing in this title shall be construed to provide an individual with an entitlement to a service under this title.

(13) Services, facilities, or equipment funded under this title may be used, as appropriate, on a fee-for-service basis, by employers in a local area in order to provide employment and training activities to incumbent workers--

(A) when such services, facilities, or equipment are not in use for the provision of services for eligible participants under this title;

(B) if such use for incumbent workers would not have an adverse affect on the provision of services to eligible participants under this title; and

(C) if the income derived from such fees is used to carry out the programs authorized under this title.

Subtitle F--Repeals and Conforming Amendments

SEC. 199. REPEALS.

(a) General Immediate Repeals.--The following provisions are repealed:

(1) Section 204 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1255a note).

(2) Title II of Public Law 95-250 (92 Stat. 172).

(3) The Displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 et seq.).

(4) Section 211 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 211).

(5) Subtitle C of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11441 et seq.), except section 738 of such title (42 U.S.C. 11448).

(6) Subchapter I of chapter 421 of title 49, United States Code.

(b) Subsequent Repeals.--The following provisions are repealed:

(1) Title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.), except subtitle B and section 738 of such title (42 U.S.C. 11431 et seq. and 11448).

(2) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(c) Effective Dates.--

(1) Immediate repeals.--The repeals made by subsection (a) shall take effect on the date of enactment of this Act.

(2) Subsequent repeals.--

(A) Stewart B. McKinney Homeless Assistance Act.--The repeal made by subsection (b)(1) shall take effect on July 1, 1999.

(B) Job Training Partnership Act.--The repeal made by subsection (b)(2) shall take effect on July 1, 2000.

SEC. 199A. CONFORMING AMENDMENTS.

(a) Preparation.--After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Secretary shall prepare recommended legislation containing technical and conforming amendments to reflect the changes made by this subtitle.

(b) Submission to Congress.--Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to Congress the recommended legislation referred to under subsection (a).

(c) References.--All references in any other provision of law to a provision of the Comprehensive Employment and Training Act, or of the Job Training Partnership Act, as the case may be, shall be deemed to refer to the corresponding provision of this title.

TITLE II--ADULT EDUCATION AND LITERACY

SEC. 201. SHORT TITLE.

This title may be cited as the ``Adult Education and Family Literacy Act".

SEC. 202. PURPOSE.

It is the purpose of this title to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy services, in order to--

(1) assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;

(2) assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and

(3) assist adults in the completion of a secondary school education.

SEC. 203. DEFINITIONS.

In this subtitle:

(1) Adult education.--The term ``adult education" means services or instruction below the postsecondary level for

individuals--

(A) who have attained 16 years of age;

(B) who are not enrolled or required to be enrolled in secondary school under State law; and

(C) who--

(i) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;

(ii) do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or

(iii) are unable to speak, read, or write the English language.

(2) Adult education and literacy activities.--The term ``adult education and literacy activities'' means activities described in section 231(b).

(3) Educational service agency.--The term ``educational service agency'' means a regional public multiservice agency authorized by State statute to develop and manage a service or program, and to provide the service or program to a local educational agency.

(4) Eligible agency.--The term ``eligible agency'' means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and literacy in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.

(5) Eligible provider.--The term ``eligible provider'' means--

(A) a local educational agency;

(B) a community-based organization of demonstrated effectiveness;

(C) a volunteer literacy organization of demonstrated effectiveness;

(D) an institution of higher education;

(E) a public or private nonprofit agency;

(F) a library;

(G) a public housing authority;

(H) a nonprofit institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide literacy services to adults and families; and

(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).

(6) English literacy program.--The term ``English literacy program'' means a program of instruction designed to help individuals of limited English proficiency achieve competence in the English language.

(7) Family literacy services.--The term ``family literacy services'' means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) Interactive literacy activities between parents and their children.

(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(C) Parent literacy training that leads to economic self-sufficiency.

(D) An age-appropriate education to prepare children for success in school and life experiences.

(8) Governor.--The term ``Governor'' means the chief executive officer of a State or outlying area.

(9) Individual with a disability.--

(A) In general.--The term ``individual with a disability'' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(B) Individuals with disabilities.--The term ``individuals with disabilities'' means more than one individual with a disability.

(10) Individual of limited english proficiency.--The term ``individual of limited English proficiency'' means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language, and--

(A) whose native language is a language other than English; or

(B) who lives in a family or community environment where a language other than English is the dominant language.

(11) Institution of higher education.--The term ``institution of higher education'' has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(12) Literacy.--The term ``literacy'' means an individual's ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.

(13) Local educational agency.--The term ``local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(14) Outlying area.--The term ``outlying area'' has the meaning given the term in section 101.

(15) Postsecondary educational institution.--The term ``postsecondary educational institution'' means--

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable

for credit toward a bachelor's degree;

(B) a tribally controlled community college; or

(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

(16) Secretary.--The term ``Secretary'' means the Secretary of Education.

(17) State.--The term ``State'' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(18) Workplace literacy services.--The term ``workplace literacy services'' means literacy services that are offered for the purpose of improving the productivity of the workforce through the improvement of literacy skills.

SEC. 204. HOME SCHOOLS.

Nothing in this subtitle shall be construed to affect home schools, or to compel a parent engaged in home schooling to participate in an English literacy program, family literacy services, or adult education.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of the fiscal years 1999 through 2003.

Subtitle A--Adult Education and Literacy Programs

CHAPTER 1--FEDERAL PROVISIONS

SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

(a) Reservation of Funds.--From the sum appropriated under section 205 for a fiscal year, the Secretary--

(1) shall reserve 1.5 percent to carry out section 242, except that the amount so reserved shall not exceed $8,000,000;

(2) shall reserve 1.5 percent to carry out section 243, except that the amount so reserved shall not exceed $8,000,000; and

(3) shall make available, to the Secretary of Labor, 1.72 percent for incentive grants under section 503.

(b) Grants to Eligible Agencies.--

(1) In general.--From the sum appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a

State plan approved under section 224 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g), to enable the eligible agency to carry out the activities assisted under this subtitle.

(2) Purpose of grants.--The Secretary may award a grant under paragraph (1) only if the eligible entity involved agrees to expend the grant for adult education and literacy activities in accordance with the provisions of this subtitle.

(c) Allotments.--

(1) Initial allotments.--From the sum appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a State plan approved under section 224(f)--

(A) $100,000, in the case of an eligible agency serving an outlying area; and

(B) $250,000, in the case of any other eligible agency.

(2) Additional allotments.--From the sum appropriated under section 205, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sum as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

(d) Qualifying Adult.--For the purpose of subsection (c)(2), the term ``qualifying adult'' means an adult who--

(1) is at least 16 years of age, but less than 61 years of age;

(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

(3) does not have a secondary school diploma or its recognized equivalent; and

(4) is not enrolled in secondary school.

(e) Special Rule.--

(1) In general.--From amounts made available under subsection (c) for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Secretary determines are not inconsistent with this subsection.

(2) Award basis.--The Secretary shall award grants pursuant to

paragraph (1) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(3) Termination of eligibility.--Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

(4) Administrative costs.--The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.

(f) Hold-Harmless.--

(1) In general.--Notwithstanding subsection (c)--

(A) for fiscal year 1999, no eligible agency shall receive an allotment under this subtitle that is less than 90 percent of the payments made to the State or outlying area of the eligible agency for fiscal year 1998 for programs for which funds were authorized to be appropriated under section 313 of the Adult Education Act (as such Act was in effect on the day before the date of the enactment of the Workforce Investment Act of 1998); and

(B) for fiscal year 2000 and each succeeding fiscal year, no eligible agency shall receive an allotment under this subtitle that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this subtitle.

(2) Ratable reduction.--If for any fiscal year the amount available for allotment under this subtitle is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

(g) Reallotment.--The portion of any eligible agency's allotment under this subtitle for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this subtitle, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this subtitle for such year.

SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) Purpose.--The purpose of this section is to establish a comprehensive performance accountability system, comprised of the activities described in this section, to assess the effectiveness of

eligible agencies in achieving continuous improvement of adult education and literacy activities funded under this subtitle, in order to optimize the return on investment of Federal funds in adult education and literacy activities.

(b) Eligible Agency Performance Measures.--

(1) In general.--For each eligible agency, the eligible agency performance measures shall consist of--

(A)(i) the core indicators of performance described in paragraph (2)(A); and

(ii) additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(B); and

(B) an eligible agency adjusted level of performance for each indicator described in subparagraph (A).

(2) Indicators of performance.--

(A) Core indicators of performance.--The core indicators of performance shall include the following:

(i) Demonstrated improvements in literacy skill levels in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, and other literacy skills.

(ii) Placement in, retention in, or completion of, postsecondary education, training, unsubsidized employment or career advancement.

(iii) Receipt of a secondary school diploma or its recognized equivalent.

(B) Additional indicators.--An eligible agency may identify in the State plan additional indicators for adult education and literacy activities authorized under this subtitle.

(3) Levels of performance.--

(A) Eligible agency adjusted levels of performance for core indicators.--

(i) In general.--For each eligible agency submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for adult education and literacy activities authorized under this subtitle. The levels of performance established under this subparagraph shall, at a minimum--

(I) be expressed in an objective, quantifiable, and measurable form; and

(II) show the progress of the eligible agency toward continuously improving in performance.

(ii) Identification in state plan.--Each eligible agency shall identify, in the State plan submitted under section 224, expected levels of performance for each of the

core indicators of performance for the first 3 program years covered by the State plan.

(iii) Agreement on eligible agency adjusted levels of performance for first 3 years.--In order to ensure an optimal return on the investment of Federal funds in adult education and literacy activities authorized under this subtitle, the Secretary and each eligible agency shall reach agreement on levels of performance for each of the core indicators of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan prior to the approval of such plan.

(iv) Factors.--The agreement described in clause (iii) or (v) shall take into account--

(I) how the levels involved compare with the eligible agency adjusted levels of performance established for other eligible agencies, taking into account factors including the characteristics of participants when the participants entered the program, and the services or instruction to be provided; and

(II) the extent to which such levels involved promote continuous improvement in performance on the performance measures by such eligible agency and ensure optimal return on the investment of Federal funds.

(v) Agreement on eligible agency adjusted levels of performance for 4th and 5th years.--Prior to the fourth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on levels of performance for each of the core indicators of performance for the fourth and fifth program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan.

(vi) Revisions.--If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(II), the eligible agency may request that the eligible agency adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary, after collaboration with the representatives

described in section 136(j), shall issue objective criteria and methods for making such revisions.

(B) Levels of performance for additional indicators.--The eligible agency may identify, in the State plan, eligible agency levels of performance for each of the additional indicators described in paragraph (2)(B). Such levels shall be considered to be eligible agency adjusted levels of performance for purposes of this subtitle.

(c) Report.--

(1) In general.--Each eligible agency that receives a grant under section 211(b) shall annually prepare and submit to the Secretary a report on the progress of the eligible agency in achieving eligible agency performance measures, including information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance.

(2) Information dissemination.--The Secretary--

(A) shall make the information contained in such reports available to the general public through publication and other appropriate methods;

(B) shall disseminate State-by-State comparisons of the information; and

(C) shall provide the appropriate committees of Congress with copies of such reports.

CHAPTER 2--STATE PROVISIONS

SEC. 221. STATE ADMINISTRATION.

Each eligible agency shall be responsible for the State or outlying area administration of activities under this subtitle, including--

(1) the development, submission, and implementation of the State plan;

(2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this subtitle; and

(3) coordination and nonduplication with other Federal and State education, training, corrections, public housing, and social service programs.

SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

(a) State Distribution of Funds.--Each eligible agency receiving a grant under this subtitle for a fiscal year--

(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out

section 225, of which not more than 10 percent of the 82.5 percent shall be available to carry out section 225;

(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

(3) shall use not more than 5 percent of the grant funds, or $65,000, whichever is greater, for the administrative expenses of the eligible agency.

(b) Matching Requirement.--

(1) In general.--In order to receive a grant from the Secretary under section 211(b) each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and literacy activities for which the grant is awarded, a non-Federal contribution in an amount equal to--

(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and literacy activities in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and literacy activities in the State.

(2) Non-Federal contribution.--An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purpose of this subtitle.

SEC. 223. STATE LEADERSHIP ACTIVITIES.

(a) In General.--Each eligible agency shall use funds made available under section 222(a)(2) for one or more of the following adult education and literacy activities:

(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b), including instruction incorporating phonemic awareness, systematic phonics, fluency, and reading comprehension, and instruction provided by volunteers or by personnel of a State or outlying area.

(2) The provision of technical assistance to eligible providers of adult education and literacy activities.

(3) The provision of technology assistance, including staff training, to eligible providers of adult education and literacy activities to enable the eligible providers to improve the quality of such activities.

(4) The support of State or regional networks of literacy

resource centers.

(5) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities.

(6) Incentives for--

(A) program coordination and integration; and

(B) performance awards.

(7) Developing and disseminating curricula, including curricula incorporating phonemic awareness, systematic phonics, fluency, and reading comprehension.

(8) Other activities of statewide significance that promote the purpose of this title.

(9) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in such activities.

(10) Integration of literacy instruction and occupational skill training, and promoting linkages with employers.

(11) Linkages with postsecondary educational institutions.

(b) Collaboration.--In carrying out this section, eligible agencies shall collaborate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).

(c) State-Imposed Requirements.--Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this subtitle that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being State- or outlying area-imposed.

SEC. 224. STATE PLAN.

(a) 5-Year Plans.--

(1) In general.--Each eligible agency desiring a grant under this subtitle for any fiscal year shall submit to, or have on file with, the Secretary a 5-year State plan.

(2) Comprehensive plan or application.--The eligible agency may submit the State plan as part of a comprehensive plan or application for Federal education assistance.

(b) Plan Contents.--In developing the State plan, and any revisions to the State plan, the eligible agency shall include in the State plan or revisions--

(1) an objective assessment of the needs of individuals in the

State or outlying area for adult education and literacy activities, including individuals most in need or hardest to serve;

(2) a description of the adult education and literacy activities that will be carried out with any funds received under this subtitle;

(3) a description of how the eligible agency will evaluate annually the effectiveness of the adult education and literacy activities based on the performance measures described in section 212;

(4) a description of the performance measures described in section 212 and how such performance measures will ensure the improvement of adult education and literacy activities in the State or outlying area;

(5) an assurance that the eligible agency will award not less than one grant under this subtitle to an eligible provider who offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in adult education and literacy activities, which eligible provider shall attempt to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;

(6) an assurance that the funds received under this subtitle will not be expended for any purpose other than for activities under this subtitle;

(7) a description of how the eligible agency will fund local activities in accordance with the considerations described in section 231(e);

(8) an assurance that the eligible agency will expend the funds under this subtitle only in a manner consistent with fiscal requirements in section 241;

(9) a description of the process that will be used for public participation and comment with respect to the State plan;

(10) a description of how the eligible agency will develop program strategies for populations that include, at a minimum--

(A) low-income students;

(B) individuals with disabilities;

(C) single parents and displaced homemakers; and

(D) individuals with multiple barriers to educational enhancement, including individuals with limited English proficiency;

(11) a description of how the adult education and literacy activities that will be carried out with any funds received under this subtitle will be integrated with other adult education, career

development, and employment and training activities in the State or outlying area served by the eligible agency; and

(12) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 231(c)(1).

(c) Plan Revisions.--When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions to the State plan to the Secretary.

(d) Consultation.--The eligible agency shall--

(1) submit the State plan, and any revisions to the State plan, to the Governor of the State or outlying area for review and comment; and

(2) ensure that any comments by the Governor regarding the State plan, and any revision to the State plan, are submitted to the Secretary.

(e) Peer Review.--The Secretary shall establish a peer review process to make recommendations regarding the approval of State plans.

(f) Plan Approval.--A State plan submitted to the Secretary shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the plan, that the plan is inconsistent with the specific provisions of this subtitle.

SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

(a) Program Authorized.--From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education or education for other institutionalized individuals.

(b) Uses of Funds.--The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for--

(1) basic education;

(2) special education programs as determined by the eligible agency;

(3) English literacy programs; and

(4) secondary school credit programs.

(c) Priority.--Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders in a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution with 5 years of participation in the program.

(d) Definition of Criminal Offender.--

(1) Criminal offender.--The term ``criminal offender'' means

any individual who is charged with or convicted of any criminal offense.

(2) Correctional institution.--The term ``correctional institution'' means any--

(A) prison;

(B) jail;

(C) reformatory;

(D) work farm;

(E) detention center; or

(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

CHAPTER 3--LOCAL PROVISIONS

SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

(a) Grants and Contracts.--From grant funds made available under section 211(b), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area to enable the eligible providers to develop, implement, and improve adult education and literacy activities within the State.

(b) Required Local Activities.--The eligible agency shall require that each eligible provider receiving a grant or contract under subsection (a) use the grant or contract to establish or operate one or more programs that provide services or instruction in one or more of the following categories:

(1) Adult education and literacy services, including workplace literacy services.

(2) Family literacy services.

(3) English literacy programs.

(c) Direct and Equitable Access; Same Process.--Each eligible agency receiving funds under this subtitle shall ensure that--

(1) all eligible providers have direct and equitable access to apply for grants or contracts under this section; and

(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

(d) Special Rule.--Each eligible agency awarding a grant or contract under this section shall not use any funds made available under this subtitle for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 203(1), except that such agency may use such funds

for such purpose if such programs, services, or activities are related to family literacy services. In providing family literacy services under this subtitle, an eligible provider shall attempt to coordinate with programs and services that are not assisted under this subtitle prior to using funds for adult education and literacy activities under this subtitle for activities other than adult education activities.

(e) Considerations.--In awarding grants or contracts under this section, the eligible agency shall consider--

(1) the degree to which the eligible provider will establish measurable goals for participant outcomes;

(2) the past effectiveness of an eligible provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of an eligible agency's performance measures under section 212, the success of an eligible provider receiving funding under this subtitle in meeting or exceeding such performance measures, especially with respect to those adults with the lowest levels of literacy;

(3) the commitment of the eligible provider to serve individuals in the community who are most in need of literacy services, including individuals who are low-income or have minimal literacy skills;

(4) whether or not the program--

(A) is of sufficient intensity and duration for participants to achieve substantial learning gains; and

(B) uses instructional practices, such as phonemic awareness, systematic phonics, fluency, and reading comprehension that research has proven to be effective in teaching individuals to read;

(5) whether the activities are built on a strong foundation of research and effective educational practice;

(6) whether the activities effectively employ advances in technology, as appropriate, including the use of computers;

(7) whether the activities provide learning in real life contexts to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;

(8) whether the activities are staffed by well-trained instructors, counselors, and administrators;

(9) whether the activities coordinate with other available resources in the community, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, one-stop centers, job training programs, and social service agencies;

(10) whether the activities offer flexible schedules and support services (such as child care and transportation) that are

necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

(11) whether the activities maintain a high-quality information management system that has the capacity to report participant outcomes and to monitor program performance against the eligible agency performance measures; and

(12) whether the local communities have a demonstrated need for additional English literacy programs.

SEC. 232. LOCAL APPLICATION.

Each eligible provider desiring a grant or contract under this subtitle shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including--

(1) a description of how funds awarded under this subtitle will be spent; and

(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and literacy activities.

SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

(a) In General.--Subject to subsection (b), of the amount that is made available under this subtitle to an eligible provider--

(1) not less than 95 percent shall be expended for carrying out adult education and literacy activities; and

(2) the remaining amount, not to exceed 5 percent, shall be used for planning, administration, personnel development, and interagency coordination.

(b) Special Rule.--In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

CHAPTER 4--GENERAL PROVISIONS

SEC. 241. ADMINISTRATIVE PROVISIONS.

(a) Supplement Not Supplant.--Funds made available for adult education and literacy activities under this subtitle shall supplement and not supplant other State or local public funds expended for adult

education and literacy activities.

(b) Maintenance of Effort.--

(1) In general.--

(A) Determination.--An eligible agency may receive funds under this subtitle for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities, in the second preceding fiscal year, was not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities, in the third preceding fiscal year.

(B) Proportionate reduction.--Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary--

(i) shall determine the percentage decreases in such effort or in such expenditures; and

(ii) shall decrease the payment made under this subtitle for such program year to the agency for adult education and literacy activities by the lesser of such percentages.

(2) Computation.--In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

(3) Decrease in federal support.--If the amount made available for adult education and literacy activities under this subtitle for a fiscal year is less than the amount made available for adult education and literacy activities under this subtitle for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(4) Waiver.--The Secretary may waive the requirements of this subsection for 1 fiscal year only, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the

subsequent fiscal year because of the waiver.

SEC. 242. NATIONAL INSTITUTE FOR LITERACY.

(a) Purpose.--The purpose of this section is to establish a National Institute for Literacy that--

(1) provides national leadership regarding literacy;

(2) coordinates literacy services and policy; and

(3) serves as a national resource for adult education and literacy programs by--

(A) providing the best and most current information available, including the work of the National Institute of Child Health and Human Development in the area of phonemic awareness, systematic phonics, fluency, and reading comprehension, to all recipients of Federal assistance that focuses on reading, including programs under titles I and VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq. and 7401 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and this Act; and

(B) supporting the creation of new ways to offer services of proven effectiveness.

(b) Establishment.--

(1) In general.--There is established the National Institute for Literacy (in this section referred to as the ``Institute''). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the ``Interagency Group''). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and Human Services the purpose of which is determined by the Interagency Group to be related to the purpose of the Institute.

(2) Offices.--The Institute shall have offices separate from the offices of the Department of Education, the Department of Labor, and the Department of Health and Human Services.

(3) Recommendations.--The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (in this section referred to as the ``Board'') established under subsection (e) in planning the goals of the Institute and in the implementation of any programs to achieve the goals. If the Board's recommendations are not followed, the Interagency Group shall provide a written explanation to the Board concerning actions

the Interagency Group takes that are inconsistent with the Board's recommendations, including the reasons for not following the Board's recommendations with respect to the actions. The Board may also request a meeting of the Interagency Group to discuss the Board's recommendations.

(4) Daily operations.--The daily operations of the Institute shall be administered by the Director of the Institute.

(c) Duties.--

(1) In general.--In order to provide leadership for the improvement and expansion of the system for delivery of literacy services, the Institute is authorized--

(A) to establish a national electronic data base of information that disseminates information to the broadest possible audience within the literacy and basic skills field, and that includes--

(i) effective practices in the provision of literacy and basic skills instruction, including instruction in phonemic awareness, systematic phonics, fluency, and reading comprehension, and the integration of literacy and basic skills instruction with occupational skills training;

(ii) public and private literacy and basic skills programs, and Federal, State, and local policies, affecting the provision of literacy services at the national, State, and local levels;

(iii) opportunities for technical assistance, meetings, conferences, and other opportunities that lead to the improvement of literacy and basic skills services; and

(iv) a communication network for literacy programs, providers, social service agencies, and students;

(B) to coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels;

(C) to coordinate the support of reliable and replicable research and development on literacy and basic skills in families and adults across Federal agencies, especially with the Office of Educational Research and Improvement in the Department of Education, and to carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies, such as the special literacy needs of individuals with learning disabilities;

(D) to collect and disseminate information on methods of advancing literacy that show great promise, including phonemic awareness, systematic phonics, fluency, and reading comprehension based on the work of the National Institute of

Child Health and Human Development;

(E) to provide policy and technical assistance to Federal, State, and local entities for the improvement of policy and programs relating to literacy;

(F) to fund a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by--

(i) encouraging the coordination of literacy services;

(ii) enhancing the capacity of State and local organizations to provide literacy services; and

(iii) serving as a link between the Institute and providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources;

(G) to coordinate and share information with national organizations and associations that are interested in literacy and workforce investment activities;

(H) to advise Congress and Federal departments and agencies regarding the development of policy with respect to literacy and basic skills; and

(I) to undertake other activities that lead to the improvement of the Nation's literacy delivery system and that complement other such efforts being undertaken by public and private agencies and organizations.

(2) Grants, contracts, and cooperative agreements.--The Institute may award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute.

(d) Literacy Leadership.--

(1) In general.--The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

(2) Fellowships.--Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

(3) Interns and volunteers.--The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its

mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.

(e) National Institute for Literacy Advisory Board.--

(1) Establishment.--

(A) In general.--There shall be a National Institute for Literacy Advisory Board (in this section referred to as the ``Board''), which shall consist of 10 individuals appointed by the President with the advice and consent of the Senate.

(B) Composition.--The Board shall be comprised of individuals who are not otherwise officers or employees of the Federal Government and who are representative of entities such as--

(i) literacy organizations and providers of literacy services, including nonprofit providers, providers of English literacy programs and services, social service organizations, and eligible providers receiving assistance under this subtitle;

(ii) businesses that have demonstrated interest in literacy programs;

(iii) literacy students, including literacy students with disabilities;

(iv) experts in the area of literacy research;

(v) State and local governments;

(vi) State Directors of adult education; and

(vii) representatives of employees, including representatives of labor organizations.

(2) Duties.--The Board shall--

(A) make recommendations concerning the appointment of the Director and staff of the Institute;

(B) provide independent advice on the operation of the Institute; and

(C) receive reports from the Interagency Group and the Director.

(3) Federal Advisory Committee Act.--Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(4) Appointments.--

(A) In general.--Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

(B) Vacancies.--Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(5) Quorum.--A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

(6) Election of officers.--The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

(7) Meetings.--The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

(f) Gifts, Bequests, and Devises.--

(1) In general.--The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

(2) Rules.--The Board shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out the responsibilities of the Institute or employee, or official duties, in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of the Institute's programs or any official involved in those programs.

(g) Mails.--The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) Staff.--The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

(i) Applicability of Certain Civil Service Laws.--The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.

(j) Experts and Consultants.--The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United

States Code.

(k) Report.--The Institute shall submit a report biennially to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Each report submitted under this subsection shall include--

(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for the period covered by the report;

(2) a description of how plans for the operation of the Institute for the succeeding 2 fiscal years will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

(3) any additional minority, or dissenting views submitted by members of the Board.

(l) Funding.--Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide. Such activities may include the following:

(1) Technical assistance, including--

(A) assistance provided to eligible providers in developing and using performance measures for the improvement of adult education and literacy activities, including family literacy services;

(B) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, including family literacy services, based on scientific evidence where available; and

(C) assistance in distance learning and promoting and improving the use of technology in the classroom.

(2) Funding national leadership activities that are not described in paragraph (1), either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, public or

private organizations or agencies, or consortia of such institutions, organizations, or agencies, such as--

(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using phonemic awareness, systematic phonics, fluency, and reading comprehension, based on the work of the National Institute of Child Health and Human Development;

(B) increasing the effectiveness of, and improving the qualify of, adult education and literacy activities, including family literacy services;

(C) carrying out research, such as estimating the number of adults functioning at the lowest levels of literacy proficiency;

(D)(i) carrying out demonstration programs;

(ii) developing and replicating model and innovative programs, such as the development of models for basic skill certificates, identification of effective strategies for working with adults with learning disabilities and with individuals with limited English proficiency who are adults, and workplace literacy programs; and

(iii) disseminating best practices information, including information regarding promising practices resulting from federally funded demonstration programs;

(E) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through studies and analyses conducted independently through grants and contracts awarded on a competitive basis, which evaluation and assessment shall include descriptions of--

(i) the effect of performance measures and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;

(ii) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy activities;

(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and

successful completion of, such programs; and

(iv) the extent to which eligible agencies have distributed funds under section 231 to meet the needs of adults through community-based organizations;

(F) supporting efforts aimed at capacity building at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subtitle;

(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems; and

(H) other activities designed to enhance the quality of adult education and literacy activities nationwide.

Subtitle B--Repeals

SEC. 251. REPEALS.

(a) Repeals.--

(1) Adult Education Act.--The Adult Education Act (20 U.S.C. 1201 et seq.) is repealed.

(2) National Literacy Act of 1991.--The National Literacy Act of 1991 (20 U.S.C. 1201 note) is repealed.

(b) Conforming Amendments.--

(1) Refugee Education Assistance Act.--Subsection (b) of section 402 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is repealed.

(2) Elementary and Secondary Education Act of 1965.--

(A) Section 1202 of esea.--Section 1202(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)(1)) is amended by striking ``Adult Education Act'' and inserting ``Adult Education and Family Literacy Act''.

(B) Section 1205 of ESEA.--Section 1205(8)(B) of such Act (20 U.S.C. 6365(8)(B)) is amended by striking ``Adult Education Act'' and inserting ``Adult Education and Family Literacy Act''.

(C) Section 1206 of esea.--Section 1206(a)(1)(A) of such Act (20 U.S.C. 6366(a)(1)(A)) is amended by striking ``an adult basic education program under the Adult Education Act'' and inserting ``adult education and literacy activities under the Adult Education and Family Literacy Act''.

(D) Section 3113 of esea.--Section 3113(1) of such Act (20 U.S.C. 6813(1)) is amended by striking ``section 312 of the Adult Education Act'' and inserting ``section 203 of the Adult Education and Family Literacy Act''.

(E) Section 9161 of esea.--Section 9161(2) of such Act (20 U.S.C. 7881(2)) is amended by striking ``section 312(2) of the Adult Education Act'' and inserting ``section 203 of the Adult Education and Family Literacy Act''.

(3) Older Americans Act of 1965.--Section 203(b)(8) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(8)) is amended by striking ``Adult Education Act'' and inserting ``Adult Education and Family Literacy Act''.

TITLE III--WORKFORCE INVESTMENT-RELATED ACTIVITIES

Subtitle A--Wagner-Peyser Act

SEC. 301. DEFINITIONS.

Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended--

(1) in paragraph (1)--

(A) by striking ``or officials''; and

(B) by striking ``Job Training Partnership Act'' and inserting ``Workforce Investment Act of 1998'';

(2) by striking paragraphs (2) and (4);

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (1) the following:

``(2) the term `local workforce investment board' means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998;

``(3) the term `one-stop delivery system' means a one-stop delivery system described in section 134(c) of the Workforce Investment Act of 1998;'';

and

(5) in paragraph (4) (as redesignated in paragraph (3)), by striking the semicolon and inserting ``; and''.

SEC. 302. FUNCTIONS.

(a) In General.--Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended--

(1) in subsection (a), by striking ``United States Employment Service'' and inserting ``Secretary''; and

(2) by adding at the end the following:

``(c) The Secretary shall--

``(1) assist in the coordination and development of a nationwide system of public labor exchange services, provided as part of the one-stop customer service systems of the States;

``(2) assist in the development of continuous improvement

models for such nationwide system that ensure private sector satisfaction with the system and meet the demands of jobseekers relating to the system; and

``(3) ensure, for individuals otherwise eligible to receive unemployment compensation, the provision of reemployment services and other activities in which the individuals are required to participate to receive the compensation.".

(b) Conforming Amendments.--Section 508(b)(1) of the Unemployment Compensation Amendments of 1976 (42 U.S.C. 603a(b)(1)) is amended--

(1) by striking ``the third sentence of section 3(a)" and inserting ``section 3(b)"; and

(2) by striking ``49b(a)" and inserting ``49b(b)".

SEC. 303. DESIGNATION OF STATE AGENCIES.

Section 4 of the Wagner-Peyser Act (29 U.S.C. 49c) is amended--

(1) by striking ``, through its legislature," and inserting ``, pursuant to State statute,";

(2) by inserting after ``the provisions of this Act and" the following: ``, in accordance with such State statute, the Governor shall"; and

(3) by striking ``United States Employment Service" and inserting ``Secretary".

SEC. 304. APPROPRIATIONS.

Section 5(c) of the Wagner-Peyser Act (29 U.S.C. 49d(c)) is amended by striking paragraph (3).

SEC. 305. DISPOSITION OF ALLOTTED FUNDS.

Section 7 of the Wagner-Peyser Act (29 U.S.C. 49f) is amended--

(1) in subsection (b)(2), by striking ``private industry council" and inserting ``local workforce investment board";

(2) in subsection (c)(2), by striking ``any program under" and all that follows and inserting ``any workforce investment activity carried out under the Workforce Investment Act of 1998.";

(3) in subsection (d)--

(A) by striking ``United States Employment Service" and inserting ``Secretary"; and

(B) by striking ``Job Training Partnership Act" and inserting ``Workforce Investment Act of 1998"; and

(4) by adding at the end the following:

``(e) All job search, placement, recruitment, labor employment statistics, and other labor exchange services authorized under

subsection (a) shall be provided, consistent with the other requirements of this Act, as part of the one-stop delivery system established by the State.".

SEC. 306. STATE PLANS.

Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended--

(1) in subsection (a) to read as follows:

``(a) Any State desiring to receive assistance under this Act shall submit to the Secretary, as part of the State plan submitted under section 112 of the Workforce Investment Act of 1998, detailed plans for carrying out the provisions of this Act within such State.";

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b);

(4) by inserting after subsection (b) (as redesignated by paragraph (3)) the following:

``(c) The part of the State plan described in subsection (a) shall include the information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998.";

(5) by redesignating subsection (e) as subsection (d); and

(6) in subsection (d) (as redesignated in paragraph (5)), by striking ``such plans'' and inserting ``such detailed plans''.

SEC. 307. REPEAL OF FEDERAL ADVISORY COUNCIL.

Section 11 of the Wagner-Peyser Act (29 U.S.C. 49j) is amended--

(1) by striking ``11.'' and all that follows through ``(b) In'' and inserting ``11. In''; and

(2) by striking ``Director'' and inserting ``Secretary''.

SEC. 308. REGULATIONS.

Section 12 of the Wagner-Peyser Act (29 U.S.C. 49k) is amended by striking ``The Director, with the approval of the Secretary of Labor,'' and inserting ``The Secretary''.

SEC. 309. EMPLOYMENT STATISTICS.

The Wagner-Peyser Act is amended--

(1) by redesignating section 15 (29 U.S.C. 49 note) as section 16; and

(2) by inserting after section 14 (29 U.S.C. 49l-1) the following:

``SEC. 15. EMPLOYMENT STATISTICS.

``(a) System Content.--

``(1) In general.--The Secretary, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide employment statistics system of employment statistics that includes--

``(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on--

``(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

``(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

``(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

``(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

``(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which--

``(i) shall be current and comprehensive;

``(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and

``(iii) shall meet the needs for the information identified in section 134(d);

``(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

``(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

``(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

``(F) analysis of data and information described in

subparagraphs (A) and (B) for uses such as--

``(i) national, State, and local policymaking;

``(ii) implementation of Federal policies (including allocation formulas);

``(iii) program planning and evaluation; and

``(iv) researching labor market dynamics;

``(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

``(H) programs of--

``(i) training for effective data dissemination;

``(ii) research and demonstration; and

``(iii) programs and technical assistance.

``(2) Information to be confidential.--

``(A) In general.--No officer or employee of the Federal Government or agent of the Federal Government may--

``(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes of this section for which the submission is furnished;

``(ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or

``(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i);

without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

``(B) Immunity from legal process.--Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

``(C) Rule of construction.--Nothing in this section shall

be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

``(b) System Responsibilities.--

``(1) In general.--The employment statistics system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

``(2) Duties.--The Secretary, with respect to data collection, analysis, and dissemination of labor employment statistics for the system, shall carry out the following duties:

``(A) Assign responsibilities within the Department of Labor for elements of the employment statistics system described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

``(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

``(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

``(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the employment statistics system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

``(E) Establish procedures for the system to ensure that--

``(i) such data and information are timely;

``(ii) paperwork and reporting for the system are reduced to a minimum; and

``(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels, including ensuring the provision, to such States and localities, of budget information necessary for carrying out their responsibilities under subsection (e).

``(c) Annual Plan.--The Secretary, working through the Bureau of

Labor Statistics, and in cooperation with the States, and with the assistance of other appropriate Federal agencies, shall prepare an annual plan which shall be the mechanism for achieving cooperative management of the nationwide employment statistics system described in subsection (a) and the statewide employment statistics systems that comprise the nationwide system. The plan shall--

``(1) describe the steps the Secretary has taken in the preceding year and will take in the following 5 years to carry out the duties described in subsection (b)(2);

``(2) include a report on the results of an annual consumer satisfaction review concerning the performance of the system, including the performance of the system in addressing the needs of Congress, States, localities, employers, jobseekers, and other consumers;

``(3) evaluate the performance of the system and recommend needed improvements, taking into consideration the results of the consumer satisfaction review, with particular attention to the improvements needed at the State and local levels;

``(4) justify the budget request for annual appropriations by describing priorities for the fiscal year succeeding the fiscal year in which the plan is developed and priorities for the 5 subsequent fiscal years for the system;

``(5) describe current (as of the date of the submission of the plan) spending and spending needs to carry out activities under this section, including the costs to States and localities of meeting the requirements of subsection (e)(2); and

``(6) describe the involvement of States in the development of the plan, through formal consultations conducted by the Secretary in cooperation with representatives of the Governors of every State, and with representatives of local workforce investment boards, pursuant to a process established by the Secretary in cooperation with the States.

``(d) Coordination With the States.--The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, shall--

``(1) develop the annual plan described in subsection (c) and address other employment statistics issues by holding formal consultations, at least once each quarter (beginning with the calendar quarter in which the Workforce Investment Act of 1998 is enacted) on the products and administration of the nationwide employment statistics system; and

``(2) hold the consultations with representatives from each of the 10 Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State employment statistics directors affiliated with the State

agencies that perform the duties described in subsection (e)(2).

``(e) State Responsibilities.--

``(1) Designation of state agency.--In order to receive Federal financial assistance under this section, the Governor of a State shall--

``(A) designate a single State agency to be responsible for the management of the portions of the employment statistics system described in subsection (a) that comprise a statewide employment statistics system and for the State's participation in the development of the annual plan; and

``(B) establish a process for the oversight of such system.

``(2) Duties.--In order to receive Federal financial assistance under this section, the State agency shall--

``(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide employment statistics system;

``(B) consult with State educational agencies and local educational agencies concerning the provision of employment statistics in order to meet the needs of secondary school and postsecondary school students who seek such information;

``(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

``(D) maintain and continuously improve the statewide employment statistics system in accordance with this section;

``(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

``(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide employment statistics system;

``(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementary, compatibility, and usefulness of data;

``(H) participate in the development of the annual plan described in subsection (c); and

``(I) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 to assist the State and other States in measuring State progress on State performance measures.

``(3) Rule of construction.--Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

``(f) Nonduplication Requirement.--None of the functions and

activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

``(g) Authorization of Appropriations.--There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2004.

``(h) Definition.--In this section, the term `local area' means the smallest geographical area for which data can be produced with statistical reliability.".

SEC. 310. TECHNICAL AMENDMENTS.

Sections 3(b), 6(b)(1), and 7(d) of the Wagner-Peyser Act (29 U.S.C. 49b(b), 49e(b)(1), and 49f(d)) are amended by striking ``Secretary of Labor" and inserting ``Secretary".

SEC. 311. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on July 1, 1999.

Subtitle B--Linkages With Other Programs

SEC. 321. TRADE ACT OF 1974.

Section 239 of the Trade Act of 1974 (19 U.S.C. 2311) is amended by adding at the end the following:

``(g) In order to promote the coordination of workforce investment activities in each State with activities carried out under this chapter, any agreement entered into under this section shall provide that the State shall submit to the Secretary, in such form as the Secretary may require, the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998.".

SEC. 322. VETERANS' EMPLOYMENT PROGRAMS.

Chapter 41 of title 38, United States Code, is amended by adding at the end the following:

``Sec. 4110B. Coordination and nonduplication

``In carrying out this chapter, the Secretary shall require that an appropriate administrative entity in each State enter into an agreement with the Secretary regarding the implementation of this Act that includes the description and information described in paragraphs (8)

and (14) of section 112(b) of the Workforce Investment Act of 1998.".

SEC. 323. OLDER AMERICANS ACT OF 1965.

Section 502(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)) is amended--

(1) in subparagraph (O), by striking ``; and" and inserting a semicolon;

(2) in subparagraph (P), by striking the period and inserting ``; and"; and

(3) by adding at the end the following subparagraph:

``(Q) will provide to the Secretary the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998.".

Subtitle C--Twenty-First Century Workforce Commission

SEC. 331. SHORT TITLE.

This subtitle may be cited as the ``Twenty-First Century Workforce Commission Act".

SEC. 332. FINDINGS.

Congress finds that--

(1) information technology is one of the fastest growing areas in the United States economy;

(2) the United States is a world leader in the information technology industry;

(3) the continued growth and prosperity of the information technology industry is important to the continued prosperity of the United States economy;

(4) highly skilled employees are essential for the success of business entities in the information technology industry and other business entities that use information technology;

(5) employees in information technology jobs are highly paid;

(6) as of the date of enactment of this Act, these employees are in high demand in all industries and all regions of the United States; and

(7) through a concerted effort by business entities, the Federal Government, the governments of States and political subdivisions of States, and educational institutions, more individuals will gain the skills necessary to enter into a technology-based job market, ensuring that the United States remains the world leader in the information technology industry.

SEC. 333. DEFINITIONS.

In this subtitle:

(1) Business entity.--The term ``business entity'' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(2) Commission.--The term ``Commission'' means the Twenty-First Century Workforce Commission established under section 334.

(3) Information technology.--The term ``information technology'' has the meaning given that term in section 5002 of the Information Technology Management Reform Act of 1996 (110 Stat. 679).

(4) State.--The term ``State'' means each of the several States of the United States and the District of Columbia.

SEC. 334. ESTABLISHMENT OF TWENTY-FIRST CENTURY WORKFORCE COMMISSION.

(a) Establishment.--There is established a commission to be known as the Twenty-First Century Workforce Commission.

(b) Membership.--

(1) Composition.--

(A) In general.--The Commission shall be composed of 15 voting members, of which--

(i) five members shall be appointed by the President;

(ii) five members shall be appointed by the Majority Leader of the Senate; and

(iii) five members shall be appointed by the Speaker of the House of Representatives.

(B) Governmental representatives.--Of the members appointed under this subsection, three members shall be representatives of the governments of States and political subdivisions of States, one of whom shall be appointed by the President, one of whom shall be appointed by the Majority Leader of the Senate, and one of whom shall be appointed by the Speaker of the House of Representatives.

(C) Educators.--Of the members appointed under this subsection, three shall be educators who are selected from among elementary, secondary, vocational, and postsecondary educators--

(i) one of whom shall be appointed by the President;

(ii) one of whom shall be appointed by the Majority Leader of the Senate; and

(iii) one of whom shall be appointed by the Speaker of the House of Representatives.

(D) Business representatives.--

(i) In general.--Of the members appointed under this subsection, eight shall be representatives of business entities (at least three of which shall be individuals who are employed by noninformation technology business entities), two of whom shall be appointed by the President, three of whom shall be appointed by the Majority Leader of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives.

(ii) Size.--Members appointed under this subsection in accordance with clause (i) shall, to the extent practicable, include individuals from business entities of a size that is small or average.

(E) Labor representative.--Of the members appointed under this subsection, one shall be a representative of a labor organization who has been nominated by a national labor federation and who shall be appointed by the President.

(F) Ex officio members.--The Commission shall include two nonvoting members, of which--

(i) one member shall be an officer or employee of the Department of Labor, who shall be appointed by the President; and

(ii) one member shall be an officer or employee of the Department of Education, who shall be appointed by the President.

(2) Date.--The appointments of the members of the Commission shall be made by the later of--

(A) October 31, 1998; or

(B) the date that is 45 days after the date of enactment of this Act.

(c) Period of Appointment; Vacancies.--Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Initial Meeting.--No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) Meetings.--The Commission shall meet at the call of the Chairperson.

(f) Quorum.--A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Chairperson and Vice Chairperson.--The Commission shall select by vote a chairperson and vice chairperson from among its voting members.

SEC. 335. DUTIES OF THE COMMISSION.

(a) Study.--

(1) In general.--The Commission shall conduct a thorough study of all matters relating to the information technology workforce in the United States.

(2) Matters studied.--The matters studied by the Commission shall include an examination of--

(A) the skills necessary to enter the information technology workforce;

(B) ways to expand the number of skilled information technology workers; and

(C) the relative efficacy of programs in the United States and foreign countries to train information technology workers, with special emphasis on programs that provide for secondary education or postsecondary education in a program other than a 4-year baccalaureate program (including associate degree programs and graduate degree programs).

(3) Public hearings.--As part of the study conducted under this subsection, the Commission shall hold public hearings in each region of the United States concerning the issues referred to in subparagraphs (A) and (B) of paragraph (2).

(4) Existing information.--To the extent practicable, in carrying out the study under this subsection, the Commission shall identify and use existing information related to the issues referred to in subparagraphs (A) and (B) of paragraph (2).

(5) Consultation with chief information officers council.--In carrying out the study under this subsection, the Commission shall consult with the Chief Information Officers Council established under Executive Order No. 13011.

(b) Report.--Not later than 6 months after the first meeting of the Commission, the Commission shall submit a report to the President and the Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with its recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

(c) Facilitation of Exchange of Information.--In carrying out the study under subsection (a), the Commission shall, to the extent practicable, facilitate the exchange of information concerning the issues that are the subject of the study among--

(1) officials of the Federal Government and the governments of States and political subdivisions of States;
and

(2) educators from Federal, State, and local institutions of higher education and secondary schools.

SEC. 336. POWERS OF THE COMMISSION.

(a) Hearings.--The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

(b) Information From Federal Agencies.--The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) Postal Services.--The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts.--The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 337. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.--Except as provided in subsection (b), each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.--The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.--

(1) In general.--The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) Compensation.--The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except

that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees.--Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.--The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 338. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under section 335(b).

SEC. 339. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.--There are authorized to be appropriated such sums as may be necessary for fiscal year 1999 to the Commission to carry out the purposes of this subtitle.

(b) Availability.--Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle D--Application of Civil Rights and Labor-Management Laws to the Smithsonian Institution

SEC. 341. APPLICATION OF CIVIL RIGHTS AND LABOR-MANAGEMENT LAWS TO THE SMITHSONIAN INSTITUTION.

(a) Prohibition on Employment Discrimination on Basis of Race, Color, Religion, Sex, and National Origin.--Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(a)) is amended by inserting ``in the Smithsonian Institution,'' before ``and in the Government Printing Office,''.

(b) Prohibition on Employment Discrimination on Basis of Age.--Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by inserting ``in the Smithsonian Institution,'' before ``and in the Government Printing Office,''.

(c) Prohibition on Employment Discrimination on Basis of Disability.--Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) is amended--

(1) in the fourth sentence of subsection (a), in paragraph (1), by inserting ``and the Smithsonian Institution'' after ``Government'';

(2) in the first sentence of subsection (b)--

(A) by inserting ``and the Smithsonian Institution'' after ``in the executive branch''; and

(B) by striking ``such department, agency, or instrumentality'' and inserting ``such department, agency, instrumentality, or Institution''; and

(3) in subsection (d), by inserting ``and the Smithsonian Institution'' after ``instrumentality''.

(d) Application.--The amendments made by subsections (a), (b), and (c) shall take effect on the date of enactment of this Act and shall apply to and may be raised in any administrative or judicial claim or action brought before such date of enactment but pending on such date, and any administrative or judicial claim or action brought after such date regardless of whether the claim or action arose prior to such date, if the claim or action was brought within the applicable statute of limitations.

(e) Labor-Management Laws.--Section 7103(a)(3) of title 5, United States Code, is amended--

(1) by striking ``and'' after ``Library of Congress,''; and

(2) by inserting ``and the Smithsonian Institution'' after ``Government Printing Office,''.

TITLE IV--REHABILITATION ACT AMENDMENTS OF 1998

SEC. 401. SHORT TITLE.

This title may be cited as the ``Rehabilitation Act Amendments of 1998''.

SEC. 402. TITLE.

The title of the Rehabilitation Act of 1973 is amended by striking ``to establish special responsibilities'' and all that follows and inserting the following: ``to create linkage between State vocational rehabilitation programs and workforce investment activities carried out under title I of the Workforce Investment Act of 1998, to establish special responsibilities for the Secretary of Education for coordination of all activities with respect to individuals with disabilities within and across programs administered by the Federal Government, and for other purposes.''.

SEC. 403. GENERAL PROVISIONS.

The Rehabilitation Act of 1973 is amended by striking the matter preceding title I and inserting the following:

``Short Title; Table of Contents

``Sec. 1. (a) Short Title.--This Act may be cited as the `Rehabilitation Act of 1973'.

``(b) Table of Contents.--The table of contents for this Act is as follows:

``Sec. 1. Short title; table of contents.
``Sec. 2. Findings; purpose; policy.
``Sec. 3. Rehabilitation Services Administration.
``Sec. 4. Advance funding.
``Sec. 5. Joint funding.
``Sec. 6. Definitions.
``Sec. 7. Allotment percentage.
``Sec. 8. Nonduplication.
``Sec. 9. Application of other laws.
``Sec. 10. Administration of the Act.
``Sec. 11. Reports.
``Sec. 12. Evaluation.
``Sec. 13. Information clearinghouse.
``Sec. 14. Transfer of funds.
``Sec. 15. State administration.
``Sec. 16. Review of applications.
``Sec. 17. Carryover.
``Sec. 18. Client assistance information.
``Sec. 19. Traditionally underserved populations.

``TITLE I--VOCATIONAL REHABILITATION SERVICES

``Part A--General Provisions

``Sec. 100. Declaration of policy; authorization of appropriations.
``Sec. 101. State plans.
``Sec. 102. Eligibility and individualized plan for employment.
``Sec. 103. Vocational rehabilitation services.
``Sec. 104. Non-Federal share for establishment of program.
``Sec. 105. State Rehabilitation Council.
``Sec. 106. Evaluation standards and performance indicators.
``Sec. 107. Monitoring and review.
``Sec. 108. Expenditure of certain amounts.
``Sec. 109. Training of employers with respect to Americans with Disabilities Act of 1990.

``Part B--Basic Vocational Rehabilitation Services

``Sec. 110. State allotments.
``Sec. 111. Payments to States.
``Sec. 112. Client assistance program.

``Part C--American Indian Vocational Rehabilitation Services

``Sec. 121. Vocational rehabilitation services grants.

``Part D--Vocational Rehabilitation Services Client Information

``Sec. 131. Data sharing.

``TITLE II--RESEARCH AND TRAINING

``Sec. 200. Declaration of purpose.
``Sec. 201. Authorization of appropriations.
``Sec. 202. National Institute on Disability and Rehabilitation Research.
``Sec. 203. Interagency Committee.
``Sec. 204. Research and other covered activities.
``Sec. 205. Rehabilitation Research Advisory Council.

``TITLE III--PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS

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``Chapter 2--Independent Living Services for Older Individuals Who Are Blind

``Sec. 751. Definition.
``Sec. 752. Program of grants.
``Sec. 753. Authorization of appropriations.

``Findings; Purpose; Policy

``Sec. 2. (a) Findings.--Congress finds that--

``(1) millions of Americans have one or more physical or mental disabilities and the number of Americans with such disabilities is increasing;

``(2) individuals with disabilities constitute one of the most disadvantaged groups in society;

``(3) disability is a natural part of the human experience and in no way diminishes the right of individuals to--

``(A) live independently;

``(B) enjoy self-determination;

``(C) make choices;

``(D) contribute to society;

``(E) pursue meaningful careers; and

``(F) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of

American society;

``(4) increased employment of individuals with disabilities can be achieved through implementation of statewide workforce investment systems under title I of the Workforce Investment Act of 1998 that provide meaningful and effective participation for individuals with disabilities in workforce investment activities and activities carried out under the vocational rehabilitation program established under title I, and through the provision of independent living services, support services, and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations;

``(5) individuals with disabilities continually encounter various forms of discrimination in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and public services; and

``(6) the goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to--

``(A) make informed choices and decisions; and

``(B) achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency, for such individuals.

``(b) Purpose.--The purposes of this Act are--

``(1) to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through--

``(A) statewide workforce investment systems implemented in accordance with title I of the Workforce Investment Act of 1998 that include, as integral components, comprehensive and coordinated state-of-the-art programs of vocational rehabilitation;

``(B) independent living centers and services;

``(C) research;

``(D) training;

``(E) demonstration projects; and

``(F) the guarantee of equal opportunity; and

``(2) to ensure that the Federal Government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with significant disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

``(c) Policy.--It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act

shall be carried out in a manner consistent with the principles of--

``(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

``(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;

``(3) inclusion, integration, and full participation of the individuals;

``(4) support for the involvement of an individual's representative if an individual with a disability requests, desires, or needs such support; and

``(5) support for individual and systemic advocacy and community involvement.

``Rehabilitation Services Administration

``Sec. 3. (a) There is established in the Office of the Secretary a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this Act referred to as the `Commissioner') appointed by the President by and with the advice and consent of the Senate. Except for titles IV and V and as otherwise specifically provided in this Act, such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of such Department for carrying out this Act. The Commissioner shall be an individual with substantial experience in rehabilitation and in rehabilitation program management. In the performance of the functions of the office, the Commissioner shall be directly responsible to the Secretary or to the Under Secretary or an appropriate Assistant Secretary of such Department, as designated by the Secretary. The functions of the Commissioner shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Commissioner. Any reference in this Act to duties to be carried out by the Commissioner shall be considered to be a reference to duties to be carried out by the Secretary acting through the Commissioner. In carrying out any of the functions of the office under this Act, the Commissioner shall be guided by general policies of the National Council on Disability established under title IV of this Act.

``(b) The Secretary shall take whatever action is necessary to ensure that funds appropriated pursuant to this Act are expended only for the programs, personnel, and administration of programs carried out under this Act.

``Advance Funding

``Sec. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

``(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

``Joint Funding

``Sec. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

``Definitions

``Sec. 6. For the purposes of this Act:

``(1) The term `administrative costs' means expenditures incurred in the performance of administrative functions under the vocational rehabilitation program carried out under title I, including expenses related to program planning, development, monitoring, and evaluation, including expenses for--

``(A) quality assurance;

``(B) budgeting, accounting, financial management, information systems, and related data processing;

``(C) providing information about the program to the public;

``(D) technical assistance and support services to other State agencies, private nonprofit organizations, and businesses and industries, except for technical assistance and support services described in section 103(b)(5);

``(E) the State Rehabilitation Council and other advisory committees;

``(F) professional organization membership dues for designated State unit employees;

``(G) the removal of architectural barriers in State vocational rehabilitation agency offices and State operated rehabilitation facilities;

``(H) operating and maintaining designated State unit facilities, equipment, and grounds;

``(I) supplies;

``(J) administration of the comprehensive system of personnel development described in section 101(a)(7), including personnel administration, administration of affirmative action plans, and training and staff development;

``(K) administrative salaries, including clerical and other support staff salaries, in support of these administrative functions;

``(L) travel costs related to carrying out the program, other than travel costs related to the provision of services;

``(M) costs incurred in conducting reviews of rehabilitation counselor or coordinator determinations under section 102(c); and

``(N) legal expenses required in the administration of the program.

``(2) Assessment for determining eligibility and vocational rehabilitation needs.--The term `assessment for determining eligibility and vocational rehabilitation needs' means, as appropriate in each case--

``(A)(i) a review of existing data--

``(I) to determine whether an individual is eligible for vocational rehabilitation services; and

``(II) to assign priority for an order of selection described in section 101(a)(5)(A) in the States that use an order of selection pursuant to section 101(a)(5)(A); and

``(ii) to the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make such determination and assignment;

``(B) to the extent additional data is necessary to make a determination of the employment outcomes, and the objectives, nature, and scope of vocational rehabilitation services, to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible

individual, which comprehensive assessment--

``(i) is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan for employment of the eligible individual;

``(ii) uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements--

``(I) existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection described in section 101(a)(5)(A) for the individual; and

``(II) such information as can be provided by the individual and, where appropriate, by the family of the individual;

``(iii) may include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, that affect the employment and rehabilitation needs of the individual; and

``(iv) may include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment;

``(C) referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and

``(D) an exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which shall be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training.

``(3) Assistive technology device.--The term `assistive technology device' has the meaning given such term in section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2)), except that the reference in such section to the term `individuals with disabilities' shall be deemed to mean more than one individual with a disability as defined in paragraph (20)(A).

``(4) Assistive technology service.--The term `assistive technology service' has the meaning given such term in section 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(3)), except that the reference in such section--

``(A) to the term `individual with a disability' shall be deemed to mean an individual with a disability, as defined in paragraph (20)(A); and

``(B) to the term `individuals with disabilities' shall be deemed to mean more than one such individual.

``(5) Community rehabilitation program.--The term `community rehabilitation program' means a program that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities, and that provides, singly or in combination, for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement--

``(A) medical, psychiatric, psychological, social, and vocational services that are provided under one management;

``(B) testing, fitting, or training in the use of prosthetic and orthotic devices;

``(C) recreational therapy;

``(D) physical and occupational therapy;

``(E) speech, language, and hearing therapy;

``(F) psychiatric, psychological, and social services, including positive behavior management;

``(G) assessment for determining eligibility and vocational rehabilitation needs;

``(H) rehabilitation technology;

``(I) job development, placement, and retention services;

``(J) evaluation or control of specific disabilities;

``(K) orientation and mobility services for individuals who are blind;

``(L) extended employment;

``(M) psychosocial rehabilitation services;

``(N) supported employment services and extended services;

``(O) services to family members when necessary to the vocational rehabilitation of the individual;

``(P) personal assistance services; or

``(Q) services similar to the services described in one of subparagraphs (A) through (P).

``(6) Construction; cost of construction.--

``(A) Construction.--The term `construction' means--

``(i) the construction of new buildings;

``(ii) the acquisition, expansion, remodeling, alteration, and renovation of existing buildings; and

``(iii) initial equipment of buildings described in clauses (i) and (ii).

``(B) Cost of construction.--The term `cost of construction' includes architects' fees and the cost of acquisition of land in connection with construction but does not include the cost of offsite improvements.

``(7) Criminal act.--The term `criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government, which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, or intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

``(8) Designated state agency; designated state unit.--

``(A) Designated state agency.--The term `designated State agency' means an agency designated under section 101(a)(2)(A).

``(B) Designated state unit.--The term `designated State unit' means--

``(i) any State agency unit required under section 101(a)(2)(B)(ii); or

``(ii) in cases in which no such unit is so required, the State agency described in section 101(a)(2)(B)(i).

``(9) Disability.--The term `disability' means--

``(A) except as otherwise provided in subparagraph (B), a physical or mental impairment that constitutes or results in a substantial impediment to employment; or

``(B) for purposes of sections 2, 14, and 15, and titles II, IV, V, and VII, a physical or mental impairment that substantially limits one or more major life activities.

``(10) Drug and illegal use of drugs.--

``(A) Drug.--The term `drug' means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

``(B) Illegal use of drugs.--The term `illegal use of drugs' means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. Such term does not include the use of a drug taken under supervision

by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

``(11) Employment outcome.--The term `employment outcome' means, with respect to an individual--

``(A) entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market;

``(B) satisfying the vocational outcome of supported employment; or

``(C) satisfying any other vocational outcome the Secretary may determine to be appropriate (including satisfying the vocational outcome of self-employment, telecommuting, or business ownership),

in a manner consistent with this Act.

``(12) Establishment of a community rehabilitation program.--The term `establishment of a community rehabilitation program' includes the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to community rehabilitation program purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may determine, in accordance with regulations the Secretary shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of facilities for community rehabilitation programs), and may include such additional equipment and staffing as the Commissioner considers appropriate.

``(13) Extended services.--The term `extended services' means ongoing support services and other appropriate services, needed to support and maintain an individual with a most significant disability in supported employment, that--

``(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining supported employment;

``(B) are based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and

``(C) are provided by a State agency, a nonprofit private organization, employer, or any other appropriate resource, after an individual has made the transition from support provided by the designated State unit.

``(14) Federal share.--

``(A) In general.--Subject to subparagraph (B), the term `Federal share' means 78.7 percent.

``(B) Exception.--The term `Federal share' means the share

specifically set forth in section 111(a)(3), except that with respect to payments pursuant to part B of title I to any State that are used to meet the costs of construction of those rehabilitation facilities identified in section 103(b)(2) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 111(a)(3) applicable with respect to the State.

``(C) Relationship to expenditures by a political subdivision.--For the purpose of determining the non-Federal share with respect to a State, expenditures by a political subdivision thereof or by a local agency shall be regarded as expenditures by such State, subject to such limitations and conditions as the Secretary shall by regulation prescribe.

``(15) Governor.--The term `Governor' means a chief executive officer of a State.

``(16) Impartial hearing officer.--

``(A) In general.--The term `impartial hearing officer' means an individual--

``(i) who is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

``(ii) who is not a member of the State Rehabilitation Council described in section 105;

``(iii) who has not been involved previously in the vocational rehabilitation of the applicant or client;

``(iv) who has knowledge of the delivery of vocational rehabilitation services, the State plan under section 101, and the Federal and State rules governing the provision of such services and training with respect to the performance of official duties; and

``(v) who has no personal or financial interest that would be in conflict with the objectivity of the individual.

``(B) Construction.--An individual shall not be considered to be an employee of a public agency for purposes of subparagraph (A)(i) solely because the individual is paid by the agency to serve as a hearing officer.

``(17) Independent living core services.--The term `independent living core services' means--

``(A) information and referral services;

``(B) independent living skills training;

``(C) peer counseling (including cross-disability peer counseling); and

``(D) individual and systems advocacy.

``(18) Independent living services.--The term `inde- pendent

living services' includes--

``(A) independent living core services; and

``(B)(i) counseling services, including psychological, psychotherapeutic, and related services;

``(ii) services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of this Act and of the titles of this Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with disabilities);

``(iii) rehabilitation technology;

``(iv) mobility training;

``(v) services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;

``(vi) personal assistance services, including attendant care and the training of personnel providing such services;

``(vii) surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;

``(viii) consumer information programs on rehabilitation and independent living services available under this Act, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under this Act;

``(ix) education and training necessary for living in a community and participating in community activities;

``(x) supported living;

``(xi) transportation, including referral and assistance for such transportation and training in the use of public transportation vehicles and systems;

``(xii) physical rehabilitation;

``(xiii) therapeutic treatment;

``(xiv) provision of needed prostheses and other appliances and devices;

``(xv) individual and group social and recreational services;

``(xvi) training to develop skills specifically designed for youths who are individuals with disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;

``(xvii) services for children;

``(xviii) services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance, of substantial benefit in enhancing the

independence, productivity, and quality of life of individuals with disabilities;

``(xix) appropriate preventive services to decrease the need of individuals assisted under this Act for similar services in the future;

``(xx) community awareness programs to enhance the understanding and integration into society of individuals with disabilities; and

``(xxi) such other services as may be necessary and not inconsistent with the provisions of this Act.

``(19) Indian; american indian; indian american; indian tribe.--

``(A) In general.--The terms `Indian', `American Indian', and `Indian American' mean an individual who is a member of an Indian tribe.

``(B) Indian tribe.--The term `Indian tribe' means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act).

``(20) Individual with a disability.--

``(A) In general.--Except as otherwise provided in subparagraph (B), the term `individual with a disability' means any individual who--

``(i) has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and

``(ii) can benefit in terms of an employment outcome from vocational rehabilitation services provided pursuant to title I, III, or VI.

``(B) Certain programs; limitations on major life activities.--Subject to subparagraphs (C), (D), (E), and (F), the term `individual with a disability' means, for purposes of sections 2, 14, and 15, and titles II, IV, V, and VII of this Act, any person who--

``(i) has a physical or mental impairment which substantially limits one or more of such person's major life activities;

``(ii) has a record of such an impairment; or

``(iii) is regarded as having such an impairment.

``(C) Rights and advocacy provisions.--

``(i) In general; exclusion of individuals engaging in drug use.--For purposes of title V, the term `individual with a disability' does not include an individual who is currently engaging in the illegal use of drugs, when a

covered entity acts on the basis of such use.

``(ii) Exception for individuals no longer engaging in drug use.--Nothing in clause (i) shall be construed to exclude as an individual with a disability an individual who--

``(I) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

``(II) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

``(III) is erroneously regarded as engaging in such use, but is not engaging in such use;

except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subclause (I) or (II) is no longer engaging in the illegal use of drugs.

``(iii) Exclusion for certain services.--Notwithstanding clause (i), for purposes of programs and activities providing health services and services provided under titles I, II, and III, an individual shall not be excluded from the benefits of such programs or activities on the basis of his or her current illegal use of drugs if he or she is otherwise entitled to such services.

``(iv) Disciplinary action.--For purposes of programs and activities providing educational services, local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities. Furthermore, the due process procedures at section 104.36 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling) shall not apply to such disciplinary actions.

``(v) Employment; exclusion of alcoholics.--For purposes of sections 503 and 504 as such sections relate to employment, the term `individual with a disability' does not include any individual who is an alcoholic whose

current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

``(D) Employment; exclusion of individuals with certain diseases or infections.--For the purposes of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.

``(E) Rights provisions; exclusion of individuals on basis of homosexuality or bisexuality.--For the purposes of sections 501, 503, and 504--

``(i) for purposes of the application of subparagraph (B) to such sections, the term `impairment' does not include homosexuality or bisexuality; and

``(ii) therefore the term `individual with a disability' does not include an individual on the basis of homosexuality or bisexuality.

``(F) Rights provisions; exclusion of individuals on basis of certain disorders.--For the purposes of sections 501, 503, and 504, the term `individual with a disability' does not include an individual on the basis of--

``(i) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

``(ii) compulsive gambling, kleptomania, or pyromania; or

``(iii) psychoactive substance use disorders resulting from current illegal use of drugs.

``(G) Individuals with disabilities.--The term `individuals with disabilities' means more than one individual with a disability.

``(21) Individual with a significant disability.--

``(A) In general.--Except as provided in subparagraph (B) or (C), the term `individual with a significant disability' means an individual with a disability--

``(i) who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-

direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

``(ii) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

``(iii) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (A) and (B) of paragraph (2) to cause comparable substantial functional limitation.

``(B) Independent living services and centers for independent living.--For purposes of title VII, the term `individual with a significant disability' means an individual with a severe physical or mental impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment, respectively.

``(C) Research and training.--For purposes of title II, the term `individual with a significant disability' includes an individual described in subparagraph (A) or (B).

``(D) Individuals with significant disabilities.--The term `individuals with significant disabilities' means more than one individual with a significant disability.

``(E) Individual with a most significant disability.--

``(i) In general.--The term `individual with a most significant disability', used with respect to an individual in a State, means an individual with a significant disability who meets criteria established by the State under section 101(a)(5)(C).

``(ii) Individuals with the most significant disabilities.--The term `individuals with the most significant disabilities' means more than one individual

with a most significant disability.

``(22) Individual's representative; applicant's representative.--The terms `individual's representative' and `applicant's representative' mean a parent, a family member, a guardian, an advocate, or an authorized representative of an individual or applicant, respectively.

``(23) Institution of higher education.--The term `institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

``(24) Local agency.--The term `local agency' means an agency of a unit of general local government or of an Indian tribe (or combination of such units or tribes) which has an agreement with the designated State agency to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from arranging to utilize another local public or nonprofit agency to provide vocational rehabilitation services if such an arrangement is made part of the agreement specified in this paragraph.

``(25) Local workforce investment board.--The term `local workforce investment board' means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998.

``(26) Nonprofit.--The term `nonprofit', when used with respect to a community rehabilitation program, means a community rehabilitation program carried out by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

``(27) Ongoing support services.--The term `ongoing support services' means services--

``(A) provided to individuals with the most significant disabilities;

``(B) provided, at a minimum, twice monthly--

``(i) to make an assessment, regarding the employment situation, at the worksite of each such individual in supported employment, or, under special circumstances, especially at the request of the client, off site; and

``(ii) based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain employment stability; and

``(C) consisting of--

``(i) a particularized assessment supplementary to the comprehensive assessment described in paragraph (2)(B);

``(ii) the provision of skilled job trainers who accompany the individual for intensive job skill training at the worksite;

``(iii) job development, job retention, and placement services;

``(iv) social skills training;

``(v) regular observation or supervision of the individual;

``(vi) followup services such as regular contact with the employers, the individuals, the individuals' representatives, and other appropriate individuals, in order to reinforce and stabilize the job placement;

``(vii) facilitation of natural supports at the worksite;

``(viii) any other service identified in section 103; or

``(ix) a service similar to another service described in this subparagraph.

``(28) Personal assistance services.--The term `personal assistance services' means a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

``(29) Public or nonprofit.--The term `public or nonprofit', used with respect to an agency or organization, includes an Indian tribe.

``(30) Rehabilitation technology.--The term `rehabilitation technology' means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas which include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

``(31) Secretary.--The term `Secretary', except when the context otherwise requires, means the Secretary of Education.

``(32) State.--The term `State' includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern

Mariana Islands.

``(33) State workforce investment board.--The term `State workforce investment board' means a State workforce investment board established under section 111 of the Workforce Investment Act of 1998.

``(34) Statewide workforce investment system.--The term `statewide workforce investment system' means a system described in section 111(d)(2) of the Workforce Investment Act of 1998.

``(35) Supported employment.--

``(A) In general.--The term `supported employment' means competitive work in integrated work settings, or employment in integrated work settings in which individuals are working toward competitive work, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals, for individuals with the most significant disabilities--

``(i)(I) for whom competitive employment has not traditionally occurred; or

``(II) for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and

``(ii) who, because of the nature and severity of their disability, need intensive supported employment services for the period, and any extension, described in paragraph (36)(C) and extended services after the transition described in paragraph (13)(C) in order to perform such work.

``(B) Certain transitional employment.--Such term includes transitional employment for persons who are individuals with the most significant disabilities due to mental illness.

``(36) Supported employment services.--The term `supported employment services' means ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment, that--

``(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive employment;

``(B) are based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and

``(C) are provided by the designated State unit for a period of time not to extend beyond 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator involved jointly agree to extend the time in order to achieve the rehabilitation

objectives identified in the individualized plan for employment.

``(37) Transition services.--The term `transition services' means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

``(38) Vocational rehabilitation services.--The term `vocational rehabilitation services' means those services identified in section 103 which are provided to individuals with disabilities under this Act.

``(39) Workforce investment activities.--The term `workforce investment activities' means workforce investment activities, as defined in section 101 of the Workforce Investment Act of 1998, that are carried out under that Act.

``Allotment Percentage

``Sec. 7. (a)(1) For purposes of section 110, the allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that--

``(A) the allotment percentage shall in no case be more than 75 per centum or less than 33 1/3 per centum; and

``(B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be 75 per centum.

``(2) The allotment percentages shall be promulgated by the Secretary between October 1 and December 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the 2 fiscal years in the period beginning on the October 1 next succeeding such promulgation.

``(3) The term `United States' means (but only for purposes of this subsection) the 50 States and the District of Columbia.

``(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

``Nonduplication

``Sec. 8. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 101, there shall be disregarded: (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law; and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act, except that this section shall not be construed to limit or reduce fees for services rendered by community rehabilitation programs.

``Application of Other Laws

``Sec. 9. The provisions of the Act of December 5, 1974 (Public Law 93-510) and of title V of the Act of October 15, 1977 (Public Law 95-134) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.

``Administration of the Act

``Sec. 10. (a) In carrying out the purposes of this Act, the Commissioner may--

``(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations, including assistance to enable such agencies and organizations to facilitate meaningful and effective participation by individuals with disabilities in workforce investment activities;

``(2) provide short-term training and technical instruction, including training for the personnel of community rehabilitation programs, centers for independent living, and other providers of services (including job coaches);

``(3) conduct special projects and demonstrations;

``(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the

projects for which funds are provided under this Act; and

``(5) provide monitoring and conduct evaluations.

``(b)(1) In carrying out the duties under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and may pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

``(2) In carrying out the provisions of this Act, the Commissioner shall appoint such task forces as may be necessary to collect and disseminate information in order to improve the ability of the Commissioner to carry out the provisions of this Act.

``(c) The Commissioner may promulgate such regulations as are considered appropriate to carry out the Commissioner's duties under this Act.

``(d) The Secretary shall promulgate regulations regarding the requirements for the implementation of an order of selection for vocational rehabilitation services under section 101(a)(5)(A) if such services cannot be provided to all eligible individuals with disabilities who apply for such services.

``(e) Not later than 180 days after the date of enactment of the Rehabilitation Act Amendments of 1998, the Secretary shall receive public comment and promulgate regulations to implement the amendments made by the Rehabilitation Act Amendments of 1998.

``(f) In promulgating regulations to carry out this Act, the Secretary shall promulgate only regulations that are necessary to administer and ensure compliance with the specific requirements of this Act.

``(g) There are authorized to be appropriated to carry out this section such sums as may be necessary.

``Reports

``Sec. 11. (a) Not later than one hundred and eighty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act, including the activities and staffing of the information clearinghouse under section 15.

``(b) The Commissioner shall collect information to determine whether the purposes of this Act are being met and to assess the performance of programs carried out under this Act. The Commissioner shall take whatever action is necessary to assure that the identity of each individual for which information is supplied under this section is kept confidential, except as otherwise required by law (including regulation).

``(c) In preparing the report, the Commissioner shall annually collect and include in the report information based on the information

submitted by States in accordance with section 101(a)(10), including information on administrative costs as required by section 101(a)(10)(D). The Commissioner shall, to the maximum extent appropriate, include in the report all information that is required to be submitted in the reports described in section 136(d) of the Workforce Investment Act of 1998 and that pertains to the employment of individuals with disabilities.

``Evaluation

``Sec. 12. (a) For the purpose of improving program management and effectiveness, the Secretary, in consultation with the Commissioner, shall evaluate all the programs authorized by this Act, their general effectiveness in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, using appropriate methodology and evaluative research designs. The Secretary shall establish and use standards for the evaluations required by this subsection. Such an evaluation shall be conducted by a person not immediately involved in the administration of the program evaluated.

``(b) In carrying out evaluations under this section, the Secretary shall obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

``(c) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds under this Act shall become the property of the United States.

``(d) Such information as the Secretary may determine to be necessary for purposes of the evaluations conducted under this section shall be made available upon request of the Secretary, by the departments and agencies of the executive branch.

``(e)(1) To assess the linkages between vocational rehabilitation services and economic and noneconomic outcomes, the Secretary shall continue to conduct a longitudinal study of a national sample of applicants for the services.

``(2) The study shall address factors related to attrition and completion of the program through which the services are provided and factors within and outside the program affecting results. Appropriate comparisons shall be used to contrast the experiences of similar persons who do not obtain the services.

``(3) The study shall be planned to cover the period beginning on the application of individuals with disabilities for the services, through the eligibility determination and provision of services for the individuals, and a further period of not less than 2 years after the termination of services.

``(f)(1) The Commissioner shall identify and disseminate information on exemplary practices concerning vocational rehabilitation.

``(2) To facilitate compliance with paragraph (1), the Commissioner shall conduct studies and analyses that identify exemplary practices concerning vocational rehabilitation, including studies in areas relating to providing informed choice in the rehabilitation process, promoting consumer satisfaction, promoting job placement and retention, providing supported employment, providing services to particular disability populations, financing personal assistance services, providing assistive technology devices and assistive technology services, entering into cooperative agreements, establishing standards and certification for community rehabilitation programs, converting from nonintegrated to integrated employment, and providing caseload management.

``(g) There are authorized to be appropriated to carry out this section such sums as may be necessary.

``Information Clearinghouse

``Sec. 13. (a) The Secretary shall establish a central clearinghouse for information and resource availability for individuals with disabilities which shall provide information and data regarding--

``(1) the location, provision, and availability of services and programs for individuals with disabilities, including such information and data provided by State workforce investment boards regarding such services and programs authorized under title I of such Act;

``(2) research and recent medical and scientific developments bearing on disabilities (and their prevention, amelioration, causes, and cures); and

``(3) the current numbers of individuals with disabilities and their needs.

The clearinghouse shall also provide any other relevant information and data which the Secretary considers appropriate.

``(b) The Commissioner may assist the Secretary to develop within the Department of Education a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide information regarding the information and data referred to in subsection (a) of this section to the Congress, public and private agencies and organizations, individuals with disabilities and their families, professionals in fields serving such individuals, and the general public.

``(c) The office established to carry out the provisions of this section shall be known as the `Office of Information and Resources for

Individuals with Disabilities'.

``(d) There are authorized to be appropriated to carry out this section such sums as may be necessary.

``Transfer of Funds

``Sec. 14. (a) Except as provided in subsection (b) of this section, no funds appropriated under this Act for any program or activity may be used for any purpose other than that for which the funds were specifically authorized.

``(b) No more than 1 percent of funds appropriated for discretionary grants, contracts, or cooperative agreements authorized by this Act may be used for the purpose of providing non-Federal panels of experts to review applications for such grants, contracts, or cooperative agreements.

``State Administration

``Sec. 15. The application of any State rule or policy relating to the administration or operation of programs funded by this Act (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.

``Review of Applications

``Sec. 16. Applications for grants in excess of $100,000 in the aggregate authorized to be funded under this Act, other than grants primarily for the purpose of conducting dissemination or conferences, shall be reviewed by panels of experts which shall include a majority of non-Federal members. Non-Federal members may be provided travel, per diem, and consultant fees not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code.

``Carryover

``Sec. 17. (a) In General.--Except as provided in subsection (b), and notwithstanding any other provision of law--

``(1) any funds appropriated for a fiscal year to carry out any grant program under part B of title I, section 509 (except as provided in section 509(b)), part B of title VI, part B or C of chapter 1 of title VII, or chapter 2 of title VII (except as provided in section 752(b)), including any funds reallotted under any such grant program, that are not obligated and expended by

recipients prior to the beginning of the succeeding fiscal year; or

``(2) any amounts of program income, including reimbursement payments under the Social Security Act (42 U.S.C. 301 et seq.), received by recipients under any grant program specified in paragraph (1) that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received,

shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

``(b) Non-Federal Share.--Such funds shall remain available for obligation and expenditure by a recipient as provided in subsection (a) only to the extent that the recipient complied with any Federal share requirements applicable to the program for the fiscal year for which the funds were appropriated.

``Client Assistance Information

``Sec. 18. All programs, including community rehabilitation programs, and projects, that provide services to individuals with disabilities under this Act shall advise such individuals who are applicants for or recipients of the services, or the applicants' representatives or individuals' representatives, of the availability and purposes of the client assistance program under section 112, including information on means of seeking assistance under such program.

``Traditionally Underserved Populations

``Sec. 19. (a) Findings.--With respect to the programs authorized in titles II through VII, the Congress finds as follows:

``(1) Racial profile.--The racial profile of America is rapidly changing. While the rate of increase for white Americans is 3.2 percent, the rate of increase for racial and ethnic minorities is much higher: 38.6 percent for Latinos, 14.6 percent for African-Americans, and 40.1 percent for Asian-Americans and other ethnic groups. By the year 2000, the Nation will have 260,000,000 people, one of every three of whom will be either African-American, Latino, or Asian-American.

``(2) Rate of disability.--Ethnic and racial minorities tend to have disabling conditions at a disproportionately high rate. The rate of work-related disability for American Indians is about one and one-half times that of the general population. African-Americans are also one and one-half times more likely to be disabled than whites and twice as likely to be significantly disabled.

``(3) Inequitable treatment.--Patterns of inequitable treatment of minorities have been documented in all major junctures of the vocational rehabilitation process. As compared to white Americans, a larger percentage of African-American applicants to the vocational rehabilitation system are denied acceptance. Of applicants accepted for service, a larger percentage of African-American cases are closed without being rehabilitated. Minorities are provided less training than their white counterparts. Consistently, less money is spent on minorities than on their white counterparts.

``(4) Recruitment.--Recruitment efforts within vocational rehabilitation at the level of preservice training, continuing education, and in-service training must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of vocational rehabilitation.

``(b) Outreach to Minorities.--

``(1) In general.--For each fiscal year, the Commissioner and the Director of the National Institute on Disability and Rehabilitation Research (referred to in this subsection as the `Director') shall reserve 1 percent of the funds appropriated for the fiscal year for programs authorized under titles II, III, VI, and VII to carry out this subsection. The Commissioner and the Director shall use the reserved funds to carry out one or more of the activities described in paragraph (2) through a grant, contract, or cooperative agreement.

``(2) Activities.--The activities carried out by the Commissioner and the Director shall include one or more of the following:

``(A) Making awards to minority entities and Indian tribes to carry out activities under the programs authorized under titles II, III, VI, and VII.

``(B) Making awards to minority entities and Indian tribes to conduct research, training, technical assistance, or a related activity, to improve services provided under this Act, especially services provided to individuals from minority backgrounds.

``(C) Making awards to entities described in paragraph (3) to provide outreach and technical assistance to minority entities and Indian tribes to promote their participation in activities funded under this Act, including assistance to enhance their capacity to carry out such activities.

``(3) Eligibility.--To be eligible to receive an award under paragraph (2)(C), an entity shall be a State or a public or private

nonprofit agency or organization, such as an institution of higher education or an Indian tribe.

``(4) Report.--In each fiscal year, the Commissioner and the Director shall prepare and submit to Congress a report that describes the activities funded under this subsection for the preceding fiscal year.

``(5) Definitions.--In this subsection:

``(A) Historically black college or university.--The term `historically Black college or university' means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

``(B) Minority entity.--The term `minority entity' means an entity that is a historically Black college or university, a Hispanic-serving institution of higher education, an American Indian tribal college or university, or another institution of higher education whose minority student enrollment is at least 50 percent.

``(c) Demonstration.--In awarding grants, or entering into contracts or cooperative agreements under titles I, II, III, VI, and VII, and section 509, the Commissioner and the Director, in appropriate cases, shall require applicants to demonstrate how the applicants will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds.".

SEC. 404. VOCATIONAL REHABILITATION SERVICES.

Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) is amended to read as follows:

``TITLE I--VOCATIONAL REHABILITATION SERVICES

``PART A--GENERAL PROVISIONS

``SEC. 100. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

``(a) Findings; Purpose; Policy.--

``(1) Findings.--Congress finds that--

``(A) work--

``(i) is a valued activity, both for individuals and society; and

``(ii) fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life in the United States;

``(B) as a group, individuals with disabilities experience

staggering levels of unemployment and poverty;

``(C) individuals with disabilities, including individuals with the most significant disabilities, have demonstrated their ability to achieve gainful employment in integrated settings if appropriate services and supports are provided;

``(D) reasons for significant numbers of individuals with disabilities not working, or working at levels not commensurate with their abilities and capabilities, include--

``(i) discrimination;

``(ii) lack of accessible and available transportation;

``(iii) fear of losing health coverage under the medicare and medicaid programs carried out under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.) or fear of losing private health insurance; and

``(iv) lack of education, training, and supports to meet job qualification standards necessary to secure, retain, regain, or advance in employment;

``(E) enforcement of title V and of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) holds the promise of ending discrimination for individuals with disabilities;

``(F) the provision of workforce investment activities and vocational rehabilitation services can enable individuals with disabilities, including individuals with the most significant disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities; and

``(G) linkages between the vocational rehabilitation programs established under this title and other components of the statewide workforce investment systems are critical to ensure effective and meaningful participation by individuals with disabilities in workforce investment activities.

``(2) Purpose.--The purpose of this title is to assist States in operating statewide comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation, each of which is--

``(A) an integral part of a statewide workforce investment system; and

``(B) designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for and engage in gainful employment.

``(3) Policy.--It is the policy of the United States that such a program shall be carried out in a manner consistent with the following principles:

``(A) Individuals with disabilities, including individuals with the most significant disabilities, are generally presumed to be capable of engaging in gainful employment and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.

``(B) Individuals with disabilities must be provided the opportunities to obtain gainful employment in integrated settings.

``(C) Individuals who are applicants for such programs or eligible to participate in such programs must be active and full partners in the vocational rehabilitation process, making meaningful and informed choices--

``(i) during assessments for determining eligibility and vocational rehabilitation needs; and

``(ii) in the selection of employment outcomes for the individuals, services needed to achieve the outcomes, entities providing such services, and the methods used to secure such services.

``(D) Families and other natural supports can play important roles in the success of a vocational rehabilitation program, if the individual with a disability involved requests, desires, or needs such supports.

``(E) Vocational rehabilitation counselors that are trained and prepared in accordance with State policies and procedures as described in section 101(a)(7)(B) (referred to individually in this title as a `qualified vocational rehabilitation counselor'), other qualified rehabilitation personnel, and other qualified personnel facilitate the accomplishment of the employment outcomes and objectives of an individual.

``(F) Individuals with disabilities and the individuals' representatives are full partners in a vocational rehabilitation program and must be involved on a regular basis and in a meaningful manner with respect to policy development and implementation.

``(G) Accountability measures must facilitate the accomplishment of the goals and objectives of the program, including providing vocational rehabilitation services to, among others, individuals with the most significant disabilities.

``(b) Authorization of Appropriations.--

``(1) In general.--For the purpose of making grants to States under part B to assist States in meeting the costs of vocational

rehabilitation services provided in accordance with State plans under section 101, there are authorized to be appropriated such sums as may be necessary for fiscal years 1999 through 2003, except that the amount to be appropriated for a fiscal year shall not be less than the amount of the appropriation under this paragraph for the immediately preceding fiscal year, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year.

``(2) Reference.--The reference in paragraph (1) to grants to States under part B shall not be considered to refer to grants under section 112.

``(c) Consumer Price Index.--

``(1) Percentage change.--No later than November 15 of each fiscal year (beginning with fiscal year 1979), the Secretary of Labor shall publish in the Federal Register the percentage change in the Consumer Price Index published for October of the preceding fiscal year and October of the fiscal year in which such publication is made.

``(2) Application.--

``(A) Increase.--If in any fiscal year the percentage change published under paragraph (1) indicates an increase in the Consumer Price Index, then the amount to be appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the amount appropriated under subsection (b)(1) for the fiscal year in which the publication is made under paragraph (1) increased by such percentage change.

``(B) No increase or decrease.--If in any fiscal year the percentage change published under paragraph (1) does not indicate an increase in the Consumer Price Index, then the amount to be appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the amount appropriated under subsection (b)(1) for the fiscal year in which the publication is made under paragraph (1).

``(3) Definition.--For purposes of this section, the term `Consumer Price Index' means the Consumer Price Index for All Urban Consumers, published monthly by the Bureau of Labor Statistics.

``(d) Extension.--

``(1) In general.--

``(A) Authorization or duration of program.--Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year--

``(i) of the authorization of appropriations for the program authorized by the State grant program under part B of this title; or

``(ii) of the duration of the program authorized by the

State grant program under part B of this title;
has passed legislation which would have the effect of extending the authorization or duration (as the case may be) of such program, such authorization or duration is automatically extended for 1 additional year for the program authorized by this title.

``(B) Calculation.--The amount authorized to be appropriated for the additional fiscal year described in subparagraph (A) shall be an amount equal to the amount appropriated for such program for fiscal year 2003, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year, if the percentage change indicates an increase.

``(2) Construction.--

``(A) Passage of legislation.--For the purposes of paragraph (1)(A), Congress shall not be deemed to have passed legislation unless such legislation becomes law.

``(B) Acts or determinations of commissioner.--In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of the program authorized by this title, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which the extension described in that part of paragraph (1) that follows clause (ii) of paragraph (1)(A) is in effect.

``SEC. 101. STATE PLANS.

``(a) Plan Requirements.--

``(1) In general.--

``(A) Submission.--To be eligible to participate in programs under this title, a State shall submit to the Commissioner a State plan for vocational rehabilitation services that meets the requirements of this section, on the same date that the State submits a State plan under section 112 of the Workforce Investment Act of 1998.

``(B) Nonduplication.--The State shall not be required to submit, in the State plan for vocational rehabilitation services, policies, procedures, or descriptions required under this title that have been previously submitted to the Commissioner and that demonstrate that such State meets the requirements of this title, including any policies, procedures, or descriptions submitted under this title as in effect on the day before the effective date of the Rehabilitation Act

Amendments of 1998.

``(C) Duration.--The State plan shall remain in effect subject to the submission of such modifications as the State determines to be necessary or as the Commissioner may require based on a change in State policy, a change in Federal law (including regulations), an interpretation of this Act by a Federal court or the highest court of the State, or a finding by the Commissioner of State noncompliance with the requirements of this Act, until the State submits and receives approval of a new State plan.

``(2) Designated state agency; designated state unit.--

``(A) Designated state agency.--The State plan shall designate a State agency as the sole State agency to administer the plan, or to supervise the administration of the plan by a local agency, except that--

``(i) where, under State law, the State agency for individuals who are blind or another agency that provides assistance or services to adults who are blind is authorized to provide vocational rehabilitation services to individuals who are blind, that agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for individuals who are blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency to administer or supervise the administration of the rest of the State plan;

``(ii) the Commissioner, on the request of a State, may authorize the designated State agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit the agencies to carry out a joint program to provide services to individuals with disabilities, and may waive compliance, with respect to vocational rehabilitation services furnished under the joint program, with the requirement of paragraph (4) that the plan be in effect in all political subdivisions of the State; and

``(iii) in the case of American Samoa, the appropriate State agency shall be the Governor of American Samoa.

``(B) Designated state unit.--The State agency designated under subparagraph (A) shall be--

``(i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities; or

``(ii) if not such an agency, the State agency (or each

State agency if 2 are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit that--

``(I) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities, and is responsible for the vocational rehabilitation program of the designated State agency;

``(II) has a full-time director;

``(III) has a staff employed on the rehabilitation work of the organizational unit all or substantially all of whom are employed full time on such work; and

``(IV) is located at an organizational level and has an organizational status within the designated State agency comparable to that of other major organizational units of the designated State agency.

``(C) Responsibility for services for the blind.--If the State has designated only 1 State agency pursuant to subparagraph (A), the State may assign responsibility for the part of the plan under which vocational rehabilitation services are provided for individuals who are blind to an organizational unit of the designated State agency and assign responsibility for the rest of the plan to another organizational unit of the designated State agency, with the provisions of subparagraph (B) applying separately to each of the designated State units.

``(3) Non-federal share.--The State plan shall provide for financial participation by the State, or if the State so elects, by the State and local agencies, to provide the amount of the non-Federal share of the cost of carrying out part B.

``(4) Statewideness.--The State plan shall provide that the plan shall be in effect in all political subdivisions of the State, except that--

``(A) in the case of any activity that, in the judgment of the Commissioner, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of individuals with disabilities or groups of individuals with disabilities, the Commissioner may waive compliance with the requirement that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by the Commissioner, but only if the non-Federal share of the cost of the vocational rehabilitation services involved is met from funds made available by a local agency (including funds contributed to such agency by a private agency, organization, or individual); and

``(B) in a case in which earmarked funds are used toward the non-Federal share and such funds are earmarked for particular geographic areas within the State, the earmarked funds may be used in such areas if the State notifies the Commissioner that the State cannot provide the full non-Federal share without such funds.

``(5) Order of selection for vocational rehabilitation services.--In the event that vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the State who apply for the services, the State plan shall--

``(A) show the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;

``(B) provide the justification for the order of selection;

``(C) include an assurance that, in accordance with criteria established by the State for the order of selection, individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services; and

``(D) provide that eligible individuals, who do not meet the order of selection criteria, shall have access to services provided through the information and referral system implemented under paragraph (20).

``(6) Methods for administration.--

``(A) In general.--The State plan shall provide for such methods of administration as are found by the Commissioner to be necessary for the proper and efficient administration of the plan.

``(B) Employment of individuals with disabilities.--The State plan shall provide that the designated State agency, and entities carrying out community rehabilitation programs in the State, who are in receipt of assistance under this title shall take affirmative action to employ and advance in employment qualified individuals with disabilities covered under, and on the same terms and conditions as set forth in, section 503.

``(C) Facilities.--The State plan shall provide that facilities used in connection with the delivery of services assisted under the State plan shall comply with the Act entitled `An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped', approved on August 12, 1968 (commonly known as the `Architectural Barriers Act of 1968'), with section 504, and with the Americans with Disabilities Act of 1990.

``(7) Comprehensive system of personnel development.--The State plan shall--

``(A) include a description (consistent with the purposes of this Act) of a comprehensive system of personnel development, which shall include--

``(i) a description of the procedures and activities the designated State agency will undertake to ensure an adequate supply of qualified State rehabilitation professionals and paraprofessionals for the designated State unit, including the development and maintenance of a system for determining, on an annual basis--

``(I) the number and type of personnel that are employed by the designated State unit in the provision of vocational rehabilitation services, including ratios of qualified vocational rehabilitation counselors to clients; and

``(II) the number and type of personnel needed by the State, and a projection of the numbers of such personnel that will be needed in 5 years, based on projections of the number of individuals to be served, the number of such personnel who are expected to retire or leave the vocational rehabilitation field, and other relevant factors;

``(ii) where appropriate, a description of the manner in which activities will be undertaken under this section to coordinate the system of personnel development with personnel development activities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

``(iii) a description of the development and maintenance of a system of determining, on an annual basis, information on the programs of institutions of higher education within the State that are preparing rehabilitation professionals, including--

``(I) the numbers of students enrolled in such programs; and

``(II) the number of such students who graduated with certification or licensure, or with credentials to qualify for certification or licensure, as a rehabilitation professional during the past year;

``(iv) a description of the development, updating, and implementation of a plan that--

``(I) will address the current and projected vocational rehabilitation services personnel training needs for the designated State unit; and

``(II) provides for the coordination and facilitation of efforts between the designated State unit, institutions of higher education, and

professional associations to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds, and personnel who are individuals with disabilities; and

``(v) a description of the procedures and activities the designated State agency will undertake to ensure that all personnel employed by the designated State unit are appropriately and adequately trained and prepared, including--

``(I) a system for the continuing education of rehabilitation professionals and paraprofessionals within the designated State unit, particularly with respect to rehabilitation technology; and

``(II) procedures for acquiring and disseminating to rehabilitation professionals and paraprofessionals within the designated State unit significant knowledge from research and other sources, including procedures for providing training regarding the amendments to this Act made by the Rehabilitation Act Amendments of 1998;

``(B) set forth policies and procedures relating to the establishment and maintenance of standards to ensure that personnel, including rehabilitation professionals and paraprofessionals, needed within the designated State unit to carry out this part are appropriately and adequately prepared and trained, including--

``(i) the establishment and maintenance of standards that are consistent with any national or State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing vocational rehabilitation services; and

``(ii) to the extent that such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel within the designated State unit that meet appropriate professional requirements in the State; and

``(C) contain provisions relating to the establishment and maintenance of minimum standards to ensure the availability of personnel within the designated State unit, to the maximum extent feasible, trained to communicate in the native language or mode of communication of an applicant or eligible individual.

``(8) Comparable services and benefits.--

``(A) Determination of availability.--

``(i) In general.--The State plan shall include an assurance that, prior to providing any vocational rehabilitation service to an eligible individual, except those services specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of section 103(a), the designated State unit will determine whether comparable services and benefits are available under any other program (other than a program carried out under this title) unless such a determination would interrupt or delay--

``(I) the progress of the individual toward achieving the employment outcome identified in the individualized plan for employment of the individual in accordance with section 102(b);

``(II) an immediate job placement; or

``(III) the provision of such service to any individual at extreme medical risk.

``(ii) Awards and scholarships.--For purposes of clause (i), comparable benefits do not include awards and scholarships based on merit.

``(B) Interagency agreement.--The State plan shall include an assurance that the Governor of the State, in consultation with the entity in the State responsible for the vocational rehabilitation program and other appropriate agencies, will ensure that an interagency agreement or other mechanism for interagency coordination takes effect between any appropriate public entity, including the State entity responsible for administering the State medicaid program, a public institution of higher education, and a component of the statewide workforce investment system, and the designated State unit, in order to ensure the provision of vocational rehabilitation services described in subparagraph (A) (other than those services specified in paragraph (5)(D), and in paragraphs (1) through (4) and (14) of section 103(a)), that are included in the individualized plan for employment of an eligible individual, including the provision of such vocational rehabilitation services during the pendency of any dispute described in clause (iii). Such agreement or mechanism shall include the following:

``(i) Agency financial responsibility.--An identification of, or a description of a method for defining, the financial responsibility of such public entity for providing such services, and a provision stating the financial responsibility of such public entity for providing such services.

``(ii) Conditions, terms, and procedures of reimbursement.--Information specifying the conditions,

terms, and procedures under which a designated State unit shall be reimbursed by other public entities for providing such services, based on the provisions of such agreement or mechanism.

``(iii) Interagency disputes.--Information specifying procedures for resolving interagency disputes under the agreement or other mechanism (including procedures under which the designated State unit may initiate proceedings to secure reimbursement from other public entities or otherwise implement the provisions of the agreement or mechanism).

``(iv) Coordination of services procedures.--Information specifying policies and procedures for public entities to determine and identify the interagency coordination responsibilities of each public entity to promote the coordination and timely delivery of vocational rehabilitation services (except those services specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of section 103(a)).

``(C) Responsibilities of other public entities.--

``(i) Responsibilities under other law.--Notwithstanding subparagraph (B), if any public entity other than a designated State unit is obligated under Federal or State law, or assigned responsibility under State policy or under this paragraph, to provide or pay for any services that are also considered to be vocational rehabilitation services (other than those specified in paragraph (5)(D) and in paragraphs (1) through (4) and (14) of section 103(a)), such public entity shall fulfill that obligation or responsibility, either directly or by contract or other arrangement.

``(ii) Reimbursement.--If a public entity other than the designated State unit fails to provide or pay for the services described in clause (i) for an eligible individual, the designated State unit shall provide or pay for such services to the individual. Such designated State unit may claim reimbursement for the services from the public entity that failed to provide or pay for such services. Such public entity shall reimburse the designated State unit pursuant to the terms of the interagency agreement or other mechanism described in this paragraph according to the procedures established in such agreement or mechanism pursuant to subparagraph (B)(ii).

``(D) Methods.--The Governor of a State may meet the requirements of subparagraph (B) through--

``(i) a State statute or regulation;

``(ii) a signed agreement between the respective officials of the public entities that clearly identifies the responsibilities of each public entity relating to the provision of services; or

``(iii) another appropriate method, as determined by the designated State unit.

``(9) Individualized plan for employment.--

``(A) Development and implementation.--The State plan shall include an assurance that an individualized plan for employment meeting the requirements of section 102(b) will be developed and implemented in a timely manner for an individual subsequent to the determination of the eligibility of the individual for services under this title, except that in a State operating under an order of selection described in paragraph (5), the plan will be developed and implemented only for individuals meeting the order of selection criteria of the State.

``(B) Provision of services.--The State plan shall include an assurance that such services will be provided in accordance with the provisions of the individualized plan for employment.

``(10) Reporting requirements.--

``(A) In general.--The State plan shall include an assurance that the designated State agency will submit reports in the form and level of detail and at the time required by the Commissioner regarding applicants for, and eligible individuals receiving, services under this title.

``(B) Annual reporting.--In specifying the information to be submitted in the reports, the Commissioner shall require annual reporting on the eligible individuals receiving the services, on those specific data elements described in section 136(d)(2) of the Workforce Investment Act of 1998 that are determined by the Secretary to be relevant in assessing the performance of designated State units in carrying out the vocational rehabilitation program established under this title.

``(C) Additional data.--In specifying the information required to be submitted in the reports, the Commissioner shall require additional data with regard to applicants and eligible individuals related to--

``(i) the number of applicants and the number of individuals determined to be eligible or ineligible for the program carried out under this title, including--

``(I) the number of individuals determined to be ineligible because they did not require vocational rehabilitation services, as provided in section 102(a); and

``(II) the number of individuals determined, on the basis of clear and convincing evidence, to be too severely disabled to benefit in terms of an employment outcome from vocational rehabilitation services;

``(ii) the number of individuals who received vocational rehabilitation services through the program, including--

``(I) the number who received services under paragraph (5)(D), but not assistance under an individualized plan for employment;

``(II) of those recipients who are individuals with significant disabilities, the number who received assistance under an individualized plan for employment consistent with section 102(b); and

``(III) of those recipients who are not individuals with significant disabilities, the number who received assistance under an individualized plan for employment consistent with section 102(b);

``(iii) of those applicants and eligible recipients who are individuals with significant disabilities--

``(I) the number who ended their participation in the program carried out under this title and the number who achieved employment outcomes after receiving vocational rehabilitation services; and

``(II) the number who ended their participation in the program and who were employed 6 months and 12 months after securing or regaining employment, or, in the case of individuals whose employment outcome was to retain or advance in employment, who were employed 6 months and 12 months after achieving their employment outcome, including--

``(aa) the number who earned the minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or another wage level set by the Commissioner, during such employment; and

``(bb) the number who received employment benefits from an employer during such employment; and

``(iv) of those applicants and eligible recipients who are not individuals with significant disabilities--

``(I) the number who ended their participation in the program carried out under this title and the number who achieved employment outcomes after receiving vocational rehabilitation services; and

``(II) the number who ended their participation in the program and who were employed 6 months and 12 months after securing or regaining employment, or, in the case of individuals whose employment outcome was to retain or advance in employment, who were employed 6 months and 12 months after achieving their employment outcome, including--

``(aa) the number who earned the minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or another wage level set by the Commissioner, during such employment; and

``(bb) the number who received employment benefits from an employer during such employment.

``(D) Costs and results.--The Commissioner shall also require that the designated State agency include in the reports information on--

``(i) the costs under this title of conducting administration, providing assessment services, counseling and guidance, and other direct services provided by designated State agency staff, providing services purchased under individualized plans for employment, supporting small business enterprises, establishing, developing, and improving community rehabilitation programs, providing other services to groups, and facilitating use of other programs under this Act and title I of the Workforce Investment Act of 1998 by eligible individuals; and

``(ii) the results of annual evaluation by the State of program effectiveness under paragraph (15)(E).

``(E) Additional information.--The Commissioner shall require that each designated State unit include in the reports additional information related to the applicants and eligible individuals, obtained either through a complete count or sampling, including--

``(i) information on--

``(I) age, gender, race, ethnicity, education, category of impairment, severity of disability, and whether the individuals are students with disabilities;

``(II) dates of application, determination of eligibility or ineligibility, initiation of the individualized plan for employment, and termination of participation in the program;

``(III) earnings at the time of application for the program and termination of participation in the program;

``(IV) work status and occupation;

``(V) types of services, including assistive technology services and assistive technology devices, provided under the program;

``(VI) types of public or private programs or agencies that furnished services under the program; and

``(VII) the reasons for individuals terminating participation in the program without achieving an employment outcome; and

``(ii) information necessary to determine the success of the State in meeting--

``(I) the State performance measures established under section 136(b) of the Workforce Investment Act of 1998, to the extent the measures are applicable to individuals with disabilities; and

``(II) the standards and indicators established pursuant to section 106.

``(F) Completeness and confidentiality.--The State plan shall include an assurance that the information submitted in the reports will include a complete count, except as provided in subparagraph (E), of the applicants and eligible individuals, in a manner permitting the greatest possible cross-classification of data and that the identity of each individual for which information is supplied under this paragraph will be kept confidential.

``(11) Cooperation, collaboration, and coordination.--

``(A) Cooperative agreements with other components of statewide workforce investment systems.--The State plan shall provide that the designated State unit or designated State agency shall enter into a cooperative agreement with other entities that are components of the statewide workforce investment system of the State, regarding the system, which agreement may provide for--

``(i) provision of intercomponent staff training and technical assistance with regard to--

``(I) the availability and benefits of, and information on eligibility standards for, vocational rehabilitation services; and

``(II) the promotion of equal, effective, and meaningful participation by individuals with disabilities in workforce investment activities in the State through the promotion of program accessibility, the use of nondiscriminatory policies and procedures, and the provision of reasonable accommodations, auxiliary aids and services, and rehabilitation

technology, for individuals with disabilities;

``(ii) use of information and financial management systems that link all components of the statewide workforce investment system, that link the components to other electronic networks, including nonvisual electronic networks, and that relate to such subjects as employment statistics, and information on job vacancies, career planning, and workforce investment activities;

``(iii) use of customer service features such as common intake and referral procedures, customer databases, resource information, and human services hotlines;

``(iv) establishment of cooperative efforts with employers to--

``(I) facilitate job placement; and

``(II) carry out any other activities that the designated State unit and the employers determine to be appropriate;

``(v) identification of staff roles, responsibilities, and available resources, and specification of the financial responsibility of each component of the statewide workforce investment system with regard to paying for necessary services (consistent with State law and Federal requirements); and

``(vi) specification of procedures for resolving disputes among such components.

``(B) Replication of cooperative agreements.--The State plan shall provide for the replication of such cooperative agreements at the local level between individual offices of the designated State unit and local entities carrying out activities through the statewide workforce investment system.

``(C) Interagency cooperation with other agencies.--The State plan shall include descriptions of interagency cooperation with, and utilization of the services and facilities of, Federal, State, and local agencies and programs, including programs carried out by the Under Secretary for Rural Development of the Department of Agriculture and State use contracting programs, to the extent that such agencies and programs are not carrying out activities through the statewide workforce investment system.

``(D) Coordination with education officials.--The State plan shall contain plans, policies, and procedures for coordination between the designated State agency and education officials responsible for the public education of students with disabilities, that are designed to facilitate the transition of the students with disabilities from the receipt of educational

services in school to the receipt of vocational rehabilitation services under this title, including information on a formal interagency agreement with the State educational agency that, at a minimum, provides for--

``(i) consultation and technical assistance to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including vocational rehabilitation services;

``(ii) transition planning by personnel of the designated State agency and educational agency personnel for students with disabilities that facilitates the development and completion of their individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (as added by section 101 of Public Law 105-17);

``(iii) the roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for transition services; and

``(iv) procedures for outreach to and identification of students with disabilities who need the transition services.

``(E) Coordination with statewide independent living councils and independent living centers.--The State plan shall include an assurance that the designated State unit, the Statewide Independent Living Council established under section 705, and the independent living centers described in part C of title VII within the State have developed working relationships and coordinate their activities.

``(F) Cooperative agreement with recipients of grants for services to american indians.--In applicable cases, the State plan shall include an assurance that the State has entered into a formal cooperative agreement with each grant recipient in the State that receives funds under part C. The agreement shall describe strategies for collaboration and coordination in providing vocational rehabilitation services to American Indians who are individuals with disabilities, including--

``(i) strategies for interagency referral and information sharing that will assist in eligibility determinations and the development of individualized plans for employment;

``(ii) procedures for ensuring that American Indians who are individuals with disabilities and are living near a reservation or tribal service area are provided vocational

rehabilitation services; and

``(iii) provisions for sharing resources in cooperative studies and assessments, joint training activities, and other collaborative activities designed to improve the provision of services to American Indians who are individuals with disabilities.

``(12) Residency.--The State plan shall include an assurance that the State will not impose a residence requirement that excludes from services provided under the plan any individual who is present in the State.

``(13) Services to american indians.--The State plan shall include an assurance that, except as otherwise provided in part C, the designated State agency will provide vocational rehabilitation services to American Indians who are individuals with disabilities residing in the State to the same extent as the designated State agency provides such services to other significant populations of individuals with disabilities residing in the State.

``(14) Annual review of individuals in extended employment or other employment under special certificate provisions of the Fair Labor Standards Act of 1938.--The State plan shall provide for--

``(A) an annual review and reevaluation of the status of each individual with a disability served under this title who has achieved an employment outcome either in an extended employment setting in a community rehabilitation program or any other employment under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) for 2 years after the achievement of the outcome (and thereafter if requested by the individual or, if appropriate, the individual's representative), to determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment;

``(B) input into the review and reevaluation, and a signed acknowledgment that such review and reevaluation have been conducted, by the individual with a disability, or, if appropriate, the individual's representative; and

``(C) maximum efforts, including the identification and provision of vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist the individuals described in subparagraph (A) in engaging in competitive employment.

``(15) Annual state goals and reports of progress.--

``(A) Assessments and estimates.--The State plan shall--

``(i) include the results of a comprehensive, statewide assessment, jointly conducted by the designated State unit and the State Rehabilitation Council (if the State has such

a Council) every 3 years, describing the rehabilitation needs of individuals with disabilities residing within the State, particularly the vocational rehabilitation services needs of--

``(I) individuals with the most significant disabilities, including their need for supported employment services;

``(II) individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program carried out under this title; and

``(III) individuals with disabilities served through other components of the statewide workforce investment system (other than the vocational rehabilitation program), as identified by such individuals and personnel assisting such individuals through the components;

``(ii) include an assessment of the need to establish, develop, or improve community rehabilitation programs within the State; and

``(iii) provide that the State shall submit to the Commissioner a report containing information regarding updates to the assessments, for any year in which the State updates the assessments.

``(B) Annual estimates.--The State plan shall include, and shall provide that the State shall annually submit a report to the Commissioner that includes, State estimates of--

``(i) the number of individuals in the State who are eligible for services under this title;

``(ii) the number of such individuals who will receive services provided with funds provided under part B and under part B of title VI, including, if the designated State agency uses an order of selection in accordance with paragraph (5), estimates of the number of individuals to be served under each priority category within the order; and

``(iii) the costs of the services described in clause (i), including, if the designated State agency uses an order of selection in accordance with paragraph (5), the service costs for each priority category within the order.

``(C) Goals and priorities.--

``(i) In general.--The State plan shall identify the goals and priorities of the State in carrying out the program. The goals and priorities shall be jointly developed, agreed to, and reviewed annually by the

designated State unit and the State Rehabilitation Council, if the State has such a Council. Any revisions to the goals and priorities shall be jointly agreed to by the designated State unit and the State Rehabilitation Council, if the State has such a Council. The State plan shall provide that the State shall submit to the Commissioner a report containing information regarding revisions in the goals and priorities, for any year in which the State revises the goals and priorities.

``(ii) Basis.--The State goals and priorities shall be based on an analysis of--

``(I) the comprehensive assessment described in subparagraph (A), including any updates to the assessment;

``(II) the performance of the State on the standards and indicators established under section 106; and

``(III) other available information on the operation and the effectiveness of the vocational rehabilitation program carried out in the State, including any reports received from the State Rehabilitation Council, under section 105(c) and the findings and recommendations from monitoring activities conducted under section 107.

``(iii) Service and outcome goals for categories in order of selection.--If the designated State agency uses an order of selection in accordance with paragraph (5), the State shall also identify in the State plan service and outcome goals and the time within which these goals may be achieved for individuals in each priority category within the order.

``(D) Strategies.--The State plan shall contain a description of the strategies the State will use to address the needs identified in the assessment conducted under subparagraph (A) and achieve the goals and priorities identified in subparagraph (C), including--

``(i) the methods to be used to expand and improve services to individuals with disabilities, including how a broad range of assistive technology services and assistive technology devices will be provided to such individuals at each stage of the rehabilitation process and how such services and devices will be provided to such individuals on a statewide basis;

``(ii) outreach procedures to identify and serve individuals with disabilities who are minorities and

individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program;

``(iii) where necessary, the plan of the State for establishing, developing, or improving community rehabilitation programs;

``(iv) strategies to improve the performance of the State with respect to the evaluation standards and performance indicators established pursuant to section 106; and

``(v) strategies for assisting entities carrying out other components of the statewide workforce investment system (other than the vocational rehabilitation program) in assisting individuals with disabilities.

``(E) Evaluation and reports of progress.--The State plan shall--

``(i) include the results of an evaluation of the effectiveness of the vocational rehabilitation program, and a joint report by the designated State unit and the State Rehabilitation Council, if the State has such a Council, to the Commissioner on the progress made in improving the effectiveness from the previous year, which evaluation and report shall include--

``(I) an evaluation of the extent to which the goals identified in subparagraph (C) were achieved;

``(II) a description of strategies that contributed to achieving the goals;

``(III) to the extent to which the goals were not achieved, a description of the factors that impeded that achievement; and

``(IV) an assessment of the performance of the State on the standards and indicators established pursuant to section 106; and

``(ii) provide that the designated State unit and the State Rehabilitation Council, if the State has such a Council, shall jointly submit to the Commissioner an annual report that contains the information described in clause (i).

``(16) Public comment.--The State plan shall--

``(A) provide that the designated State agency, prior to the adoption of any policies or procedures governing the provision of vocational rehabilitation services under the State plan (including making any amendment to such policies and procedures), shall conduct public meetings throughout the State, after providing adequate notice of the meetings, to provide the public, including individuals with disabilities, an

opportunity to comment on the policies or procedures, and actively consult with the Director of the client assistance program carried out under section 112, and, as appropriate, Indian tribes, tribal organizations, and Native Hawaiian organizations on the policies or procedures; and

``(B) provide that the designated State agency (or each designated State agency if two agencies are designated) and any sole agency administering the plan in a political subdivision of the State, shall take into account, in connection with matters of general policy arising in the administration of the plan, the views of--

``(i) individuals and groups of individuals who are recipients of vocational rehabilitation services, or in appropriate cases, the individuals' representatives;

``(ii) personnel working in programs that provide vocational rehabilitation services to individuals with disabilities;

``(iii) providers of vocational rehabilitation services to individuals with disabilities;

``(iv) the director of the client assistance program; and

``(v) the State Rehabilitation Council, if the State has such a Council.

``(17) Use of funds for construction of facilities.--The State plan shall provide that if, under special circumstances, the State plan includes provisions for the construction of facilities for community rehabilitation programs--

``(A) the Federal share of the cost of construction for the facilities for a fiscal year will not exceed an amount equal to 10 percent of the State's allotment under section 110 for such year;

``(B) the provisions of section 306 (as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1998) shall be applicable to such construction and such provisions shall be deemed to apply to such construction; and

``(C) there shall be compliance with regulations the Commissioner shall prescribe designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of facilities for community rehabilitation programs) because the plan includes such provisions for construction.

``(18) Innovation and expansion activities.--The State plan shall--

``(A) include an assurance that the State will reserve and

use a portion of the funds allotted to the State under section 110--

``(i) for the development and implementation of innovative approaches to expand and improve the provision of vocational rehabilitation services to individuals with disabilities under this title, particularly individuals with the most significant disabilities, consistent with the findings of the statewide assessment and goals and priorities of the State as described in paragraph (15); and

``(ii) to support the funding of--

``(I) the State Rehabilitation Council, if the State has such a Council, consistent with the plan prepared under section 105(d)(1); and

``(II) the Statewide Independent Living Council, consistent with the plan prepared under section 705(e)(1);

``(B) include a description of how the reserved funds will be utilized; and

``(C) provide that the State shall submit to the Commissioner an annual report containing a description of how the reserved funds will be utilized.

``(19) Choice.--The State plan shall include an assurance that applicants and eligible individuals or, as appropriate, the applicants' representatives or individuals' representatives, will be provided information and support services to assist the applicants and individuals in exercising informed choice throughout the rehabilitation process, consistent with the provisions of section 102(d).

``(20) Information and referral services.--

``(A) In general.--The State plan shall include an assurance that the designated State agency will implement an information and referral system adequate to ensure that individuals with disabilities will be provided accurate vocational rehabilitation information and guidance, using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining, or regaining employment, and will be appropriately referred to Federal and State programs (other than the vocational rehabilitation program carried out under this title), including other components of the statewide workforce investment system in the State.

``(B) Referrals.--An appropriate referral made through the system shall--

``(i) be to the Federal or State programs, including programs carried out by other components of the statewide workforce investment system in the State, best suited to

address the specific employment needs of an individual with a disability; and

``(ii) include, for each of these programs, provision to the individual of--

``(I) a notice of the referral by the designated State agency to the agency carrying out the program;

``(II) information identifying a specific point of contact within the agency carrying out the program; and

``(III) information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment.

``(21) State independent consumer-controlled commission; state rehabilitation council.--

``(A) Commission or council.--The State plan shall provide that either--

``(i) the designated State agency is an independent commission that--

``(I) is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State;

``(II) is consumer-controlled by persons who--

``(aa) are individuals with physical or mental impairments that substantially limit major life activities; and

``(bb) represent individuals with a broad range of disabilities, unless the designated State unit under the direction of the Commission is the State agency for individuals who are blind;

``(III) includes family members, advocates, or other representatives, of individuals with mental impairments; and

``(IV) undertakes the functions set forth in section 105(c)(4); or

``(ii) the State has established a State Rehabilitation Council that meets the criteria set forth in section 105 and the designated State unit--

``(I) in accordance with paragraph (15), jointly develops, agrees to, and reviews annually State goals and priorities, and jointly submits annual reports of progress with the Council;

``(II) regularly consults with the Council regarding the development, implementation, and revision of State policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services;

``(III) includes in the State plan and in any revision to the State plan, a summary of input provided by the Council, including recommendations from the annual report of the Council described in section 105(c)(5), the review and analysis of consumer satisfaction described in section 105(c)(4), and other reports prepared by the Council, and the response of the designated State unit to such input and recommendations, including explanations for rejecting any input or recommendation; and

``(IV) transmits to the Council--

``(aa) all plans, reports, and other information required under this title to be submitted to the Secretary;

``(bb) all policies, and information on all practices and procedures, of general applicability provided to or used by rehabilitation personnel in carrying out this title; and

``(cc) copies of due process hearing decisions issued under this title, which shall be transmitted in such a manner as to ensure that the identity of the participants in the hearings is kept confidential.

``(B) More than one designated state agency.--In the case of a State that, under section 101(a)(2), designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind (or to supervise the administration of such part by a local agency) and designates a separate State agency to administer the rest of the State plan, the State shall either establish a State Rehabilitation Council for each of the two agencies that does not meet the requirements in subparagraph (A)(i), or establish one State Rehabilitation Council for both agencies if neither agency meets the requirements of subparagraph (A)(i).

``(22) Supported employment state plan supplement.--The State plan shall include an assurance that the State has an acceptable plan for carrying out part B of title VI, including the use of funds under that part to supplement funds made available under part B of this title to pay for the cost of services leading to supported employment.

``(23) Annual updates.--The plan shall include an assurance that the State will submit to the Commissioner reports containing annual updates of the information required under paragraph (7) (relating to a comprehensive system of personnel development) and

any other updates of the information required under this section that are requested by the Commissioner, and annual reports as provided in paragraphs (15) (relating to assessments, estimates, goals and priorities, and reports of progress) and (18) (relating to innovation and expansion), at such time and in such manner as the Secretary may determine to be appropriate.

``(24) Certain contracts and cooperative agreements.--

``(A) Contracts with for-profit organizations.--The State plan shall provide that the designated State agency has the authority to enter into contracts with for-profit organizations for the purpose of providing, as vocational rehabilitation services, on-the-job training and related programs for individuals with disabilities under part A of title VI, upon a determination by such agency that such for-profit organizations are better qualified to provide such rehabilitation services than nonprofit agencies and organizations.

``(B) Cooperative agreements with private nonprofit organizations.--The State plan shall describe the manner in which cooperative agreements with private nonprofit vocational rehabilitation service providers will be established.

``(b) Approval; Disapproval of the State Plan.--

``(1) Approval.--The Commissioner shall approve any plan that the Commissioner finds fulfills the conditions specified in this section, and shall disapprove any plan that does not fulfill such conditions.

``(2) Disapproval.--Prior to disapproval of the State plan, the Commissioner shall notify the State of the intention to disapprove the plan and shall afford the State reasonable notice and opportunity for a hearing.

``SEC. 102. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.

``(a) Eligibility.--

``(1) Criterion for eligibility.--An individual is eligible for assistance under this title if the individual--

``(A) is an individual with a disability under section 7(20)(A); and

``(B) requires vocational rehabilitation services to prepare for, secure, retain, or regain employment.

``(2) Presumption of benefit.--

``(A) Demonstration.--For purposes of this section, an individual shall be presumed to be an individual that can benefit in terms of an employment outcome from vocational rehabilitation services under section 7(20)(A), unless the designated State unit involved can demonstrate by clear and

convincing evidence that such individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual.

``(B) Methods.--In making the demonstration required under subparagraph (A), the designated State unit shall explore the individual's abilities, capabilities, and capacity to perform in work situations, through the use of trial work experiences, as described in section 7(2)(D), with appropriate supports provided through the designated State unit, except under limited circumstances when an individual cannot take advantage of such experiences. Such experiences shall be of sufficient variety and over a sufficient period of time to determine the eligibility of the individual or to determine the existence of clear and convincing evidence that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual.

``(3) Presumption of eligibility.--

``(A) In general.--For purposes of this section, an individual who has a disability or is blind as determined pursuant to title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.) shall be--

``(i) considered to be an individual with a significant disability under section 7(21)(A); and

``(ii) presumed to be eligible for vocational rehabilitation services under this title (provided that the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual) unless the designated State unit involved can demonstrate by clear and convincing evidence that such individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual in accordance with paragraph (2).

``(B) Construction.--Nothing in this paragraph shall be construed to create an entitlement to any vocational rehabilitation service.

``(4) Use of existing information.--

``(A) In general.--To the maximum extent appropriate and consistent with the requirements of this part, for purposes of determining the eligibility of an individual for vocational rehabilitation services under this title and developing the

individualized plan for employment described in subsection (b) for the individual, the designated State unit shall use information that is existing and current (as of the date of the determination of eligibility or of the development of the individualized plan for employment), including information available from other programs and providers, particularly information used by education officials and the Social Security Administration, information provided by the individual and the family of the individual, and information obtained under the assessment for determining eligibility and vocational rehabilitation needs.

``(B) Determinations by officials of other agencies.--Determinations made by officials of other agencies, particularly education officials described in section 101(a)(11)(D), regarding whether an individual satisfies one or more factors relating to whether an individual is an individual with a disability under section 7(20)(A) or an individual with a significant disability under section 7(21)(A) shall be used, to the extent appropriate and consistent with the requirements of this part, in assisting the designated State unit in making such determinations.

``(C) Basis.--The determination of eligibility for vocational rehabilitation services shall be based on--

``(i) the review of existing data described in section 7(2)(A)(i); and

``(ii) to the extent that such data is unavailable or insufficient for determining eligibility, the provision of assessment activities described in section 7(2)(A)(ii).

``(5) Determination of ineligibility.--If an individual who applies for services under this title is determined, based on the review of existing data and, to the extent necessary, the assessment activities described in section 7(2)(A)(ii), not to be eligible for the services, or if an eligible individual receiving services under an individualized plan for employment is determined to be no longer eligible for the services--

``(A) the ineligibility determination involved shall be made only after providing an opportunity for full consultation with the individual or, as appropriate, the individual's representative;

``(B) the individual or, as appropriate, the individual's representative, shall be informed in writing (supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual) of the ineligibility determination, including--

``(i) the reasons for the determination; and

``(ii) a description of the means by which the individual may express, and seek a remedy for, any dissatisfaction with the determination, including the procedures for review by an impartial hearing officer under subsection (c);

``(C) the individual shall be provided with a description of services available from the client assistance program under section 112 and information on how to contact that program; and

``(D) any ineligibility determination that is based on a finding that the individual is incapable of benefiting in terms of an employment outcome shall be reviewed--

``(i) within 12 months; and

``(ii) thereafter, if such a review is requested by the individual or, if appropriate, by the individual's representative.

``(6) Timeframe for making an eligibility determination.--The designated State unit shall determine whether an individual is eligible for vocational rehabilitation services under this title within a reasonable period of time, not to exceed 60 days, after the individual has submitted an application for the services unless--

``(A) exceptional and unforeseen circumstances beyond the control of the designated State unit preclude making an eligibility determination within 60 days and the designated State unit and the individual agree to a specific extension of time; or

``(B) the designated State unit is exploring an individual's abilities, capabilities, and capacity to perform in work situations under paragraph (2)(B).

``(b) Development of an Individualized Plan for Employment.--

``(1) Options for developing an individualized plan for employment.--If an individual is determined to be eligible for vocational rehabilitation services as described in subsection (a), the designated State unit shall complete the assessment for determining eligibility and vocational rehabilitation needs, as appropriate, and shall provide the eligible individual or the individual's representative, in writing and in an appropriate mode of communication, with information on the individual's options for developing an individualized plan for employment, including--

``(A) information on the availability of assistance, to the extent determined to be appropriate by the eligible individual, from a qualified vocational rehabilitation counselor in developing all or part of the individualized plan for employment for the individual, and the availability of technical assistance in developing all or part of the

individualized plan for employment for the individual;

``(B) a description of the full range of components that shall be included in an individualized plan for employment;

``(C) as appropriate--

``(i) an explanation of agency guidelines and criteria associated with financial commitments concerning an individualized plan for employment;

``(ii) additional information the eligible individual requests or the designated State unit determines to be necessary; and

``(iii) information on the availability of assistance in completing designated State agency forms required in developing an individualized plan for employment; and

``(D)(i) a description of the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth in subsection (c); and

``(ii) a description of the availability of a client assistance program established pursuant to section 112 and information about how to contact the client assistance program.

``(2) Mandatory procedures.--

``(A) Written document.--An individualized plan for employment shall be a written document prepared on forms provided by the designated State unit.

``(B) Informed choice.--An individualized plan for employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the vocational rehabilitation services, and the methods used to procure the services, consistent with subsection (d).

``(C) Signatories.--An individualized plan for employment shall be--

``(i) agreed to, and signed by, such eligible individual or, as appropriate, the individual's representative; and

``(ii) approved and signed by a qualified vocational rehabilitation counselor employed by the designated State unit.

``(D) Copy.--A copy of the individualized plan for employment for an eligible individual shall be provided to the individual or, as appropriate, to the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, of the individual's representative.

``(E) Review and amendment.--The individualized plan for employment shall be--

``(i) reviewed at least annually by--

``(I) a qualified vocational rehabilitation counselor; and

``(II) the eligible individual or, as appropriate, the individual's representative; and

``(ii) amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with a representative of the designated State agency or a qualified vocational rehabilitation counselor (to the extent determined to be appropriate by the individual), if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the service providers of the services (which amendments shall not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative, and by a qualified vocational rehabilitation counselor employed by the designated State unit).

``(3) Mandatory components of an individualized plan for employment.--Regardless of the approach selected by an eligible individual to develop an individualized plan for employment, an individualized plan for employment shall, at a minimum, contain mandatory components consisting of--

``(A) a description of the specific employment outcome that is chosen by the eligible individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the eligible individual, and, to the maximum extent appropriate, results in employment in an integrated setting;

``(B)(i) a description of the specific vocational rehabilitation services that are--

``(I) needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices and assistive technology services, and personal assistance services, including training in the management of such services; and

``(II) provided in the most integrated setting that is appropriate for the service involved and is consistent with the informed choice of the eligible individual; and

``(ii) timelines for the achievement of the employment outcome and for the initiation of the services;

``(C) a description of the entity chosen by the eligible individual or, as appropriate, the individual's representative,

that will provide the vocational rehabilitation services, and the methods used to procure such services;

``(D) a description of criteria to evaluate progress toward achievement of the employment outcome;

``(E) the terms and conditions of the individualized plan for employment, including, as appropriate, information describing--

``(i) the responsibilities of the designated State unit;

``(ii) the responsibilities of the eligible individual, including--

``(I) the responsibilities the eligible individual will assume in relation to the employment outcome of the individual;

``(II) if applicable, the participation of the eligible individual in paying for the costs of the plan; and

``(III) the responsibility of the eligible individual with regard to applying for and securing comparable benefits as described in section 101(a)(8); and

``(iii) the responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits requirements as described in section 101(a)(8);

``(F) for an eligible individual with the most significant disabilities for whom an employment outcome in a supported employment setting has been determined to be appropriate, information identifying--

``(i) the extended services needed by the eligible individual; and

``(ii) the source of extended services or, to the extent that the source of the extended services cannot be identified at the time of the development of the individualized plan for employment, a description of the basis for concluding that there is a reasonable expectation that such source will become available; and

``(G) as determined to be necessary, a statement of projected need for post-employment services.

``(c) Procedures.--

``(1) In general.--Each State shall establish procedures for mediation of, and procedures for review through an impartial due process hearing of, determinations made by personnel of the designated State unit that affect the provision of vocational rehabilitation services to applicants or eligible individuals.

``(2) Notification.--

``(A) Rights and assistance.--The procedures shall provide that an applicant or an eligible individual or, as appropriate, the applicant's representative or individual's representative shall be notified of--

``(i) the right to obtain review of determinations described in paragraph (1) in an impartial due process hearing under paragraph (5);

``(ii) the right to pursue mediation with respect to the determinations under paragraph (4); and

``(iii) the availability of assistance from the client assistance program under section 112.

``(B) Timing.--Such notification shall be provided in writing--

``(i) at the time an individual applies for vocational rehabilitation services provided under this title;

``(ii) at the time the individualized plan for employment for the individual is developed; and

``(iii) upon reduction, suspension, or cessation of vocational rehabilitation services for the individual.

``(3) Evidence and representation.--The procedures required under this subsection shall, at a minimum--

``(A) provide an opportunity for an applicant or an eligible individual, or, as appropriate, the applicant's representative or individual's representative, to submit at the mediation session or hearing evidence and information to support the position of the applicant or eligible individual; and

``(B) include provisions to allow an applicant or an eligible individual to be represented in the mediation session or hearing by a person selected by the applicant or eligible individual.

``(4) Mediation.--

``(A) Procedures.--Each State shall ensure that procedures are established and implemented under this subsection to allow parties described in paragraph (1) to disputes involving any determination described in paragraph (1) to resolve such disputes through a mediation process that, at a minimum, shall be available whenever a hearing is requested under this subsection.

``(B) Requirements.--Such procedures shall ensure that the mediation process--

``(i) is voluntary on the part of the parties;

``(ii) is not used to deny or delay the right of an individual to a hearing under this subsection, or to deny any other right afforded under this title; and

``(iii) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

``(C) List of mediators.--The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services under this title, from which the mediators described in subparagraph (B) shall be selected.

``(D) Cost.--The State shall bear the cost of the mediation process.

``(E) Scheduling.--Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

``(F) Agreement.--An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

``(G) Confidentiality.--Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. The parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

``(H) Construction.--Nothing in this subsection shall be construed to preclude the parties to such a dispute from informally resolving the dispute prior to proceedings under this paragraph or paragraph (5), if the informal process used is not used to deny or delay the right of the applicant or eligible individual to a hearing under this subsection or to deny any other right afforded under this title.

``(5) Hearings.--

``(A) Officer.--A due process hearing described in paragraph (2) shall be conducted by an impartial hearing officer who shall issue a decision based on the provisions of the approved State plan, this Act (including regulations implementing this Act), and State regulations and policies that are consistent with the Federal requirements specified in this title. The officer shall provide the decision in writing to the applicant or eligible individual, or, as appropriate, the applicant's representative or individual's representative, and to the designated State unit.

``(B) List.--The designated State unit shall maintain a list of qualified impartial hearing officers who are knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services under this title from which the officer described in subparagraph (A) shall be selected. For the purposes of maintaining such list,

impartial hearing officers shall be identified jointly by--

``(i) the designated State unit; and

``(ii) members of the Council or commission, as appropriate, described in section 101(a)(21).

``(C) Selection.--Such an impartial hearing officer shall be selected to hear a particular case relating to a determination--

``(i) on a random basis; or

``(ii) by agreement between--

``(I) the Director of the designated State unit and the individual with a disability; or

``(II) in appropriate cases, the Director and the individual's representative.

``(D) Procedures for seeking review.--A State may establish procedures to enable a party involved in a hearing under this paragraph to seek an impartial review of the decision of the hearing officer under subparagraph (A) by--

``(i) the chief official of the designated State agency if the State has established both a designated State agency and a designated State unit under section 101(a)(2); or

``(ii) an official from the office of the Governor.

``(E) Review request.--If the State establishes impartial review procedures under subparagraph (D), either party may request the review of the decision of the hearing officer within 20 days after the decision.

``(F) Reviewing official.--The reviewing official described in subparagraph (D) shall--

``(i) in conducting the review, provide an opportunity for the submission of additional evidence and information relevant to a final decision concerning the matter under review;

``(ii) not overturn or modify the decision of the hearing officer, or part of the decision, that supports the position of the applicant or eligible individual unless the reviewing official concludes, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous on the basis of being contrary to the approved State plan, this Act (including regulations implementing this Act) or any State regulation or policy that is consistent with the Federal requirements specified in this title; and

``(iii) make a final decision with respect to the matter in a timely manner and provide such decision in writing to the applicant or eligible individual, or, as appropriate, the applicant's representative or individual's

representative, and to the designated State unit, including a full report of the findings and the grounds for such decision.

``(G) Finality of hearing decision.--A decision made after a hearing under subparagraph (A) shall be final, except that a party may request an impartial review if the State has established procedures for such review under subparagraph (D) and a party involved in a hearing may bring a civil action under subparagraph (J).

``(H) Finality of review.--A decision made under subparagraph (F) shall be final unless such a party brings a civil action under subparagraph (J).

``(I) Implementation.--If a party brings a civil action under subparagraph (J) to challenge a final decision of a hearing officer under subparagraph (A) or to challenge a final decision of a State reviewing official under subparagraph (F), the final decision involved shall be implemented pending review by the court.

``(J) Civil action.--

``(i) In general.--Any party aggrieved by a final decision described in subparagraph (I), may bring a civil action for review of such decision. The action may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

``(ii) Procedure.--In any action brought under this subparagraph, the court--

``(I) shall receive the records relating to the hearing under subparagraph (A) and the records relating to the State review under subparagraphs (D) through (F), if applicable;

``(II) shall hear additional evidence at the request of a party to the action; and

``(III) basing the decision of the court on the preponderance of the evidence, shall grant such relief as the court determines to be appropriate.

``(6) Hearing board.--

``(A) In general.--A fair hearing board, established by a State before January 1, 1985, and authorized under State law to review determinations or decisions under this Act, is authorized to carry out the responsibilities of the impartial hearing officer under this subsection.

``(B) Application.--The provisions of paragraphs (1), (2), and (3) that relate to due process hearings do not apply, and paragraph (5) (other than subparagraph (J)) does not apply, to

any State to which subparagraph (A) applies.

``(7) Impact on provision of services.--Unless the individual with a disability so requests, or, in an appropriate case, the individual's representative, so requests, pending a decision by a mediator, hearing officer, or reviewing officer under this subsection, the designated State unit shall not institute a suspension, reduction, or termination of services being provided for the individual, including evaluation and assessment services and plan development, unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual, or the individual's representative.

``(8) Information collection and report.--

``(A) In general.--The Director of the designated State unit shall collect information described in subparagraph (B) and prepare and submit to the Commissioner a report containing such information. The Commissioner shall prepare a summary of the information furnished under this paragraph and include the summary in the annual report submitted under section 13. The Commissioner shall also collect copies of the final decisions of impartial hearing officers conducting hearings under this subsection and State officials conducting reviews under this subsection.

``(B) Information.--The information required to be collected under this subsection includes--

``(i) a copy of the standards used by State reviewing officials for reviewing decisions made by impartial hearing officers under this subsection;

``(ii) information on the number of hearings and reviews sought from the impartial hearing officers and the State reviewing officials, including the type of complaints and the issues involved;

``(iii) information on the number of hearing decisions made under this subsection that were not reviewed by the State reviewing officials; and

``(iv) information on the number of the hearing decisions that were reviewed by the State reviewing officials, and, based on such reviews, the number of hearing decisions that were--

``(I) sustained in favor of an applicant or eligible individual;

``(II) sustained in favor of the designated State unit;

``(III) reversed in whole or in part in favor of the applicant or eligible individual; and

``(IV) reversed in whole or in part in favor of the

designated State unit.

``(C) Confidentiality.--The confidentiality of records of applicants and eligible individuals maintained by the designated State unit shall not preclude the access of the Commissioner to those records for the purposes described in subparagraph (A).

``(d) Policies and Procedures.--Each designated State agency, in consultation with the State Rehabilitation Council, if the State has such a council, shall, consistent with section 100(a)(3)(C), develop and implement written policies and procedures that enable each individual who is an applicant for or eligible to receive vocational rehabilitation services under this title to exercise informed choice throughout the vocational rehabilitation process carried out under this title, including policies and procedures that require the designated State agency--

``(1) to inform each such applicant and eligible individual (including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice, throughout the vocational rehabilitation process;

``(2) to assist applicants and eligible individuals in exercising informed choice in decisions related to the provision of assessment services under this title;

``(3) to develop and implement flexible procurement policies and methods that facilitate the provision of services, and that afford eligible individuals meaningful choices among the methods used to procure services, under this title;

``(4) to provide or assist eligible individuals in acquiring information that enables those individuals to exercise informed choice under this title in the selection of--

``(A) the employment outcome;

``(B) the specific vocational rehabilitation services needed to achieve the employment outcome;

``(C) the entity that will provide the services;

``(D) the employment setting and the settings in which the services will be provided; and

``(E) the methods available for procuring the services; and

``(5) to ensure that the availability and scope of informed choice provided under this section is consistent with the obligations of the designated State agency under this title.

``SEC. 103. VOCATIONAL REHABILITATION SERVICES.

``(a) Vocational Rehabilitation Services for Individuals.--Vocational rehabilitation services provided under this title are any services described in an individualized plan for employment necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, including--

``(1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

``(2) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d);

``(3) referral and other services to secure needed services from other agencies through agreements developed under section 101(a)(11), if such services are not available under this title;

``(4) job-related services, including job search and placement assistance, job retention services, followup services, and follow-along services;

``(5) vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by the designated State unit and the individual to secure grant assistance, in whole or in part, from other sources to pay for such training;

``(6) to the extent that financial support is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits consistent with section 101(a)(8)(A)), other than the designated State unit, diagnosis and treatment of physical and mental impairments, including--

``(A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;

``(B) necessary hospitalization in connection with surgery

or treatment;

``(C) prosthetic and orthotic devices;

``(D) eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and who are selected by the individual;

``(E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals with end-stage renal disease; and

``(F) diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;

``(7) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment;

``(8) transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to achieve an employment outcome;

``(9) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section;

``(10) interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;

``(11) rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;

``(12) occupational licenses, tools, equipment, and initial stocks and supplies;

``(13) technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;

``(14) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;

``(15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment;

``(16) supported employment services;

``(17) services to the family of an individual with a disability necessary to assist the individual to achieve an

employment outcome; and

``(18) specific post-employment services necessary to assist an individual with a disability to, retain, regain, or advance in employment.

``(b) Vocational Rehabilitation Services for Groups of Individuals.--Vocational rehabilitation services provided for the benefit of groups of individuals with disabilities may also include the following:

``(1) In the case of any type of small business operated by individuals with significant disabilities the operation of which can be improved by management services and supervision provided by the designated State agency, the provision of such services and supervision, along or together with the acquisition by the designated State agency of vending facilities or other equipment and initial stocks and supplies.

``(2)(A) The establishment, development, or improvement of community rehabilitation programs, including, under special circumstances, the construction of a facility. Such programs shall be used to provide services that promote integration and competitive employment.

``(B) The provision of other services, that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized plan for employment of any 1 individual with a disability.

``(3) The use of telecommunications systems (including telephone, television, satellite, radio, and other similar systems) that have the potential for substantially improving delivery methods of activities described in this section and developing appropriate programming to meet the particular needs of individuals with disabilities.

``(4)(A) Special services to provide nonvisual access to information for individuals who are blind, including the use of telecommunications, Braille, sound recordings, or other appropriate media.

``(B) Captioned television, films, or video cassettes for individuals who are deaf or hard of hearing.

``(C) Tactile materials for individuals who are deaf-blind.

``(D) Other special services that provide information through tactile, vibratory, auditory, and visual media.

``(5) Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and that are seeking to employ individuals with disabilities.

``(6) Consultative and technical assistance services to assist educational agencies in planning for the transition of students

with disabilities from school to post-school activities, including employment.

``SEC. 104. NON-FEDERAL SHARE FOR ESTABLISHMENT OF PROGRAM OR CONSTRUCTION.

``For the purpose of determining the amount of payments to States for carrying out part B (or to an Indian tribe under part C), the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Commissioner, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of establishment of a community rehabilitation program or construction, under special circumstances, of a facility for such a program, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to establishment of such a program or construction of such a facility.

``SEC. 105. STATE REHABILITATION COUNCIL.

``(a) Establishment.--

``(1) In general.--Except as provided in section 101(a)(21)(A)(i), to be eligible to receive financial assistance under this title a State shall establish a State Rehabilitation Council (referred to in this section as the `Council') in accordance with this section.

``(2) Separate agency for individuals who are blind.--A State that designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a)(2)(A)(i) may establish a separate Council in accordance with this section to perform the duties of such a Council with respect to such State agency.

``(b) Composition and Appointment.--

``(1) Composition.--

``(A) In general.--Except in the case of a separate Council established under subsection (a)(2), the Council shall be composed of--

``(i) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;

``(ii) at least one representative of a parent training and information center established pursuant to section 682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities

Education Act Amendments of 1997; Public Law 105-17);

``(iii) at least one representative of the client assistance program established under section 112;

``(iv) at least one qualified vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

``(v) at least one representative of community rehabilitation program service providers;

``(vi) four representatives of business, industry, and labor;

``(vii) representatives of disability advocacy groups representing a cross section of--

``(I) individuals with physical, cognitive, sensory, and mental disabilities; and

``(II) individuals' representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves;

``(viii) current or former applicants for, or recipients of, vocational rehabilitation services;

``(ix) in a State in which one or more projects are carried out under section 121, at least one representative of the directors of the projects;

``(x) at least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this title and part B of the Individuals with Disabilities Education Act; and

``(xi) at least one representative of the State workforce investment board.

``(B) Separate council.--In the case of a separate Council established under subsection (a)(2), the Council shall be composed of--

``(i) at least one representative described in subparagraph (A)(i);

``(ii) at least one representative described in subparagraph (A)(ii);

``(iii) at least one representative described in subparagraph (A)(iii);

``(iv) at least one vocational rehabilitation counselor described in subparagraph (A)(iv), who shall serve as described in such subparagraph;

``(v) at least one representative described in

subparagraph (A)(v);

``(vi) four representatives described in subparagraph (A)(vi);

``(vii) at least one representative of a disability advocacy group representing individuals who are blind;

``(viii) at least one individual's representative, of an individual who--

``(I) is an individual who is blind and has multiple disabilities; and

``(II) has difficulty in representing himself or herself or is unable due to disabilities to represent himself or herself;

``(ix) applicants or recipients described in subparagraph (A)(viii);

``(x) in a State described in subparagraph (A)(ix), at least one representative described in such subparagraph;

``(xi) at least one representative described in subparagraph (A)(x); and

``(xii) at least one representative described in subparagraph (A)(xi).

``(C) Exception.--In the case of a separate Council established under subsection (a)(2), any Council that is required by State law, as in effect on the date of enactment of the Rehabilitation Act Amendments of 1992, to have fewer than 15 members shall be deemed to be in compliance with subparagraph (B) if the Council--

``(i) meets the requirements of subparagraph (B), other than the requirements of clauses (vi) and (ix) of such subparagraph; and

``(ii) includes at least--

``(I) one representative described in subparagraph (B)(vi); and

``(II) one applicant or recipient described in subparagraph (B)(ix).

``(2) Ex officio member.--The Director of the designated State unit shall be an ex officio, nonvoting member of the Council.

``(3) Appointment.--Members of the Council shall be appointed by the Governor. The Governor shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the Governor shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

``(4) Qualifications.--

``(A) In general.--A majority of Council members shall be persons who are--

``(i) individuals with disabilities described in section 7(20)(A); and

``(ii) not employed by the designated State unit.

``(B) Separate council.--In the case of a separate Council established under subsection (a)(2), a majority of Council members shall be persons who are--

``(i) blind; and

``(ii) not employed by the designated State unit.

``(5) Chairperson.--

``(A) In general.--Except as provided in subparagraph (B), the Council shall select a chairperson from among the membership of the Council.

``(B) Designation by governor.--In States in which the chief executive officer does not have veto power pursuant to State law, the Governor shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

``(6) Terms of appointment.--

``(A) Length of term.--Each member of the Council shall serve for a term of not more than 3 years, except that--

``(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

``(ii) the terms of service of the members initially appointed shall be (as specified by the Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

``(B) Number of terms.--No member of the Council, other than a representative described in clause (iii) or (ix) of paragraph (1)(A), or clause (iii) or (x) of paragraph (1)(B), may serve more than two consecutive full terms.

``(7) Vacancies.--

``(A) In general.--Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

``(B) Delegation.--The Governor may delegate the authority to fill such a vacancy to the remaining members of the Council after making the original appointment.

``(c) Functions of Council.--The Council shall, after consulting with the State workforce investment board--

``(1) review, analyze, and advise the designated State unit regarding the performance of the responsibilities of the unit under this title, particularly responsibilities relating to--

``(A) eligibility (including order of selection);

``(B) the extent, scope, and effectiveness of services provided; and

``(C) functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes under this title;

``(2) in partnership with the designated State unit--

``(A) develop, agree to, and review State goals and priorities in accordance with section 101(a)(15)(C); and

``(B) evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner in accordance with section 101(a)(15)(E);

``(3) advise the designated State agency and the designated State unit regarding activities authorized to be carried out under this title, and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this title;

``(4) to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with--

``(A) the functions performed by the designated State agency;

``(B) vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under this Act; and

``(C) employment outcomes achieved by eligible individuals receiving services under this title, including the availability of health and other employment benefits in connection with such employment outcomes;

``(5) prepare and submit an annual report to the Governor and the Commissioner on the status of vocational rehabilitation programs operated within the State, and make the report available to the public;

``(6) to avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council established under section 705, the advisory panel established under section 612(a)(21) of the Individual with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17), the State Developmental Disabilities Council described in section 124 of the Developmental Disabilities

Assistance and Bill of Rights Act (42 U.S.C. 6024), the State mental health planning council established under section 1914(a) of the Public Health Service Act (42 U.S.C. 300x-4(a)), and the State workforce investment board;

``(7) provide for coordination and the establishment of working relationships between the designated State agency and the Statewide Independent Living Council and centers for independent living within the State; and

``(8) perform such other functions, consistent with the purpose of this title, as the State Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.

``(d) Resources.--

``(1) Plan.--The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and other personnel, as may be necessary and sufficient to carry out the functions of the Council under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

``(2) Resolution of disagreements.--To the extent that there is a disagreement between the Council and the designated State unit in regard to the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor consistent with paragraph (1).

``(3) Supervision and evaluation.--Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions under this section.

``(4) Personnel conflict of interest.--While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State unit or any other agency or office of the State, that would create a conflict of interest.

``(e) Conflict of Interest.--No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under State law.

``(f) Meetings.--The Council shall convene at least four meetings a year in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

``(g) Compensation and Expenses.--The Council may use funds

allocated to the Council by the designated State unit under this title (except for funds appropriated to carry out the client assistance program under section 112 and funds reserved pursuant to section 110(c) to carry out part C) to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.

``(h) Hearings and Forums.--The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

``SEC. 106. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

``(a) Establishment.--

``(1) In general.--

``(A) Establishment of standards and indicators.--The Commissioner shall, not later than July 1, 1999, establish and publish evaluation standards and performance indicators for the vocational rehabilitation program carried out under this title.

``(B) Review and revision.--Effective July 1, 1999, the Commissioner shall review and, if necessary, revise the evaluation standards and performance indicators every 3 years. Any revisions of the standards and indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. Any revisions of the standards and indicators shall be subject to the publication, review, and comment provisions of paragraph (3).

``(C) Bases.--Effective July 1, 1999, to the maximum extent practicable, the standards and indicators shall be consistent with the core indicators of performance established under section 136(b) of the Workforce Investment Act of 1998.

``(2) Measures.--The standards and indicators shall include outcome and related measures of program performance that facilitate the accomplishment of the purpose and policy of this title.

``(3) Comment.--The standards and indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. The Commissioner shall publish in the Federal Register a notice of intent to regulate regarding the development of proposed standards and indicators. Proposed standards and indicators shall be

published in the Federal Register for review and comment. Final standards and indicators shall be published in the Federal Register.

``(b) Compliance.--

``(1) State reports.--In accordance with regulations established by the Secretary, each State shall report to the Commissioner after the end of each fiscal year the extent to which the State is in compliance with the standards and indicators.

``(2) Program improvement.--

``(A) Plan.--If the Commissioner determines that the performance of any State is below established standards, the Commissioner shall provide technical assistance to the State, and the State and the Commissioner shall jointly develop a program improvement plan outlining the specific actions to be taken by the State to improve program performance.

``(B) Review.--The Commissioner shall--

``(i) review the program improvement efforts of the State on a biannual basis and, if necessary, request the State to make further revisions to the plan to improve performance; and

``(ii) continue to conduct such reviews and request such revisions until the State sustains satisfactory performance over a period of more than 1 year.

``(c) Withholding.--If the Commissioner determines that a State whose performance falls below the established standards has failed to enter into a program improvement plan, or is not complying substantially with the terms and conditions of such a program improvement plan, the Commissioner shall, consistent with subsections (c) and (d) of section 107, reduce or make no further payments to the State under this program, until the State has entered into an approved program improvement plan, or satisfies the Commissioner that the State is complying substantially with the terms and conditions of such a program improvement plan, as appropriate.

``(d) Report to Congress.--Beginning in fiscal year 1999, the Commissioner shall include in each annual report to the Congress under section 13 an analysis of program performance, including relative State performance, based on the standards and indicators.

``SEC. 107. MONITORING AND REVIEW.

``(a) In General.--

``(1) Duties.--In carrying out the duties of the Commissioner under this title, the Commissioner shall--

``(A) provide for the annual review and periodic onsite monitoring of programs under this title; and

``(B) determine whether, in the administration of the State plan, a State is complying substantially with the provisions of such plan and with evaluation standards and performance indicators established under section 106.

``(2) Procedures for reviews.--In conducting reviews under this section the Commissioner shall consider, at a minimum--

``(A) State policies and procedures;

``(B) guidance materials;

``(C) decisions resulting from hearings conducted in accordance with due process;

``(D) State goals established under section 101(a)(15) and the extent to which the State has achieved such goals;

``(E) plans and reports prepared under section 106(b);

``(F) consumer satisfaction reviews and analyses described in section 105(c)(4);

``(G) information provided by the State Rehabilitation Council established under section 105, if the State has such a Council, or by the commission described in section 101(a)(21)(A)(i), if the State has such a commission;

``(H) reports; and

``(I) budget and financial management data.

``(3) Procedures for monitoring.--In conducting monitoring under this section the Commissioner shall conduct--

``(A) onsite visits, including onsite reviews of records to verify that the State is following requirements regarding the order of selection set forth in section 101(a)(5)(A);

``(B) public hearings and other strategies for collecting information from the public;

``(C) meetings with the State Rehabilitation Council, if the State has such a Council or with the commission described in section 101(a)(21)(A)(i), if the State has such a commission;

``(D) reviews of individual case files, including individualized plans for employment and ineligibility determinations; and

``(E) meetings with qualified vocational rehabilitation counselors and other personnel.

``(4) Areas of inquiry.--In conducting the review and monitoring, the Commissioner shall examine--

``(A) the eligibility process;

``(B) the provision of services, including, if applicable, the order of selection;

``(C) such other areas as may be identified by the public or through meetings with the State Rehabilitation Council, if the State has such a Council or with the commission described

in section 101(a)(21)(A)(i), if the State has such a commission; and

``(D) such other areas of inquiry as the Commissioner may consider appropriate.

``(5) Reports.--If the Commissioner issues a report detailing the findings of an annual review or onsite monitoring conducted under this section, the report shall be made available to the State Rehabilitation Council, if the State has such a Council, for use in the development and modification of the State plan described in section 101.

``(b) Technical Assistance.--The Commissioner shall--

``(1) provide technical assistance to programs under this title regarding improving the quality of vocational rehabilitation services provided; and

``(2) provide technical assistance and establish a corrective action plan for a program under this title if the Commissioner finds that the program fails to comply substantially with the provisions of the State plan, or with evaluation standards or performance indicators established under section 106, in order to ensure that such failure is corrected as soon as practicable.

``(c) Failure To Comply With Plan.--

``(1) Withholding payments.--Whenever the Commissioner, after providing reasonable notice and an opportunity for a hearing to the State agency administering or supervising the administration of the State plan approved under section 101, finds that--

``(A) the plan has been so changed that it no longer complies with the requirements of section 101(a); or

``(B) in the administration of the plan there is a failure to comply substantially with any provision of such plan or with an evaluation standard or performance indicator established under section 106,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in the discretion of the Commissioner, that such further payments will be reduced, in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until the Commissioner is satisfied there is no longer any such failure.

``(2) Period.--Until the Commissioner is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall reduce payments or limit payments to projects under those parts of the State plan in which there is no such failure).

``(3) Disbursal of withheld funds.--The Commissioner may, in

accordance with regulations the Secretary shall prescribe, disburse any funds withheld from a State under paragraph (1) to any public or nonprofit private organization or agency within such State or to any political subdivision of such State submitting a plan meeting the requirements of section 101(a). The Commissioner may not make any payment under this paragraph unless the entity to which such payment is made has provided assurances to the Commissioner that such entity will contribute, for purposes of carrying out such plan, the same amount as the State would have been obligated to contribute if the State received such payment.

``(d) Review.--

``(1) Petition.--Any State that is dissatisfied with a final determination of the Commissioner under section 101(b) or subsection (c) may file a petition for judicial review of such determination in the United States Court of Appeals for the circuit in which the State is located. Such a petition may be filed only within the 30-day period beginning on the date that notice of such final determination was received by the State. The clerk of the court shall transmit a copy of the petition to the Commissioner or to any officer designated by the Commissioner for that purpose. In accordance with section 2112 of title 28, United States Code, the Commissioner shall file with the court a record of the proceeding on which the Commissioner based the determination being appealed by the State. Until a record is so filed, the Commissioner may modify or set aside any determination made under such proceedings.

``(2) Submissions and determinations.--If, in an action under this subsection to review a final determination of the Commissioner under section 101(b) or subsection (c), the petitioner or the Commissioner applies to the court for leave to have additional oral submissions or written presentations made respecting such determination, the court may, for good cause shown, order the Commissioner to provide within 30 days an additional opportunity to make such submissions and presentations. Within such period, the Commissioner may revise any findings of fact, modify or set aside the determination being reviewed, or make a new determination by reason of the additional submissions and presentations, and shall file such modified or new determination, and any revised findings of fact, with the return of such submissions and presentations. The court shall thereafter review such new or modified determination.

``(3) Standards of review.--

``(A) In general.--Upon the filing of a petition under paragraph (1) for judicial review of a determination, the court shall have jurisdiction--

``(i) to grant appropriate relief as provided in chapter 7 of title 5, United States Code, except for

interim relief with respect to a determination under subsection (c); and

``(ii) except as otherwise provided in subparagraph (B), to review such determination in accordance with chapter 7 of title 5, United States Code.

``(B) Substantial evidence.--Section 706 of title 5, United States Code, shall apply to the review of any determination under this subsection, except that the standard for review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court shall hold unlawful and set aside such determination if the court finds that the determination is not supported by substantial evidence in the record of the proceeding submitted pursuant to paragraph (1), as supplemented by any additional submissions and presentations filed under paragraph (2).

``SEC. 108. EXPENDITURE OF CERTAIN AMOUNTS.

``(a) Expenditure.--Amounts described in subsection (b) may not be expended by a State for any purpose other than carrying out programs for which the State receives financial assistance under this title, under part B of title VI, or under title VII.

``(b) Amounts.--The amounts referred to in subsection (a) are amounts provided to a State under the Social Security Act (42 U.S.C. 301 et seq.) as reimbursement for the expenditure of payments received by the State from allotments under section 110 of this Act.

``SEC. 109. TRAINING OF EMPLOYERS WITH RESPECT TO AMERICANS WITH DISABILITIES ACT OF 1990.

``A State may expend payments received under section 111--

``(1) to carry out a program to train employers with respect to compliance with the requirements of title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.); and

``(2) to inform employers of the existence of the program and the availability of the services of the program.

``Part B--Basic Vocational Rehabilitation Services

``SEC. 110. STATE ALLOTMENTS.

``(a)(1) Subject to the provisions of subsection (c), for each fiscal year beginning before October 1, 1978, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under section 100(b)(1) for

allotment under this section as the product of--

``(A) the population of the State; and

``(B) the square of its allotment percentage,

bears to the sum of the corresponding products for all the States.

``(2)(A) For each fiscal year beginning on or after October 1, 1978, each State shall be entitled to an allotment in an amount equal to the amount such State received under paragraph (1) for the fiscal year ending September 30, 1978, and an additional amount determined pursuant to subparagraph (B) of this paragraph.

``(B) For each fiscal year beginning on or after October 1, 1978, each State shall be entitled to an allotment, from any amount authorized to be appropriated for such fiscal year under section 100(b)(1) for allotment under this section in excess of the amount appropriated under section 100(b)(1)(A) for the fiscal year ending September 30, 1978, in an amount equal to the sum of--

``(i) an amount bearing the same ratio to 50 percent of such excess amount as the product of the population of the State and the square of its allotment percentage bears to the sum of the corresponding products for all the States; and

``(ii) an amount bearing the same ratio to 50 percent of such excess amount as the product of the population of the State and its allotment percentage bears to the sum of the corresponding products for all the States.

``(3) The sum of the payment to any State (other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands) under this subsection for any fiscal year which is less than \1/3\ of 1 percent of the amount appropriated under section 100(b)(1), or $3,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotment to each of the remaining such States under this subsection, but with such adjustments as may be necessary to prevent the sum of the allotments made under this subsection to any such remaining State from being thereby reduced to less than that amount.

``(b)(1) Not later than 45 days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, that any payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title.

``(2) As soon as practicable but not later than the end of the fiscal year, the Commissioner shall make such amount available for carrying out the purposes of this title to one or more other States to the extent the Commissioner determines such other State will be able to

use such additional amount during that fiscal year or the subsequent fiscal year for carrying out such purposes. The Commissioner shall make such amount available only if such other State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated.

``(3) For the purposes of this part, any amount made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

``(c)(1) For fiscal year 1987 and for each subsequent fiscal year, the Commissioner shall reserve from the amount appropriated under section 100(b)(1) for allotment under this section a sum, determined under paragraph (2), to carry out the purposes of part C.

``(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary--

``(A) not less than three-quarters of 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1), for fiscal year 1999; and

``(B) not less than 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1), for each of fiscal years 2000 through 2003.

``SEC. 111. PAYMENTS TO STATES.

``(a)(1) Except as provided in paragraph (2), from each State's allotment under this part for any fiscal year, the Commissioner shall pay to a State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for that State approved under section 101, including expenditures for the administration of the State plan.

``(2)(A) The total of payments under paragraph (1) to a State for a fiscal year may not exceed its allotment under subsection (a) of section 110 for such year.

``(B) For fiscal year 1994 and each fiscal year thereafter, the amount otherwise payable to a State for a fiscal year under this section shall be reduced by the amount by which expenditures from non-Federal sources under the State plan under this title for the previous fiscal year are less than the total of such expenditures for the second fiscal year preceding the previous fiscal year.

``(C) The Commissioner may waive or modify any requirement or limitation under subparagraph (B) or section 101(a)(17) if the Commissioner determines that a waiver or modification is an equitable response to exceptional or uncontrollable circumstances affecting the State.

``(3)(A) Except as provided in subparagraph (B), the amount of a payment under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share that is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a))), in such State.

``(B) If the Federal share with respect to rehabilitation facilities in such State is determined pursuant to section 645(b)(2) of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Commissioner designed to achieve as nearly as practicable results comparable to the results obtained under such section.

``(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

``(1) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by the Commissioner, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation as the Commissioner may find necessary.

``(2) The Commissioner shall pay, from the allotment available therefor, the amount so estimated by the Commissioner for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which the Commissioner finds that the estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Commissioner may determine.

``SEC. 112. CLIENT ASSISTANCE PROGRAM.

``(a) From funds appropriated under subsection (h), the Secretary shall, in accordance with this section, make grants to States to establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist and advocate for such clients or applicants in their relationships with projects, programs, and services provided under this Act, including assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure

the protection of the rights of such individuals under this Act and to facilitate access to the services funded under this Act through individual and systemic advocacy. The client assistance program shall provide information on the available services and benefits under this Act and title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) to individuals with disabilities in the State, especially with regard to individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs. In providing assistance and advocacy under this subsection with respect to services under this title, a client assistance program may provide the assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.

``(b) No State may receive payments from its allotment under this Act in any fiscal year unless the State has in effect not later than October 1, 1984, a client assistance program which--

``(1) has the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of rights of individuals with disabilities who are receiving treatments, services, or rehabilitation under this Act within the State; and

``(2) meets the requirements of designation under subsection (c).

``(c)(1)(A) The Governor shall designate a public or private agency to conduct the client assistance program under this section. Except as provided in the last sentence of this subparagraph, the Governor shall designate an agency which is independent of any agency which provides treatment, services, or rehabilitation to individuals under this Act. If there is an agency in the State which has, or had, prior to the date of enactment of the Rehabilitation Amendments of 1984, served as a client assistance agency under this section and which received Federal financial assistance under this Act, the Governor may, in the initial designation, designate an agency which provides treatment, services, or rehabilitation to individuals with disabilities under this Act.

``(B)(i) The Governor may not redesignate the agency designated under subparagraph (A) without good cause and unless--

``(I) the Governor has given the agency 30 days notice of the intention to make such redesignation, including specification of the good cause for such redesignation and an opportunity to respond to the assertion that good cause has been shown;

``(II) individuals with disabilities or the individuals' representatives have timely notice of the redesignation and opportunity for public comment; and

``(III) the agency has the opportunity to appeal to the Commissioner on the basis that the redesignation was not for good cause.

``(ii) If, after the date of enactment of the Rehabilitation Act Amendments of 1998--

``(I) a designated State agency undergoes any change in the organizational structure of the agency that results in the creation of one or more new State agencies or departments or results in the merger of the designated State agency with one or more other State agencies or departments; and

``(II) an agency (including an office or other unit) within the designated State agency was conducting a client assistance program before the change under the last sentence of subparagraph (A), the Governor shall redesignate the agency conducting the program. In conducting the redesignation, the Governor shall designate to conduct the program an agency that is independent of any agency that provides treatment, services, or rehabilitation to individuals with disabilities under this Act.

``(2) In carrying out the provisions of this section, the Governor shall consult with the director of the State vocational rehabilitation agency, the head of the developmental disability protection and advocacy agency, and with representatives of professional and consumer organizations serving individuals with disabilities in the State.

``(3) The agency designated under this subsection shall be accountable for the proper use of funds made available to the agency.

``(d) The agency designated under subsection (c) of this section may not bring any class action in carrying out its responsibilities under this section.

``(e)(1)(A) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $50,000.

``(B) The Secretary shall allot $30,000 each to American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

``(C) For the purpose of this paragraph, the term `State' does not include American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

``(D)(i) In any fiscal year that the funds appropriated for such fiscal year exceed $7,500,000, the minimum allotment shall be $100,000 for States and $45,000 for territories.

``(ii) For any fiscal year in which the total amount appropriated under subsection (h) exceeds the total amount appropriated under such subsection for the preceding fiscal year, the Secretary shall increase each of the minimum allotments under clause (i) by a percentage that shall not exceed the percentage increase in the total amount appropriated under such subsection between the preceding fiscal year and the fiscal year involved.

``(2) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the

period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary at appropriate times to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period, and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any such amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment for such fiscal year.

``(3) Except as specifically prohibited by or as otherwise provided in State law, the Secretary shall pay to the agency designated under subsection (c) the amount specified in the application approved under subsection (f).

``(f) No grant may be made under this section unless the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

``(g) The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

``(1) No employees of such programs shall, while so employed, serve as staff or consultants of any rehabilitation project, program, or facility receiving assistance under this Act in the State.

``(2) Each program shall be afforded reasonable access to policymaking and administrative personnel in the State and local rehabilitation programs, projects, or facilities.

``(3)(A) Each program shall contain provisions designed to assure that to the maximum extent possible alternative means of dispute resolution are available for use at the discretion of an applicant or client of the program prior to resorting to litigation or formal adjudication to resolve a dispute arising under this section.

``(B) In subparagraph (A), the term `alternative means of dispute resolution' means any procedure, including good faith negotiation, conciliation, facilitation, mediation, factfinding, and arbitration, and any combination of procedures, that is used in lieu of litigation in a court or formal adjudication in an administrative forum, to resolve a dispute arising under this section.

``(4) For purposes of any periodic audit, report, or evaluation of the performance of a client assistance program under this section, the Secretary shall not require such a program to disclose

the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

``(h) There are authorized to be appropriated such sums as may be necessary for fiscal years 1999 through 2003 to carry out the provisions of this section.

``Part C--American Indian Vocational Rehabilitation Services

``SEC. 121. VOCATIONAL REHABILITATION SERVICES GRANTS.

``(a) The Commissioner, in accordance with the provisions of this part, may make grants to the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay 90 percent of the costs of vocational rehabilitation services for American Indians who are individuals with disabilities residing on or near such reservations. The non-Federal share of such costs may be in cash or in kind, fairly valued, and the Commissioner may waive such non-Federal share requirement in order to carry out the purposes of this Act.

``(b)(1) No grant may be made under this part for any fiscal year unless an application therefor has been submitted to and approved by the Commissioner. The Commissioner may not approve an application unless the application--

``(A) is made at such time, in such manner, and contains such information as the Commissioner may require;

``(B) contains assurances that the rehabilitation services provided under this part to American Indians who are individuals with disabilities residing on or near a reservation in a State shall be, to the maximum extent feasible, comparable to rehabilitation services provided under this title to other individuals with disabilities residing in the State and that, where appropriate, may include services traditionally used by Indian tribes; and

``(C) contains assurances that the application was developed in consultation with the designated State unit of the State.

``(2) The provisions of sections 5, 6, 7, and 102(a) of the Indian Self-Determination and Education Assistance Act shall be applicable to any application submitted under this part. For purposes of this paragraph, any reference in any such provision to the Secretary of Education or to the Secretary of the Interior shall be considered to be a reference to the Commissioner.

``(3) Any application approved under this part shall be effective for not more than 60 months, except as determined otherwise by the Commissioner pursuant to prescribed regulations. The State shall

continue to provide vocational rehabilitation services under its State plan to American Indians residing on or near a reservation whenever such State includes any such American Indians in its State population under section 110(a)(1).

``(4) In making grants under this part, the Secretary shall give priority consideration to applications for the continuation of programs which have been funded under this part.

``(5) Nothing in this section may be construed to authorize a separate service delivery system for Indian residents of a State who reside in non-reservation areas.

``(c) The term `reservation' includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.

``Part D--Vocational Rehabilitation Services Client Information

``SEC. 131. DATA SHARING.

``(a) In General.--

``(1) Memorandum of understanding.--The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purposes of exchanging data of mutual importance--

``(A) that concern clients of designated State agencies; and

``(B) that are data maintained either by--

``(i) the Rehabilitation Services Administration, as required by section 13; or

``(ii) the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records.

``(2) Employment statistics.--The Secretary of Labor shall provide the Commissioner with employment statistics specified in section 15 of the Wagner-Peyser Act, that facilitate evaluation by the Commissioner of the program carried out under part B, and allow the Commissioner to compare the progress of individuals with disabilities who are assisted under the program in securing, retaining, regaining, and advancing in employment with the progress made by individuals who are assisted under title I of the Workforce Investment Act of 1998.

``(b) Treatment of Information.--For purposes of the exchange described in subsection (a)(1), the data described in subsection (a)(1)(B)(ii) shall not be considered return information (as defined in

section 6103(b)(2) of the Internal Revenue Code of 1986) and, as appropriate, the confidentiality of all client information shall be maintained by the Rehabilitation Services Administration and the Social Security Administration.".

SEC. 405. RESEARCH AND TRAINING.

Title II of the Rehabilitation Act of 1973 (29 U.S.C. 760 et seq.), is amended to read as follows:

``TITLE II--RESEARCH AND TRAINING

``Declaration of Purpose

``Sec. 200. The purpose of this title is to--

``(1) provide for research, demonstration projects, training, and related activities to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities of all ages, with particular emphasis on improving the effectiveness of services authorized under this Act;

``(2) provide for a comprehensive and coordinated approach to the support and conduct of such research, demonstration projects, training, and related activities and to ensure that the approach is in accordance with the 5-year plan developed under section 202(h);

``(3) promote the transfer of rehabilitation technology to individuals with disabilities through research and demonstration projects relating to--

``(A) the procurement process for the purchase of rehabilitation technology;

``(B) the utilization of rehabilitation technology on a national basis;

``(C) specific adaptations or customizations of products to enable individuals with disabilities to live more independently; and

``(D) the development or transfer of assistive technology;

``(4) ensure the widespread distribution, in usable formats, of practical scientific and technological information--

``(A) generated by research, demonstration projects, training, and related activities; and

``(B) regarding state-of-the-art practices, improvements in the services authorized under this Act, rehabilitation technology, and new knowledge regarding disabilities, to rehabilitation professionals, individuals with disabilities, and other interested parties, including the general public;

``(5) identify effective strategies that enhance the opportunities of individuals with disabilities to engage in employment, including employment involving telecommuting and self-employment; and

``(6) increase opportunities for researchers who are members of traditionally underserved populations, including researchers who are members of minority groups and researchers who are individuals with disabilities.

``Authorization of Appropriations

``Sec. 201. (a) There are authorized to be appropriated--

``(1) for the purpose of providing for the expenses of the National Institute on Disability and Rehabilitation Research under section 202, which shall include the expenses of the Rehabilitation Research Advisory Council under section 205, and shall not include the expenses of such Institute to carry out section 204, such sums as may be necessary for each of fiscal years 1999 through 2003; and

``(2) to carry out section 204, such sums as may be necessary for each of fiscal years 1999 through 2003.

``(b) Funds appropriated under this title shall remain available until expended.

``National Institute on Disability and Rehabilitation Research

``Sec. 202. (a)(1) There is established within the Department of Education a National Institute on Disability and Rehabilitation Research (hereinafter in this title referred to as the `Institute'), which shall be headed by a Director (hereinafter in this title referred to as the `Director'), in order to--

``(A) promote, coordinate, and provide for--

``(i) research;

``(ii) demonstration projects and training; and

``(iii) related activities,

with respect to individuals with disabilities;

``(B) more effectively carry out activities through the programs under section 204 and activities under this section;

``(C) widely disseminate information from the activities described in subparagraphs (A) and (B); and

``(D) provide leadership in advancing the quality of life of individuals with disabilities.

``(2) In the performance of the functions of the office, the Director shall be directly responsible to the Secretary or to the same Under Secretary or Assistant Secretary of the Department of Education to whom the Commissioner is responsible under section 3(a).

``(b) The Director, through the Institute, shall be responsible for--

``(1) administering the programs described in section 204 and activities under this section;

``(2) widely disseminating findings, conclusions, and recommendations, resulting from research, demonstration projects, training, and related activities (referred to in this title as `covered activities') funded by the Institute, to--

``(A) other Federal, State, tribal, and local public agencies;

``(B) private organizations engaged in research relating to rehabilitation or providing rehabilitation services;

``(C) rehabilitation practitioners; and

``(D) individuals with disabilities and the individuals' representatives;

``(3) coordinating, through the Interagency Committee established by section 203 of this Act, all Federal programs and policies relating to research in rehabilitation;

``(4) widely disseminating educational materials and research results, concerning ways to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, to--

``(A) public and private entities, including--

``(i) elementary and secondary schools (as defined in section 14101 of the Elementary and Secondary Education Act of 1965; and

``(ii) institutions of higher education;

``(B) rehabilitation practitioners;

``(C) individuals with disabilities (especially such individuals who are members of minority groups or of populations that are unserved or underserved by programs under this Act); and

``(D) the individuals' representatives for the individuals described in subparagraph (C);

``(5)(A) conducting an education program to inform the public about ways of providing for the rehabilitation of individuals with disabilities, including information relating to--

``(i) family care;

``(ii) self-care; and

``(iii) assistive technology devices and assistive technology services; and

``(B) as part of the program, disseminating engineering information about assistive technology devices;

``(6) conducting conferences, seminars, and workshops

(including in-service training programs and programs for individuals with disabilities) concerning advances in rehabilitation research and rehabilitation technology (including advances concerning the selection and use of assistive technology devices and assistive technology services), pertinent to the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities;

``(7) taking whatever action is necessary to keep the Congress fully and currently informed with respect to the implementation and conduct of programs and activities carried out under this title, including dissemination activities;

``(8) producing, in conjunction with the Department of Labor, the National Center for Health Statistics, the Bureau of the Census, the Health Care Financing Administration, the Social Security Administration, the Bureau of Indian Affairs, the Indian Health Service, and other Federal departments and agencies, as may be appropriate, statistical reports and studies on the employment, self-employment, telecommuting, health, income, and other demographic characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations, and widely disseminating such reports and studies to rehabilitation professionals, individuals with disabilities, the individuals' representatives, and others to assist in the planning, assessment, and evaluation of vocational and other rehabilitation services for individuals with disabilities;

``(9) conducting research on consumer satisfaction with vocational rehabilitation services for the purpose of identifying effective rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term vocational goals;

``(10) conducting research to examine the relationship between the provision of specific services and successful, sustained employment outcomes, including employment outcomes involving self-employment and telecommuting; and

``(11) coordinating activities with the Attorney General regarding the provision of information, training, or technical assistance regarding the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) to ensure consistency with the plan for technical assistance required under section 506 of such Act (42 U.S.C. 12206).

``(c)(1) The Director, acting through the Institute or one or more entities funded by the Institute, shall provide for the development and

dissemination of models to address consumer-driven information needs related to assistive technology devices and assistive technology services.

``(2) The development and dissemination of models may include--

``(A) convening groups of individuals with disabilities, family members and advocates of such individuals, commercial producers of assistive technology, and entities funded by the Institute to develop, assess, and disseminate knowledge about information needs related to assistive technology;

``(B) identifying the types of information regarding assistive technology devices and assistive technology services that individuals with disabilities find especially useful;

``(C) evaluating current models, and developing new models, for transmitting the information described in subparagraph (B) to consumers and to commercial producers of assistive technology; and

``(D) disseminating through one or more entities funded by the Institute, the models described in subparagraph (C) and findings regarding the information described in subparagraph (B) to consumers and commercial producers of assistive technology.

``(d)(1) The Director of the Institute shall be appointed by the Secretary. The Director shall be an individual with substantial experience in rehabilitation and in research administration.

``(2) The Director, subject to the approval of the President, may appoint, for terms not to exceed three years, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may compensate, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such technical and professional employees of the Institute as the Director determines to be necessary to accomplish the functions of the Institute and also appoint and compensate without regard to such provisions, in a number not to exceed one-fifth of the number of full-time, regular technical and professional employees of the Institute.

``(3) The Director may obtain the services of consultants, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

``(e) The Director, pursuant to regulations which the Secretary shall prescribe, may establish and maintain fellowships with such stipends and allowances, including travel and subsistence expenses provided for under title 5, United States Code, as the Director considers necessary to procure the assistance of highly qualified research fellows, including individuals with disabilities, from the United States and foreign countries.

``(f)(1) The Director shall provide for scientific peer review of all applications for financial assistance for research, training, and

demonstration projects over which the Director has authority. The scientific peer review shall be conducted by individuals who are not Federal employees, who are scientists or other experts in the rehabilitation field (including the independent living field), including knowledgeable individuals with disabilities, and the individuals' representatives, and who are competent to review applications for the financial assistance.

``(2) In providing for such scientific peer review, the Secretary shall provide for training, as necessary and appropriate, to facilitate the effective participation of those individuals selected to participate in such review.

``(g) Not less than 90 percent of the funds appropriated under this title for any fiscal year shall be expended by the Director to carry out activities under this title through grants, contracts, or cooperative agreements. Up to 10 percent of the funds appropriated under this title for any fiscal year may be expended directly for the purpose of carrying out the functions of the Director under this section.

``(h)(1) The Director shall--

``(A) by October 1, 1998, and every fifth October 1 thereafter, prepare and publish in the Federal Register for public comment a draft of a 5-year plan that outlines priorities for rehabilitation research, demonstration projects, training, and related activities and explains the basis for such priorities;

``(B) by June 1, 1999, and every fifth June 1 thereafter, after considering public comments, submit the plan in final form to the appropriate committees of Congress;

``(C) at appropriate intervals, prepare and submit revisions in the plan to the appropriate committees of Congress; and

``(D) annually prepare and submit progress reports on the plan to the appropriate committees of Congress.

``(2) Such plan shall--

``(A) identify any covered activity that should be conducted under this section and section 204 respecting the full inclusion and integration into society of individuals with disabilities, especially in the area of employment;

``(B) determine the funding priorities for covered activities to be conducted under this section and section 204;

``(C) specify appropriate goals and timetables for covered activities to be conducted under this section and section 204;

``(D) be developed by the Director--

``(i) after consultation with the Rehabilitation Research Advisory Council established under section 205;

``(ii) in coordination with the Commissioner;

``(iii) after consultation with the National Council on

Disability established under title IV, the Secretary of Education, officials responsible for the administration of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), and the Interagency Committee on Disability Research established under section 203; and

``(iv) after full consideration of the input of individuals with disabilities and the individuals' representatives, organizations representing individuals with disabilities, providers of services furnished under this Act, researchers in the rehabilitation field, and any other persons or entities the Director considers to be appropriate;

``(E) specify plans for widespread dissemination of the results of covered activities, in accessible formats, to rehabilitation practitioners, individuals with disabilities, and the individuals' representatives; and

``(F) specify plans for widespread dissemination of the results of covered activities that concern individuals with disabilities who are members of minority groups or of populations that are unserved or underserved by programs carried out under this Act.

``(i) In order to promote cooperation among Federal departments and agencies conducting research programs, the Director shall consult with the administrators of such programs, and with the Interagency Committee established by section 203, regarding the design of research projects conducted by such entities and the results and applications of such research.

``(j)(1) The Director shall take appropriate actions to provide for a comprehensive and coordinated research program under this title. In providing such a program, the Director may undertake joint activities with other Federal entities engaged in research and with appropriate private entities. Any Federal entity proposing to establish any research project related to the purposes of this Act shall consult, through the Interagency Committee established by section 203, with the Director as Chairperson of such Committee and provide the Director with sufficient prior opportunity to comment on such project.

``(2) Any person responsible for administering any program of the National Institutes of Health, the Department of Veterans Affairs, the National Science Foundation, the National Aeronautics and Space Administration, the Office of Special Education and Rehabilitative Services, or of any other Federal entity, shall, through the Interagency Committee established by section 203, consult and cooperate with the Director in carrying out such program if the program is related to the purposes of this title.

``(3) The Director shall support, directly or by grant or contract, a center associated with an institution of higher education, for research and training concerning the delivery of vocational

rehabilitation services to rural areas.

``(k) The Director shall make grants to institutions of higher education for the training of rehabilitation researchers, including individuals with disabilities, with particular attention to research areas that support the implementation and objectives of this Act and that improve the effectiveness of services authorized under this Act.

``Interagency Committee

``Sec. 203. (a)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting rehabilitation research programs, there is established within the Federal Government an Interagency Committee on Disability Research (hereinafter in this section referred to as the `Committee'), chaired by the Director and comprised of such members as the President may designate, including the following (or their designees): the Director, the Commissioner of the Rehabilitation Services Administration, the Assistant Secretary for Special Education and Rehabilitative Services, the Secretary of Education, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the National Institute of Mental Health, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the Assistant Secretary of the Interior for Indian Affairs, the Director of the Indian Health Service, and the Director of the National Science Foundation.

``(2) The Committee shall meet not less than four times each year.

``(b) After receiving input from individuals with disabilities and the individuals' representatives, the Committee shall identify, assess, and seek to coordinate all Federal programs, activities, and projects, and plans for such programs, activities, and projects with respect to the conduct of research related to rehabilitation of individuals with disabilities.

``(c) The Committee shall annually submit to the President and to the appropriate committees of the Congress a report making such recommendations as the Committee deems appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research related to rehabilitation of individuals with disabilities.

``Research and Other Covered Activities

``Sec. 204. (a)(1) To the extent consistent with priorities established in the 5-year plan described in section 202(h), the Director may make grants to and contracts with States and public or private agencies and organizations, including institutions of higher

education, Indian tribes, and tribal organizations, to pay part of the cost of projects for the purpose of planning and conducting research, demonstration projects, training, and related activities, the purposes of which are to develop methods, procedures, and rehabilitation technology, that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most significant disabilities, and improve the effectiveness of services authorized under this Act.

``(2)(A) In carrying out this section, the Director shall emphasize projects that support the implementation of titles I, III, V, VI, and VII, including projects addressing the needs described in the State plans submitted under section 101 or 704 by State agencies.

``(B) Such projects, as described in the State plans submitted by State agencies, may include--

``(i) medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques, including basic research where related to rehabilitation techniques or services;

``(ii) studies and analysis of industrial, vocational, social, recreational, psychiatric, psychological, economic, and other factors affecting rehabilitation of individuals with disabilities;

``(iii) studies and analysis of special problems of individuals who are homebound and individuals who are institutionalized;

``(iv) studies, analyses, and demonstrations of architectural and engineering design adapted to meet the special needs of individuals with disabilities;

``(v) studies, analyses, and other activities related to supported employment;

``(vi) related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of individuals with disabilities and individuals with the most significant disabilities, particularly individuals with disabilities, and individuals with the most significant disabilities, who are members of populations that are unserved or underserved by programs under this Act; and

``(vii) studies, analyses, and other activities related to job accommodations, including the use of rehabilitation engineering and assistive technology.

``(b)(1) In addition to carrying out projects under subsection (a), the Director may make grants under this subsection (referred to in this subsection as `research grants') to pay part or all of the cost of the research or other specialized covered activities described in paragraphs (2) through (18). A research grant made under any of paragraphs (2) through (18) may only be used in a manner consistent

with priorities established in the 5-year plan described in section 202(h).

``(2)(A) Research grants may be used for the establishment and support of Rehabilitation Research and Training Centers, for the purpose of providing an integrated program of research, which Centers shall--

``(i) be operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services; and

``(ii) serve as centers of national excellence and national or regional resources for providers and individuals with disabilities and the individuals' representatives.

``(B) The Centers shall conduct research and training activities by--

``(i) conducting coordinated and advanced programs of research in rehabilitation targeted toward the production of new knowledge that will improve rehabilitation methodology and service delivery systems, alleviate or stabilize disabling conditions, and promote maximum social and economic independence of individuals with disabilities, especially promoting the ability of the individuals to prepare for, secure, retain, regain, or advance in employment;

``(ii) providing training (including graduate, pre-service, and in-service training) to assist individuals to more effectively provide rehabilitation services;

``(iii) providing training (including graduate, pre-service, and in-service training) for rehabilitation research personnel and other rehabilitation personnel; and

``(iv) serving as an informational and technical assistance resource to providers, individuals with disabilities, and the individuals' representatives, through conferences, workshops, public education programs, in-service training programs, and similar activities.

``(C) The research to be carried out at each such Center may include--

``(i) basic or applied medical rehabilitation research;

``(ii) research regarding the psychological and social aspects of rehabilitation, including disability policy;

``(iii) research related to vocational rehabilitation;

``(iv) continuation of research that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities;

``(v) continuation of research to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities; and

``(vi) continuation of research that will improve services and policies that foster the productivity, independence, and social integration of individuals with disabilities, and enable individuals with disabilities, including individuals with mental retardation and other developmental disabilities, to live in their communities.

``(D) Training of students preparing to be rehabilitation personnel shall be an important priority for such a Center.

``(E) The Director shall make grants under this paragraph to establish and support both comprehensive centers dealing with multiple disabilities and centers primarily focused on particular disabilities.

``(F) Grants made under this paragraph may be used to provide funds for services rendered by such a Center to individuals with disabilities in connection with the research and training activities.

``(G) Grants made under this paragraph may be used to provide faculty support for teaching--

``(i) rehabilitation-related courses of study for credit; and

``(ii) other courses offered by the Centers, either directly or through another entity.

``(H) The research and training activities conducted by such a Center shall be conducted in a manner that is accessible to and usable by individuals with disabilities.

``(I) The Director shall encourage the Centers to develop practical applications for the findings of the research of the Centers.

``(J) In awarding grants under this paragraph, the Director shall take into consideration the location of any proposed Center and the appropriate geographic and regional allocation of such Centers.

``(K) To be eligible to receive a grant under this paragraph, each such institution or provider described in subparagraph (A) shall--

``(i) be of sufficient size, scope, and quality to effectively carry out the activities in an efficient manner consistent with appropriate Federal and State law; and

``(ii) demonstrate the ability to carry out the training activities either directly or through another entity that can provide such training.

``(L) The Director shall make grants under this paragraph for periods of 5 years, except that the Director may make a grant for a period of less than 5 years if--

``(i) the grant is made to a new recipient; or

``(ii) the grant supports new or innovative research.

``(M) Grants made under this paragraph shall be made on a competitive basis. To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

``(N) In conducting scientific peer review under section 202(f) of an application for the renewal of a grant made under this paragraph, the peer review panel shall take into account the past performance of the applicant in carrying out the grant and input from individuals with disabilities and the individuals' representatives.

``(O) An institution or provider that receives a grant under this paragraph to establish such a Center may not collect more than 15 percent of the amount of the grant received by the Center in indirect cost charges.

``(3)(A) Research grants may be used for the establishment and support of Rehabilitation Engineering Research Centers, operated by or in collaboration with institutions of higher education or nonprofit organizations, to conduct research or demonstration activities, and training activities, regarding rehabilitation technology, including rehabilitation engineering, assistive technology devices, and assistive technology services, for the purposes of enhancing opportunities for better meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives.

``(B) In order to carry out the purposes set forth in subparagraph (A), such a Center shall carry out the research or demonstration activities by--

``(i) developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to--

``(I) solve rehabilitation problems and remove environmental barriers through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, and new or improved methods, equipment, and devices; and

``(II) study new or emerging technologies, products, or environments, and the effectiveness and benefits of such technologies, products, or environments;

``(ii) demonstrating and disseminating--

``(I) innovative models for the delivery, to rural and urban areas, of cost-effective rehabilitation technology services that promote utilization of assistive technology devices; and

``(II) other scientific research to assist in meeting the employment and independent living needs of individuals with significant disabilities; or

``(iii) conducting research or demonstration activities that facilitate service delivery systems change by demonstrating, evaluating, documenting, and disseminating--

``(I) consumer responsive and individual and family-

centered innovative models for the delivery to both rural and urban areas, of innovative cost-effective rehabilitation technology services that promote utilization of rehabilitation technology; and

``(II) other scientific research to assist in meeting the employment and independent living needs of, and addressing the barriers confronted by, individuals with disabilities, including individuals with significant disabilities.

``(C) To the extent consistent with the nature and type of research or demonstration activities described in subparagraph (B), each Center established or supported through a grant made available under this paragraph shall--

``(i) cooperate with programs established under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) and other regional and local programs to provide information to individuals with disabilities and the individuals' representatives to--

``(I) increase awareness and understanding of how rehabilitation technology can address their needs; and

``(II) increase awareness and understanding of the range of options, programs, services, and resources available, including financing options for the technology and services covered by the area of focus of the Center;

``(ii) provide training opportunities to individuals, including individuals with disabilities, to become researchers of rehabilitation technology and practitioners of rehabilitation technology in conjunction with institutions of higher education and nonprofit organizations; and

``(iii) respond, through research or demonstration activities, to the needs of individuals with all types of disabilities who may benefit from the application of technology within the area of focus of the Center.

``(D)(i) In establishing Centers to conduct the research or demonstration activities described in subparagraph (B)(iii), the Director may establish one Center in each of the following areas of focus:

``(I) Early childhood services, including early intervention and family support.

``(II) Education at the elementary and secondary levels, including transition from school to postschool activities.

``(III) Employment, including supported employment, and reasonable accommodations and the reduction of environmental barriers as required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and title V.

``(IV) Independent living, including transition from

institutional to community living, maintenance of community living on leaving the workforce, self-help skills, and activities of daily living.

``(ii) Each Center conducting the research or demonstration activities described in subparagraph (B)(iii) shall have an advisory committee, of which the majority of members are individuals with disabilities who are users of rehabilitation technology, and the individuals' representatives.

``(E) Grants made under this paragraph shall be made on a competitive basis and shall be for a period of 5 years, except that the Director may make a grant for a period of less than 5 years if--

``(i) the grant is made to a new recipient; or

``(ii) the grant supports new or innovative research.

``(F) To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

``(G) Each Center established or supported through a grant made available under this paragraph shall--

``(i) cooperate with State agencies and other local, State, regional, and national programs and organizations developing or delivering rehabilitation technology, including State programs funded under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.); and

``(ii) prepare and submit to the Director as part of an application for continuation of a grant, or as a final report, a report that documents the outcomes of the program of the Center in terms of both short- and long-term impact on the lives of individuals with disabilities, and such other information as may be requested by the Director.

``(4)(A) Research grants may be used to conduct a program for spinal cord injury research, including conducting such a program by making grants to public or private agencies and organizations to pay part or all of the costs of special projects and demonstration projects for spinal cord injuries, that will--

``(i) ensure widespread dissemination of research findings among all Spinal Cord Injury Centers, to rehabilitation practitioners, individuals with spinal cord injury, the individuals' representatives, and organizations receiving financial assistance under this paragraph;

``(ii) provide encouragement and support for initiatives and new approaches by individual and institutional investigators; and

``(iii) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts in order to unify and coordinate

scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigations.

``(B) Any agency or organization carrying out a project or demonstration project assisted by a grant under this paragraph that provides services to individuals with spinal cord injuries shall--

``(i) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and other rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries, including acute care as well as periodic inpatient or outpatient followup and services;

``(ii) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost-effectiveness of, such a regional system;

``(iii) demonstrate and evaluate existing, new, and improved methods and rehabilitation technology essential to the care, management, and rehabilitation of individuals with spinal cord injuries; and

``(iv) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

``(C) In awarding grants under this paragraph, the Director shall take into account the location of any proposed Spinal Cord Injury Center and the appropriate geographic and regional allocation of such Centers.

``(5) Research grants may be used to conduct a program for end-stage renal disease research, to include support of projects and demonstrations for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals with such disease and which will--

``(A) ensure dissemination of research findings;

``(B) provide encouragement and support for initiatives and new approaches by individuals and institutional investigators; and

``(C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts,

in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among investigators in the field of end-stage renal disease. No person shall be selected to participate in such program who is eligible for services for such disease under any other provision of law.

``(6) Research grants may be used to conduct a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of individuals with disabilities in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of individuals with disabilities, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of individuals with disabilities with other nations as a means of increasing the levels of skill of rehabilitation personnel.

``(7) Research grants may be used to conduct a research program concerning the use of existing telecommunications systems (including telephone, television, satellite, radio, and other similar systems) which have the potential for substantially improving service delivery methods, and the development of appropriate programming to meet the particular needs of individuals with disabilities.

``(8) Research grants may be used to conduct a program of joint projects with the National Institutes of Health, the National Institute of Mental Health, the Health Services Administration, the Administration on Aging, the National Science Foundation, the Veterans' Administration, the Department of Health and Human Services, the National Aeronautics and Space Administration, other Federal agencies, and private industry in areas of joint interest involving rehabilitation.

``(9) Research grants may be used to conduct a program of research related to the rehabilitation of children, or older individuals, who are individuals with disabilities, including older American Indians who are individuals with disabilities. Such research program may include projects designed to assist the adjustment of, or maintain as residents in the community, older workers who are individuals with disabilities on leaving the workforce.

``(10) Research grants may be used to conduct a research program to develop and demonstrate innovative methods to attract and retain professionals to serve in rural areas in the rehabilitation of individuals with disabilities, including individuals with significant disabilities.

``(11) Research grants may be used to conduct a model research and demonstration project designed to assess the feasibility of establishing a center for producing and distributing to individuals who are deaf or hard of hearing captioned video cassettes providing a broad range of educational, cultural, scientific, and vocational programming.

``(12) Research grants may be used to conduct a model research and demonstration program to develop innovative methods of providing services for preschool age children who are individuals with disabilities, including--

``(A) early intervention, assessment, parent counseling, infant stimulation, early identification, diagnosis, and evaluation of children who are individuals with significant disabilities up to the age of five, with a special emphasis on children who are individuals with significant disabilities up to the age of three;

``(B) such physical therapy, language development, pediatric, nursing, psychological, and psychiatric services as are necessary for such children; and

``(C) appropriate services for the parents of such children, including psychological and psychiatric services, parent counseling, and training.

``(13) Research grants may be used to conduct a model research and training program under which model training centers shall be established to develop and use more advanced and effective methods of evaluating and addressing the employment needs of individuals with disabilities, including programs that--

``(A) provide training and continuing education for personnel involved with the employment of individuals with disabilities;

``(B) develop model procedures for testing and evaluating the employment needs of individuals with disabilities;

``(C) develop model training programs to teach individuals with disabilities skills which will lead to appropriate employment;

``(D) develop new approaches for job placement of individuals with disabilities, including new followup procedures relating to such placement;

``(E) provide information services regarding education, training, employment, and job placement for individuals with disabilities; and

``(F) develop new approaches and provide information regarding job accommodations, including the use of rehabilitation engineering and assistive technology.

``(14) Research grants may be used to conduct a rehabilitation research program under which financial assistance is provided in order to--

``(A) test new concepts and innovative ideas;

``(B) demonstrate research results of high potential benefits;

``(C) purchase prototype aids and devices for evaluation;

``(D) develop unique rehabilitation training curricula; and

``(E) be responsive to special initiatives of the Director.

No single grant under this paragraph may exceed $50,000 in any fiscal year and all payments made under this paragraph in any fiscal year may not exceed 5 percent of the amount available for this section to the National Institute on Disability and Rehabilitation Research in any fiscal year. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent

possible, be expedited.

``(15) Research grants may be used to conduct studies of the rehabilitation needs of American Indian populations and of effective mechanisms for the delivery of rehabilitation services to Indians residing on and off reservations.

``(16) Research grants may be used to conduct a demonstration program under which one or more projects national in scope shall be established to develop procedures to provide incentives for the development, manufacturing, and marketing of orphan technological devices, including technology transfer concerning such devices, designed to enable individuals with disabilities to achieve independence and access to gainful employment.

``(17)(A) Research grants may be used to conduct a research program related to quality assurance in the area of rehabilitation technology.

``(B) Activities carried out under the research program may include--

``(i) the development of methodologies to evaluate rehabilitation technology products and services and the dissemination of the methodologies to consumers and other interested parties;

``(ii) identification of models for service provider training and evaluation and certification of the effectiveness of the models;

``(iii) identification and dissemination of outcome measurement models for the assessment of rehabilitation technology products and services; and

``(iv) development and testing of research-based tools to enhance consumer decisionmaking about rehabilitation technology products and services.

``(18) Research grants may be used to provide for research and demonstration projects and related activities that explore the use and effectiveness of specific alternative or complementary medical practices for individuals with disabilities. Such projects and activities may include projects and activities designed to--

``(A) determine the use of specific alternative or complementary medical practices among individuals with disabilities and the perceived effectiveness of the practices;

``(B) determine the specific information sources, decisionmaking methods, and methods of payment used by individuals with disabilities who access alternative or complementary medical services;

``(C) develop criteria to screen and assess the validity of research studies of such practices for individuals with disabilities; and

``(D) determine the effectiveness of specific alternative or

complementary medical practices that show promise for promoting increased functioning, prevention of secondary disabilities, or other positive outcomes for individuals with certain types of disabilities, by conducting controlled research studies.

``(c)(1) In carrying out evaluations of covered activities under this section, the Director is authorized to make arrangements for site visits to obtain information on the accomplishments of the projects.

``(2) The Director shall not make a grant under this section that exceeds $500,000 unless the peer review of the grant application has included a site visit.

``Rehabilitation Research Advisory Council

``Sec. 205. (a) Establishment.--Subject to the availability of appropriations, the Secretary shall establish in the Department of Education a Rehabilitation Research Advisory Council (referred to in this section as the `Council') composed of 12 members appointed by the Secretary.

``(b) Duties.--The Council shall advise the Director with respect to research priorities and the development and revision of the 5-year plan required by section 202(h).

``(c) Qualifications.--Members of the Council shall be generally representative of the community of rehabilitation professionals, the community of rehabilitation researchers, the community of individuals with disabilities, and the individuals' representatives. At least one-half of the members shall be individuals with disabilities or the individuals' representatives.

``(d) Terms of Appointment.--

``(1) Length of term.--Each member of the Council shall serve for a term of up to 3 years, determined by the Secretary, except that--

``(A) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

``(B) the terms of service of the members initially appointed shall be (as specified by the Secretary) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

``(2) Number of terms.--No member of the Council may serve more than two consecutive full terms. Members may serve after the expiration of their terms until their successors have taken office.

``(e) Vacancies.--Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power

of the remaining members to execute the duties of the Council.

``(f) Payment and Expenses.--

``(1) Payment.--Each member of the Council who is not an officer or full-time employee of the Federal Government shall receive a payment of $150 for each day (including travel time) during which the member is engaged in the performance of duties for the Council. All members of the Council who are officers or full-time employees of the United States shall serve without compensation in addition to compensation received for their services as officers or employees of the United States.

``(2) Travel expenses.--Each member of the Council may receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for employees serving intermittently in the Government service, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

``(g) Detail of Federal Employees.--On the request of the Council, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of Education to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

``(h) Technical Assistance.--On the request of the Council, the Secretary shall provide such technical assistance to the Council as the Council determines to be necessary to carry out its duties.

``(i) Termination.--Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Council.".

SEC. 406. PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS.

Title III of the Rehabilitation Act of 1973 (29 U.S.C. 770 et seq.) is amended to read as follows:

``TITLE III--PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS

``SEC. 301. DECLARATION OF PURPOSE AND COMPETITIVE BASIS OF GRANTS AND CONTRACTS.

``(a) Purpose.--It is the purpose of this title to authorize grants and contracts to--

``(1)(A) provide academic training to ensure that skilled personnel are available to provide rehabilitation services to individuals with disabilities through vocational, medical, social, and psychological rehabilitation programs (including supported employment programs), through economic and business development

programs, through independent living services programs, and through client assistance programs; and

``(B) provide training to maintain and upgrade basic skills and knowledge of personnel (including personnel specifically trained to deliver services to individuals with disabilities whose employment outcome is self-employment or telecommuting) employed to provide state-of-the-art service delivery and rehabilitation technology services;

``(2) conduct special projects and demonstrations that expand and improve the provision of rehabilitation and other services (including those services provided through community rehabilitation programs) authorized under this Act, or that otherwise further the purposes of this Act, including related research and evaluation;

``(3) provide vocational rehabilitation services to individuals with disabilities who are migrant or seasonal farmworkers;

``(4) initiate recreational programs to provide recreational activities and related experiences for individuals with disabilities to aid such individuals in employment, mobility, socialization, independence, and community integration; and

``(5) provide training and information to individuals with disabilities and the individuals' representatives, and other appropriate parties to develop the skills necessary for individuals with disabilities to gain access to the rehabilitation system and statewide workforce investment systems and to become active decisionmakers in the rehabilitation process.

``(b) Competitive Basis of Grants and Contracts.--The Secretary shall ensure that all grants and contracts are awarded under this title on a competitive basis.

``SEC. 302. TRAINING.

``(a) Grants and Contracts for Personnel Training.--

``(1) Authority.--The Commissioner shall make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations (including institutions of higher education) to pay part of the cost of projects to provide training, traineeships, and related activities, including the provision of technical assistance, that are designed to assist in increasing the numbers of, and upgrading the skills of, qualified personnel (especially rehabilitation counselors) who are trained in providing vocational, medical, social, and psychological rehabilitation services, who are trained to assist individuals with communication and related disorders, who are trained to provide other services provided under this Act, to individuals with disabilities, and who may include--

``(A) personnel specifically trained in providing

employment assistance to individuals with disabilities through job development and job placement services;

``(B) personnel specifically trained to identify, assess, and meet the individual rehabilitation needs of individuals with disabilities, including needs for rehabilitation technology;

``(C) personnel specifically trained to deliver services to individuals who may benefit from receiving independent living services;

``(D) personnel specifically trained to deliver services in the client assistance programs;

``(E) personnel specifically trained to deliver services, through supported employment programs, to individuals with a most significant disability; and

``(F) personnel specifically trained to deliver services to individuals with disabilities pursuing self-employment, business ownership, and telecommuting; and

``(G) personnel trained in performing other functions necessary to the provision of vocational, medical, social, and psychological rehabilitation services, and other services provided under this Act.

``(2) Authority to provide scholarships.--Grants and contracts under paragraph (1) may be expended for scholarships and may include necessary stipends and allowances.

``(3) Related federal statutes.--In carrying out this subsection, the Commissioner may make grants to and enter into contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to furnish training regarding provisions of Federal statutes, including section 504, title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.), and the provisions of titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.), that are related to work incentives for individuals with disabilities.

``(4) Training for statewide workforce systems personnel.--The Commissioner may make grants to and enter into contracts under this subsection with States and public or nonprofit agencies and organizations, including institutions of higher education, to furnish training to personnel providing services to individuals with disabilities under title I of the Workforce Investment Act of 1998. Under this paragraph, personnel may be trained--

``(A) in evaluative skills to determine whether an individual with a disability may be served by the State vocational rehabilitation program or another component of a statewide workforce investment system; or

``(B) to assist individuals with disabilities seeking assistance through one-stop delivery systems described in section 134(c) of the Workforce Investment Act of 1998.

``(5) Joint funding.--Training and other activities provided under paragraph (4) for personnel may be jointly funded with the Department of Labor, using funds made available under title I of the Workforce Investment Act of 1998.

``(b) Grants and Contracts for Academic Degrees and Academic Certificate Granting Training Projects.--

``(1) Authority.--

``(A) In general.--The Commissioner may make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations (including institutions of higher education) to pay part of the costs of academic training projects to provide training that leads to an academic degree or academic certificate. In making such grants or entering into such contracts, the Commissioner shall target funds to areas determined under subsection (e) to have shortages of qualified personnel.

``(B) Types of projects.--Academic training projects described in this subsection may include--

``(i) projects to train personnel in the areas of assisting and supporting individuals with disabilities pursuing self-employment, business ownership, and telecommuting, and of vocational rehabilitation counseling, rehabilitation technology, rehabilitation medicine, rehabilitation nursing, rehabilitation social work, rehabilitation psychiatry, rehabilitation psychology, rehabilitation dentistry, physical therapy, occupational therapy, speech pathology and audiology, physical education, therapeutic recreation, community rehabilitation programs, or prosthetics and orthotics;

``(ii) projects to train personnel to provide--

``(I) services to individuals with specific disabilities or individuals with disabilities who have specific impediments to rehabilitation, including individuals who are members of populations that are unserved or underserved by programs under this Act;

``(II) job development and job placement services to individuals with disabilities;

``(III) supported employment services, including services of employment specialists for individuals with disabilities;

``(IV) specialized services for individuals with significant disabilities; or

``(V) recreation for individuals with disabilities;

``(iii) projects to train personnel in other fields contributing to the rehabilitation of individuals with disabilities; and

``(iv) projects to train personnel in the use, applications, and benefits of rehabilitation technology.

``(2) Application.--No grant shall be awarded or contract entered into under this subsection unless the applicant has submitted to the Commissioner an application at such time, in such form, in accordance with such procedures, and including such information as the Secretary may require, including--

``(A) a description of how the designated State unit or units will participate in the project to be funded under the grant or contract, including, as appropriate, participation on advisory committees, as practicum sites, in curriculum development, and in other ways so as to build closer relationships between the applicant and the designated State unit and to encourage students to pursue careers in public vocational rehabilitation programs;

``(B) the identification of potential employers that provide employment that meets the requirements of paragraph (5)(A)(i); and

``(C) an assurance that data on the employment of graduates or trainees who participate in the project is accurate.

``(3) Limitation.--

``(A) In general.--Except as provided in subparagraph (B), no grant or contract under this subsection may be used to provide any one course of study to an individual for a period of more than 4 years.

``(B) Exception.--If a grant or contract recipient under this subsection determines that an individual has a disability which seriously affects the completion of training under this subsection, the grant or contract recipient may extend the period referred to in subparagraph (A).

``(4) Authority to provide scholarships.--Grants and contracts under paragraph (1) may be expanded to provide services that include the provision of scholarships and necessary stipends and allowances.

``(5) Agreements.--

``(A) Contents.--A recipient of a grant or contract under this subsection shall provide assurances to the Commissioner that each individual who receives a scholarship, for any academic year beginning after June 1, 1992, utilizing funds provided under such grant or contract shall enter into an agreement with the recipient under which the individual shall--

``(i) maintain employment--

``(I) in a nonprofit rehabilitation agency or related agency or in a State rehabilitation agency or related agency, including a professional corporation or professional practice group through which the individual has a service arrangement with the designated State agency;

``(II) on a full- or part-time basis; and

``(III) for a period of not less than the full-time equivalent of 2 years for each year for which assistance under this section was received by the individual,

within a period, beginning after the recipient completes the training for which the scholarship was awarded, of not more than the sum of the number of years in the period described in subclause (III) and 2 additional years; and

``(ii) repay all or part of any scholarship received, plus interest, if the individual does not fulfill the requirements of clause (i),

except as the Commissioner by regulation may provide for repayment exceptions and deferrals.

``(B) Enforcement.--The Commissioner shall be responsible for the enforcement of each agreement entered into under subparagraph (A) upon completion of the training involved under such subparagraph.

``(c) Grants to Historically Black Colleges and Universities.--The Commissioner, in carrying out this section, shall make grants to historically Black colleges and universities and other institutions of higher education whose minority student enrollment is at least 50 percent of the total enrollment of the institution.

``(d) Application.--A grant may not be awarded to a State or other organization under this section unless the State or organization has submitted an application to the Commissioner at such time, in such form, in accordance with such procedures, and containing such information as the Commissioner may require. Any such application shall include a detailed description of strategies that will be utilized to recruit and train individuals so as to reflect the diverse populations of the United States as part of the effort to increase the number of individuals with disabilities, and individuals who are from linguistically and culturally diverse backgrounds, who are available to provide rehabilitation services.

``(e) Evaluation and Collection of Data.--The Commissioner shall evaluate the impact of the training programs conducted under this section, and collect information on the training needs of, and data on shortages of qualified personnel necessary to provide services to

individuals with disabilities. The Commissioner shall prepare and submit to Congress, by September 30 of each fiscal year, a report setting forth and justifying in detail how the funds made available for training under this section for the fiscal year prior to such submission are allocated by professional discipline and other program areas. The report shall also contain findings on such personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under the President's budget proposal, and how the findings on personnel shortages justify the allocations.

``(f) Grants for the Training of Interpreters.--

``(1) Authority.--

``(A) In general.--For the purpose of training a sufficient number of qualified interpreters to meet the communications needs of individuals who are deaf or hard of hearing, and individuals who are deaf-blind, the Commissioner, acting through a Federal office responsible for deafness and communicative disorders, may award grants to public or private nonprofit agencies or organizations to pay part of the costs--

``(i) for the establishment of interpreter training programs; or

``(ii) to enable such agencies or organizations to provide financial assistance for ongoing interpreter training programs.

``(B) Geographic areas.--The Commissioner shall award grants under this subsection for programs in geographic areas throughout the United States that the Commissioner considers appropriate to best carry out the objectives of this section.

``(C) Priority.--In awarding grants under this subsection, the Commissioner shall give priority to public or private nonprofit agencies or organizations with existing programs that have a demonstrated capacity for providing interpreter training services.

``(D) Funding.--The Commissioner may award grants under this subsection through the use of--

``(i) amounts appropriated to carry out this section; or

``(ii) pursuant to an agreement with the Director of the Office of the Special Education Program (established under section 603 of the Individuals with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997 (Public Law 105-17))), amounts appropriated under section 686 of the Individuals with Disabilities Education Act.

``(2) Application.--A grant may not be awarded to an agency or organization under paragraph (1) unless the agency or organization

has submitted an application to the Commissioner at such time, in such form, in accordance with such procedures, and containing such information as the Commissioner may require, including--

``(A) a description of the manner in which an interpreter training program will be developed and operated during the 5-year period following the date on which a grant is received by the applicant under this subsection;

``(B) a demonstration of the applicant's capacity or potential for providing training for interpreters for individuals who are deaf or hard of hearing, and individuals who are deaf-blind;

``(C) assurances that any interpreter trained or retrained under a program funded under the grant will meet such minimum standards of competency as the Commissioner may establish for purposes of this subsection; and

``(D) such other information as the Commissioner may require.

``(g) Technical Assistance and In-Service Training.--

``(1) Technical assistance.--The Commissioner is authorized to provide technical assistance to State designated agencies and community rehabilitation programs, directly or through contracts with State designated agencies or nonprofit organizations.

``(2) Compensation.--An expert or consultant appointed or serving under contract pursuant to this section shall be compensated at a rate, subject to approval of the Commissioner, that shall not exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code. Such an expert or consultant may be allowed travel and transportation expenses in accordance with section 5703 of title 5, United States Code.

``(3) In-service training of rehabilitation personnel.--

``(A) Projects.--Subject to subparagraph (B), at least 15 percent of the sums appropriated to carry out this section shall be allocated to designated State agencies to be used, directly or indirectly, for projects for in-service training for rehabilitation personnel, consistent with the needs identified through the comprehensive system for personnel development required by section 101(a)(7), including projects designed--

``(i) to address recruitment and retention of qualified rehabilitation professionals;

``(ii) to provide for succession planning;

``(iii) to provide for leadership development and capacity building; and

``(iv) for fiscal years 1999 and 2000, to provide

training regarding the Workforce Investment Act of 1998 and the amendments to this Act made by the Rehabilitation Act Amendments of 1998.

``(B) Limitation.--If the allocation to designated State agencies required by subparagraph (A) would result in a lower level of funding for projects being carried out on the date of enactment of the Rehabilitation Act Amendments of 1998 by other recipients of funds under this section, the Commissioner may allocate less than 15 percent of the sums described in subparagraph (A) to designated State agencies for such in-service training.

``(h) Provision of Information.--The Commissioner, subject to the provisions of section 306, may require that recipients of grants or contracts under this section provide information, including data, with regard to the impact of activities funded under this section.

``(i) Authorization of Appropriations.--There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

``SEC. 303. DEMONSTRATION AND TRAINING PROGRAMS.

``(a) Demonstration Projects To Increase Client Choice.--

``(1) Grants.--The Commissioner may make grants to States and public or nonprofit agencies and organizations to pay all or part of the costs of projects to demonstrate ways to increase client choice in the rehabilitation process, including the selection of providers of vocational rehabilitation services.

``(2) Use of funds.--An entity that receives a grant under this subsection shall use the grant only--

``(A) for activities that are directly related to planning, operating, and evaluating the demonstration projects; and

``(B) to supplement, and not supplant, funds made available from Federal and non-Federal sources for such projects.

``(3) Application.--Any eligible entity that desires to receive a grant under this subsection shall submit an application at such time, in such manner, and containing such information and assurances as the Commissioner may require, including--

``(A) a description of--

``(i) how the entity intends to promote increased client choice in the rehabilitation process, including a description, if appropriate, of how an applicant will determine the cost of any service or product offered to an eligible client;

``(ii) how the entity intends to ensure that any vocational rehabilitation service or related service is

provided by a qualified provider who is accredited or meets such other quality assurance and cost-control criteria as the State may establish; and

``(iii) the outreach activities to be conducted by the applicant to obtain eligible clients; and

``(B) assurances that a written plan will be established with the full participation of the client, which plan shall, at a minimum, include--

``(i) a statement of the vocational rehabilitation goals to be achieved;

``(ii) a statement of the specific vocational rehabilitation services to be provided, the projected dates for their initiation, and the anticipated duration of each such service; and

``(iii) objective criteria, an evaluation procedure, and a schedule, for determining whether such goals are being achieved.

``(4) Award of grants.--In selecting entities to receive grants under paragraph (1), the Commissioner shall take into consideration--

``(A) the diversity of strategies used to increase client choice, including selection among qualified service providers;

``(B) the geographic distribution of projects; and

``(C) the diversity of clients to be served.

``(5) Records.--Entities that receive grants under paragraph (1) shall maintain such records as the Commissioner may require and comply with any request from the Commissioner for such records.

``(6) Direct services.--At least 80 percent of the funds awarded for any project under this subsection shall be used for direct services, as specifically chosen by eligible clients.

``(7) Evaluation.--The Commissioner may conduct an evaluation of the demonstration projects with respect to the services provided, clients served, client outcomes obtained, implementation issues addressed, the cost-effectiveness of the project, and the effects of increased choice on clients and service providers. The Commissioner may reserve funds for the evaluation for a fiscal year from the amounts appropriated to carry out projects under this section for the fiscal year.

``(8) Definitions.--For the purposes of this subsection:

``(A) Direct services.--The term `direct services' means vocational rehabilitation services, as described in section 103(a).

``(B) Eligible client.--The term `eligible client' means an individual with a disability, as defined in section 7(20)(A), who is not currently receiving services under an individualized

plan for employment established through a designated State unit.

``(b) Special Demonstration Programs.--

``(1) Grants; contracts.--The Commissioner, subject to the provisions of section 306, may provide grants to, or enter into contracts with, eligible entities to pay all or part of the cost of programs that expand and improve the provision of rehabilitation and other services authorized under this Act or that further the purposes of the Act, including related research and evaluation activities.

``(2) Eligible entities; terms and conditions.--

``(A) Eligible entities.--To be eligible to receive a grant, or enter into a contract, under paragraph (1), an entity shall be a State vocational rehabilitation agency, community rehabilitation program, Indian tribe or tribal organization, or other public or nonprofit agency or organization, or as the Commissioner determines appropriate, a for-profit organization. The Commissioner may limit competitions to one or more types of organizations described in this subparagraph.

``(B) Terms and conditions.--A grant or contract under paragraph (1) shall contain such terms and conditions as the Commissioner may require.

``(3) Application.--An eligible entity that desires to receive a grant, or enter into a contract, under paragraph (1) shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Commissioner may require, including, if the Commissioner determines appropriate, a description of how the proposed project or demonstration program--

``(A) is based on current research findings, which may include research conducted by the National Institute on Disability and Rehabilitation Research, the National Institutes of Health, and other public or private organizations; and

``(B) is of national significance.

``(4) Types of projects.--The programs that may be funded under this subsection may include--

``(A) special projects and demonstrations of service delivery;

``(B) model demonstration projects;

``(C) technical assistance projects;

``(D) systems change projects;

``(E) special studies and evaluations; and

``(F) dissemination and utilization activities.

``(5) Priority for competitions.--

``(A) In general.--In announcing competitions for grants and contracts under this subsection, the Commissioner shall

give priority consideration to--

``(i) special projects and demonstration programs of service delivery for adults who are either low-functioning and deaf or low-functioning and hard of hearing;

``(ii) supported employment, including community-based supported employment programs to meet the needs of individuals with the most significant disabilities or to provide technical assistance to States and community organizations to improve and expand the provision of supported employment services; and

``(iii) model transitional planning services for youths with disabilities.

``(B) Additional competitions.--In announcing competitions for grants and contracts under this subsection, the Commissioner may require that applicants address one or more of the following:

``(i) Age ranges.

``(ii) Types of disabilities.

``(iii) Types of services.

``(iv) Models of service delivery.

``(v) Stage of the rehabilitation process.

``(vi) The needs of underserved populations, unserved and underserved areas, individuals with significant disabilities, low-incidence disability population or individuals residing in federally designated empowerment zones and enterprise communities.

``(vii) Expansion of employment opportunities for individuals with disabilities.

``(viii) Systems change projects to promote meaningful access of individuals with disabilities to employment-related services under title I of the Workforce Investment Act of 1998 and under other Federal laws.

``(ix) Innovative methods of promoting achievement of high-quality employment outcomes.

``(x) The demonstration of the effectiveness of early intervention activities in improving employment outcomes.

``(xi) Alternative methods of providing affordable transportation services to individuals with disabilities who are employed, seeking employment, or receiving vocational rehabilitation services from public or private organizations and who reside in geographic areas in which public transportation or paratransit service is not available.

``(6) Use of funds for continuation awards.--The Commissioner may use funds made available to carry out this section for

continuation awards for projects that were funded under sections 12 and 311 (as such sections were in effect on the day before the date of the enactment of the Rehabilitation Act Amendments of 1998).

``(c) Parent Information and Training Program.--

``(1) Grants.--The Commissioner is authorized to make grants to private nonprofit organizations for the purpose of establishing programs to provide training and information to enable individuals with disabilities, and the parents, family members, guardians, advocates, or other authorized representatives of the individuals to participate more effectively with professionals in meeting the vocational, independent living, and rehabilitation needs of individuals with disabilities. Such grants shall be designed to meet the unique training and information needs of the individuals described in the preceding sentence, who live in the area to be served, particularly those who are members of populations that have been unserved or underserved by programs under this Act.

``(2) Use of grants.--An organization that receives a grant to establish training and information programs under this subsection shall use the grant to assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals--

``(A) to better understand vocational rehabilitation and independent living programs and services;

``(B) to provide followup support for transition and employment programs;

``(C) to communicate more effectively with transition and rehabilitation personnel and other relevant professionals;

``(D) to provide support in the development of the individualized plan for employment;

``(E) to provide support and expertise in obtaining information about rehabilitation and independent living programs, services, and resources that are appropriate; and

``(F) to understand the provisions of this Act, particularly provisions relating to employment, supported employment, and independent living.

``(3) Award of grants.--The Commissioner shall ensure that grants under this subsection--

``(A) shall be distributed geographically to the greatest extent possible throughout all States; and

``(B) shall be targeted to individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, in both urban and rural areas or on a State or regional basis.

``(4) Eligible organizations.--In order to receive a grant under this subsection, an organization--

``(A) shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including information demonstrating the capacity and expertise of the organization--

``(i) to coordinate training and information activities with Centers for Independent Living;

``(ii) to coordinate and work closely with parent training and information centers established pursuant to section 682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17); and

``(iii) to effectively conduct the training and information activities authorized under this subsection;

``(B)(i) shall be governed by a board of directors--

``(I) that includes professionals in the field of vocational rehabilitation; and

``(II) on which a majority of the members are individuals with disabilities or the parents, family members, guardians, advocates, or authorized representatives of the individuals; or

``(ii)(I) shall have a membership that represents the interests of individuals with disabilities; and

``(II) shall establish a special governing committee that meets the requirements specified in subclauses (I) and (II) of clause (i) to operate a training and information program under this subsection; and

``(C) shall serve individuals with a full range of disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals.

``(5) Consultation.--Each organization carrying out a program receiving assistance under this subsection shall consult with appropriate agencies that serve or assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, located in the jurisdiction served by the program.

``(6) Coordination.--The Commissioner shall provide coordination and technical assistance by grant or cooperative agreement for establishing, developing, and coordinating the training and information programs. To the extent practicable, such assistance shall be provided by the parent training and information centers established pursuant to section 682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17).

``(7) Review.--

``(A) Quarterly review.--The board of directors or special governing committee of an organization receiving a grant under this subsection shall meet at least once in each calendar quarter to review the training and information program, and each such committee shall directly advise the governing board regarding the views and recommendations of the committee.

``(B) Review for grant renewal.--If a nonprofit private organization requests the renewal of a grant under this subsection, the board of directors or the special governing committee shall prepare and submit to the Commissioner a written review of the training and information program conducted by the organization during the preceding fiscal year.

``(d) Braille Training Programs.--

``(1) Establishment.--The Commissioner shall make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations, including institutions of higher education, to pay all or part of the cost of training in the use of braille for personnel providing vocational rehabilitation services or educational services to youth and adults who are blind.

``(2) Projects.--Such grants shall be used for the establishment or continuation of projects that may provide--

``(A) development of braille training materials;

``(B) in-service or pre-service training in the use of braille, the importance of braille literacy, and methods of teaching braille to youth and adults who are blind; and

``(C) activities to promote knowledge and use of braille and nonvisual access technology for blind youth and adults through a program of training, demonstration, and evaluation conducted with leadership of experienced blind individuals, including the use of comprehensive, state-of-the-art technology.

``(3) Application.--To be eligible to receive a grant, or enter into a contract, under paragraph (1), an agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

``(e) Authorization of Appropriations.--There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

``SEC. 304. MIGRANT AND SEASONAL FARMWORKERS.

``(a) Grants.--

``(1) Authority.--The Commissioner, subject to the provisions

of section 306, may make grants to eligible entities to pay up to 90 percent of the cost of projects or demonstration programs for the provision of vocational rehabilitation services to individuals with disabilities who are migrant or seasonal farmworkers, as determined in accordance with rules prescribed by the Secretary of Labor, and to the family members who are residing with such individuals (whether or not such family members are individuals with disabilities).

``(2) Eligible entities.--To be eligible to receive a grant under paragraph (1), an entity shall be--

``(A) a State designated agency;

``(B) a nonprofit agency working in collaboration with a State agency described in subparagraph (A); or

``(C) a local agency working in collaboration with a State agency described in subparagraph (A).

``(3) Maintenance and transportation.--

``(A) In general.--Amounts provided under a grant under this section may be used to provide for the maintenance of and transportation for individuals and family members described in paragraph (1) as necessary for the rehabilitation of such individuals.

``(B) Requirement.--Maintenance payments under this paragraph shall be provided in a manner consistent with any maintenance payments provided to other individuals with disabilities in the State under this Act.

``(4) Assurance of cooperation.--To be eligible to receive a grant under this section an entity shall provide assurances (satisfactory to the Commissioner) that in the provision of services under the grant there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migrant or seasonal farmworkers or their families.

``(5) Coordination with other programs.--The Commissioner shall administer this section in coordination with other programs serving migrant and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), and the Workforce Investment Act of 1998.

``(b) Authorization of Appropriations.--There are authorized to be appropriated such sums as may be necessary to carry out this section, for each of the fiscal years 1999 through 2003.

``SEC. 305. RECREATIONAL PROGRAMS.

``(a) Grants.--

``(1) Authority.--

``(A) In general.--The Commissioner, subject to the provisions of section 306, shall make grants to States, public agencies, and nonprofit private organizations to pay the Federal share of the cost of the establishment and operation of recreation programs to provide individuals with disabilities with recreational activities and related experiences to aid in the employment, mobility, socialization, independence, and community integration of such individuals.

``(B) Recreation programs.--The recreation programs that may be funded using assistance provided under a grant under this section may include vocational skills development, leisure education, leisure networking, leisure resource development, physical education and sports, scouting and camping, 4-H activities, construction of facilities for aquatic rehabilitation therapy, music, dancing, handicrafts, art, and homemaking. When possible and appropriate, such programs and activities should be provided in settings with peers who are not individuals with disabilities.

``(C) Design of program.--Programs and activities carried out under this section shall be designed to demonstrate ways in which such programs assist in maximizing the independence and integration of individuals with disabilities.

``(2) Maximum term of grant.--A grant under this section shall be made for a period of not more than 3 years.

``(3) Availability of nongrant resources.--

``(A) In general.--A grant may not be made to an applicant under this section unless the applicant provides assurances that, with respect to costs of the recreation program to be carried out under the grant, the applicant, to the maximum extent practicable, will make available non-Federal resources (in cash or in-kind) to pay the non-Federal share of such costs.

``(B) Federal share.--The Federal share of the costs of the recreation programs carried out under this section shall be--

``(i) with respect to the first year in which assistance is provided under a grant under this section, 100 percent;

``(ii) with respect to the second year in which assistance is provided under a grant under this section, 75 percent; and

``(iii) with respect to the third year in which assistance is provided under a grant under this section, 50

percent.

``(4) Application.--To be eligible to receive a grant under this section, a State, agency, or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including a description of--

``(A) the manner in which the findings and results of the project to be funded under the grant, particularly information that facilitates the replication of the results of such projects, will be made generally available; and

``(B) the manner in which the service program funded under the grant will be continued after Federal assistance ends.

``(5) Level of services.--Recreation programs funded under this section shall maintain, at a minimum, the same level of services over a 3-year project period.

``(6) Reports by grantees.--

``(A) Requirement.--The Commissioner shall require that each recipient of a grant under this section annually prepare and submit to the Commissioner a report concerning the results of the activities funded under the grant.

``(B) Limitation.--The Commissioner may not make financial assistance available to a grant recipient for a subsequent year until the Commissioner has received and evaluated the annual report of the recipient under subparagraph (A) for the current year.

``(b) Authorization of Appropriations.--There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1999 through 2003.

``SEC. 306. MEASURING OF PROJECT OUTCOMES AND PERFORMANCE.

``The Commissioner may require that recipients of grants under this title submit information, including data, as determined by the Commissioner to be necessary to measure project outcomes and performance, including any data needed to comply with the Government Performance and Results Act.".

SEC. 407. NATIONAL COUNCIL ON DISABILITY.

Title IV of the Rehabilitation Act of 1973 (29 U.S.C. 780 et seq.) is amended to read as follows:

``TITLE IV--NATIONAL COUNCIL ON DISABILITY

``Establishment of National Council on Disability

``Sec. 400. (a)(1)(A) There is established within the Federal Government a National Council on Disability (hereinafter in this title referred to as the `National Council'), which shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate.

``(B) The President shall select members of the National Council after soliciting recommendations from representatives of--

``(i) organizations representing a broad range of individuals with disabilities; and

``(ii) organizations interested in individuals with disabilities.

``(C) The members of the National Council shall be individuals with disabilities, parents or guardians of individuals with disabilities, or other individuals who have substantial knowledge or experience relating to disability policy or programs. The members of the National Council shall be appointed so as to be representative of individuals with disabilities, national organizations concerned with individuals with disabilities, providers and administrators of services to individuals with disabilities, individuals engaged in conducting medical or scientific research relating to individuals with disabilities, business concerns, and labor organizations. A majority of the members of the National Council shall be individuals with disabilities. The members of the National Council shall be broadly representative of minority and other individuals and groups.

``(2) The purpose of the National Council is to promote policies, programs, practices, and procedures that--

``(A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and

``(B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

``(b)(1) Each member of the National Council shall serve for a term of 3 years, except that the terms of service of the members initially appointed after the date of enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

``(2)(A) No member of the National Council may serve more than two consecutive full terms beginning on the date of commencement of the first full term on the Council. Members may serve after the expiration of their terms until their successors have taken office.

``(B) As used in this paragraph, the term `full term' means a term of 3 years.

``(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

``(c) The President shall designate the Chairperson from among the members appointed to the National Council. The National Council shall meet at the call of the Chairperson, but not less often than four times each year.

``(d) Eight members of the National Council shall constitute a quorum and any vacancy in the National Council shall not affect its power to function.

``Duties of National Council

``Sec. 401. (a) The National Council shall--

``(1) provide advice to the Director with respect to the policies and conduct of the National Institute on Disability and Rehabilitation Research, including ways to improve research concerning individuals with disabilities and the methods of collecting and disseminating findings of such research;

``(2) provide advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;

``(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under this Act;

``(4) provide advice regarding priorities for the activities of the Interagency Disability Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;

``(5) review and evaluate on a continuing basis--

``(A) policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act; and

``(B) all statutes and regulations pertaining to Federal programs which assist such individuals with disabilities;

in order to assess the effectiveness of such policies, programs, practices, procedures, statutes, and regulations in meeting the needs of individuals with disabilities;

``(6) assess the extent to which such policies, programs, practices, and procedures facilitate or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section 400(a)(2);

``(7) gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

``(8) make recommendations to the President, the Congress, the Secretary, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies or other Federal entities, respecting ways to better promote the policies set forth in section 400(a)(2);

``(9) provide to the Congress on a continuing basis advice, recommendations, legislative proposals, and any additional information that the National Council or the Congress deems appropriate; and

``(10) review and evaluate on a continuing basis new and emerging disability policy issues affecting individuals with disabilities at the Federal, State, and local levels, and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access to health care, and policies that operate as disincentives for the individuals to seek and retain employment.

``(b)(1) Not later than October 31, 1998, and annually thereafter, the National Council shall prepare and submit to the President and the appropriate committees of the Congress a report entitled `National Disability Policy: A Progress Report'.

``(2) The report shall assess the status of the Nation in achieving the policies set forth in section 400(a)(2), with particular focus on the new and emerging issues impacting on the lives of individuals with disabilities. The report shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education. The report shall include recommendations for policy change.

``(3) In determining the issues to focus on and the findings, conclusions, and recommendations to include in the report, the National Council shall seek input from the public, particularly individuals with disabilities, representatives of organizations representing a broad range of individuals with disabilities, and organizations and agencies interested in individuals with disabilities.

``Compensation of National Council Members

``Sec. 402. (a) Members of the National Council shall be entitled

to receive compensation at a rate equal to the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code, including travel time, for each day they are engaged in the performance of their duties as members of the National Council.

``(b) Members of the National Council who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the National Council except for compensation for travel expenses as provided under subsection (c) of this section.

``(c) While away from their homes or regular places of business in the performance of services for the National Council, members of the National Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

``Staff of National Council

``Sec. 403. (a)(1) The Chairperson of the National Council may appoint and remove, without regard to the provisions of title 5, United States Code, governing appointments, the provisions of chapter 75 of such title (relating to adverse actions), the provisions of chapter 77 of such title (relating to appeals), or the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates), an Executive Director to assist the National Council to carry out its duties. The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for individuals with disabilities.

``(2) The Executive Director is authorized to hire technical and professional employees to assist the National Council to carry out its duties.

``(b)(1) The National Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code (but at rates for individuals not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code).

``(2) The National Council may--

``(A) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

``(B) in the name of the Council, solicit, accept, employ, and dispose of, in furtherance of this Act, any money or property, real

or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

``(C) enter into contracts and cooperative agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, preparation of reports and other activities necessary to the discharge of the Council's duties and responsibilities.

``(3) Not more than 10 per centum of the total amounts available to the National Council in each fiscal year may be used for official representation and reception.

``(c) The Administrator of General Services shall provide to the National Council on a reimbursable basis such administrative support services as the Council may request.

``(d)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the amounts made available under subsection (a)(2)(B) as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

``(2) The amounts described in paragraph (1), and the interest on, and the proceeds from the sale or redemption of, the obligations described in paragraph (1) shall be available to the National Council to carry out this title.

``Administrative Powers of National Council

``Sec. 404. (a) The National Council may prescribe such bylaws and rules as may be necessary to carry out its duties under this title.

``(b) The National Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable.

``(c) The National Council may appoint advisory committees to assist the National Council in carrying out its duties. The members thereof shall serve without compensation.

``(d) The National Council may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

``(e) The National Council may use, with the consent of the agencies represented on the Interagency Disability Coordinating Council, and as authorized in title V, such services, personnel, information, and facilities as may be needed to carry out its duties under this title, with or without reimbursement to such agencies.

``Authorization of Appropriations

``Sec. 405. There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1999 through 2003.".

SEC. 408. RIGHTS AND ADVOCACY.

(a) Conforming Amendments to Rights and Advocacy Provisions.--
(1) Employment.--Section 501 (29 U.S.C. 791) is amended--
(A) in the third sentence of subsection (a), by striking ``President's Committees on Employment of the Handicapped'' and inserting ``President's Committees on Employment of People With Disabilities''; and
(B) in subsection (e), by striking ``individualized written rehabilitation program'' and inserting ``individualized plan for employment''.
(2) Access board.--Section 502 (29 U.S.C. 792) is amended--
(A) in subsection (a)(1), in the sentence following subparagraph (B), by striking ``Chairperson'' and inserting ``chairperson'';
(B) in subsection (b)--
(i) in paragraph (2), by striking ``guidelines'' and inserting ``information'';
(ii) by striking paragraph (3) and inserting the following:
``(3) establish and maintain--
``(A) minimum guidelines and requirements for the standards issued pursuant to the Act commonly known as the Architectural Barriers Act of 1968;
``(B) minimum guidelines and requirements for the standards issued pursuant to titles II and III of the Americans with Disabilities Act of 1990;
``(C) guidelines for accessibility of telecommunications equipment and customer premises equipment under section 255 of the Telecommunications Act of 1934 (47 U.S.C. 255); and
``(D) standards for accessible electronic and information technology under section 508;'';
(iii) in paragraph (9), by striking ``; and'' and inserting a semicolon;
(iv) in paragraph (10), by striking the period and inserting ``; and''; and
(v) by adding at the end the following:
``(11) carry out the responsibilities specified for the Access Board in section 508.'';
(C) in subsection (d)(1), by striking ``procedures under this section'' and inserting ``procedures under this

subsection";

(D) in subsection (g)(2), by striking ``Committee on Education and Labor'' and inserting ``Committee on Education and the Workforce";

(E) in subsection (h)(2)(A), by striking ``paragraphs (5) and (7)'' and inserting ``paragraphs (2) and (4)"; and

(F) in subsection (i), by striking ``fiscal years 1993 through 1997'' and inserting ``fiscal years 1999 through 2003".

(3) Federal grants and contracts.--Section 504(a) (29 U.S.C. 794(a)) is amended in the first sentence by striking ``section 7(8)'' and inserting ``section 7(20)".

(4) Secretarial responsibilities.--Section 506(a) (29 U.S.C. 794b(a)) is amended--

(A) by striking the second sentence and inserting the following: ``Any concurrence of the Access Board under paragraph (2) shall reflect its consideration of cost studies carried out by States."; and

(B) in the second sentence of subsection (c), by striking ``provided under this paragraph'' and inserting ``provided under this subsection".

(b) Electronic and Information Technology Regulations.--Section 508 (29 U.S.C. 794d) is amended to read as follows:

``SEC. 508. ELECTRONIC AND INFORMATION TECHNOLOGY.

``(a) Requirements for Federal Departments and Agencies.--

``(1) Accessibility.--

``(A) Development, procurement, maintenance, or use of electronic and information technology.--When developing, procuring, maintaining, or using electronic and information technology, each Federal department or agency, including the United States Postal Service, shall ensure, unless an undue burden would be imposed on the department or agency, that the electronic and information technology allows, regardless of the type of medium of the technology--

``(i) individuals with disabilities who are Federal employees to have access to and use of information and data that is comparable to the access to and use of the information and data by Federal employees who are not individuals with disabilities; and

``(ii) individuals with disabilities who are members of the public seeking information or services from a Federal department or agency to have access to and use of information and data that is comparable to the access to

and use of the information and data by such members of the public who are not individuals with disabilities.

``(B) Alternative means efforts.--When development, procurement, maintenance, or use of electronic and information technology that meets the standards published by the Access Board under paragraph (2) would impose an undue burden, the Federal department or agency shall provide individuals with disabilities covered by paragraph (1) with the information and data involved by an alternative means of access that allows the individual to use the information and data.

``(2) Electronic and information technology standards.--

``(A) In general.--Not later than 18 months after the date of enactment of the Rehabilitation Act Amendments of 1998, the Architectural and Transportation Barriers Compliance Board (referred to in this section as the `Access Board'), after consultation with the Secretary of Education, the Administrator of General Services, the Secretary of Commerce, the Chairman of the Federal Communications Commission, the Secretary of Defense, and the head of any other Federal department or agency that the Access Board determines to be appropriate, including consultation on relevant research findings, and after consultation with the electronic and information technology industry and appropriate public or nonprofit agencies or organizations, including organizations representing individuals with disabilities, shall issue and publish standards setting forth--

``(i) for purposes of this section, a definition of electronic and information technology that is consistent with the definition of information technology specified in section 5002(3) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401(3)); and

``(ii) the technical and functional performance criteria necessary to implement the requirements set forth in paragraph (1).

``(B) Review and amendment.--The Access Board shall periodically review and, as appropriate, amend the standards required under subparagraph (A) to reflect technological advances or changes in electronic and information technology.

``(3) Incorporation of standards.--Not later than 6 months after the Access Board publishes the standards required under paragraph (2), the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation and each Federal department or agency shall revise the Federal procurement policies and directives under the control of the department or agency to incorporate those standards. Not later than 6 months after the

Access Board revises any standards required under paragraph (2), the Council shall revise the Federal Acquisition Regulation and each appropriate Federal department or agency shall revise the procurement policies and directives, as necessary, to incorporate the revisions.

``(4) Acquisition planning.--In the event that a Federal department or agency determines that compliance with the standards issued by the Access Board under paragraph (2) relating to procurement imposes an undue burden, the documentation by the department or agency supporting the procurement shall explain why compliance creates an undue burden.

``(5) Exemption for national security systems.--This section shall not apply to national security systems, as that term is defined in section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

``(6) Construction.--

``(A) Equipment.--In a case in which the Federal Government provides access to the public to information or data through electronic and information technology, nothing in this section shall be construed to require a Federal department or agency--

``(i) to make equipment owned by the Federal Government available for access and use by individuals with disabilities covered by paragraph (1) at a location other than that where the electronic and information technology is provided to the public; or

``(ii) to purchase equipment for access and use by individuals with disabilities covered by paragraph (1) at a location other than that where the electronic and information technology is provided to the public.

``(B) Software and peripheral devices.--Except as required to comply with standards issued by the Access Board under paragraph (2), nothing in paragraph (1) requires the installation of specific accessibility-related software or the attachment of a specific accessibility-related peripheral device at a workstation of a Federal employee who is not an individual with a disability.

``(b) Technical Assistance.--The Administrator of General Services and the Access Board shall provide technical assistance to individuals and Federal departments and agencies concerning the requirements of this section.

``(c) Agency Evaluations.--Not later than 6 months after the date of enactment of the Rehabilitation Act Amendments of 1998, the head of each Federal department or agency shall evaluate the extent to which the electronic and information technology of the department or agency is accessible to and usable by individuals with disabilities described

in subsection (a)(1), compared to the access to and use of the technology by individuals described in such subsection who are not individuals with disabilities, and submit a report containing the evaluation to the Attorney General.

``(d) Reports.--

``(1) Interim report.--Not later than 18 months after the date of enactment of the Rehabilitation Act Amendments of 1998, the Attorney General shall prepare and submit to the President a report containing information on and recommendations regarding the extent to which the electronic and information technology of the Federal Government is accessible to and usable by individuals with disabilities described in subsection (a)(1).

``(2) Biennial reports.--Not later than 3 years after the date of enactment of the Rehabilitation Act Amendments of 1998, and every 2 years thereafter, the Attorney General shall prepare and submit to the President and Congress a report containing information on and recommendations regarding the state of Federal department and agency compliance with the requirements of this section, including actions regarding individual complaints under subsection (f).

``(e) Cooperation.--Each head of a Federal department or agency (including the Access Board, the Equal Employment Opportunity Commission, and the General Services Administration) shall provide to the Attorney General such information as the Attorney General determines is necessary to conduct the evaluations under subsection (c) and prepare the reports under subsection (d).

``(f) Enforcement.--

``(1) General.--

``(A) Complaints.--Effective 2 years after the date of enactment of the Rehabilitation Act Amendments of 1998, any individual with a disability may file a complaint alleging that a Federal department or agency fails to comply with subsection (a)(1) in providing electronic and information technology.

``(B) Application.--This subsection shall apply only to electronic and information technology that is procured by a Federal department or agency not less than 2 years after the date of enactment of the Rehabilitation Act Amendments of 1998.

``(2) Administrative complaints.--Complaints filed under paragraph (1) shall be filed with the Federal department or agency alleged to be in noncompliance. The Federal department or agency receiving the complaint shall apply the complaint procedures established to implement section 504 for resolving allegations of discrimination in a federally conducted program or activity.

``(3) Civil actions.--The remedies, procedures, and rights set forth in sections 505(a)(2) and 505(b) shall be the remedies,

procedures, and rights available to any individual with a disability filing a complaint under paragraph (1).

``(g) Application to Other Federal Laws.--This section shall not be construed to limit any right, remedy, or procedure otherwise available under any provision of Federal law (including sections 501 through 505) that provides greater or equal protection for the rights of individuals with disabilities than this section.".

(c) Protection and Advocacy of Individual Rights.--Section 509 (29 U.S.C. 794e) is amended to read as follows:

``SEC. 509. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

``(a) Purpose and Construction.--

``(1) Purpose.--The purpose of this section is to support a system in each State to protect the legal and human rights of individuals with disabilities who--

``(A) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 112; and

``(B)(i) are ineligible for protection and advocacy programs under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) because the individuals do not have a developmental disability, as defined in section 102 of such Act (42 U.S.C. 6002); and

``(ii) are ineligible for services under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) because the individuals are not individuals with mental illness, as defined in section 102 of such Act (42 U.S.C. 10802).

``(2) Construction.--This section shall not be construed to require the provision of protection and advocacy services that can be provided under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (42 U.S.C. 2201 et seq.).

``(b) Appropriations Less Than $5,500,000.--For any fiscal year in which the amount appropriated to carry out this section is less than $5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of subparagraphs (A) and (B) of subsection (a)(1).

``(c) Appropriations of $5,500,000 or More.--

``(1) Reservations.--

``(A) Technical assistance.--For any fiscal year in which the amount appropriated to carry out this section equals or exceeds $5,500,000, the Commissioner shall set aside not less

than 1.8 percent and not more than 2.2 percent of the amount to provide training and technical assistance to the systems established under this section.

``(B) Grant for the eligible system serving the american indian consortium.--For any fiscal year in which the amount appropriated to carry out this section equals or exceeds $10,500,000, the Commissioner shall reserve a portion, and use the portion to make a grant for the eligible system serving the American Indian consortium. The Commission shall make the grant in an amount of not less than $50,000 for the fiscal year.

``(2) Allotments.--For any such fiscal year, after the reservations required by paragraph (1) have been made, the Commissioner shall make allotments from the remainder of such amount in accordance with paragraph (3) to eligible systems within States to enable such systems to carry out protection and advocacy programs authorized under this section for individuals referred to in subsection (b).

``(3) Systems within states.--

``(A) Population basis.--Except as provided in subparagraph (B), from such remainder for each such fiscal year, the Commissioner shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

``(B) Minimums.--Subject to the availability of appropriations to carry out this section, and except as provided in paragraph (4), the allotment to any system under subparagraph (A) shall be not less than $100,000 or \1/3\ of 1 percent of the remainder for the fiscal year for which the allotment is made, whichever is greater, and the allotment to any system under this section for any fiscal year that is less than $100,000 or \1/3\ of 1 percent of such remainder shall be increased to the greater of the two amounts.

``(4) Systems within other jurisdictions.--

``(A) In general.--For the purposes of paragraph (3)(B), Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

``(B) Allotment.--The eligible system within a jurisdiction described in subparagraph (A) shall be allotted under paragraph (3)(A) not less than $50,000 for the fiscal year for which the allotment is made.

``(5) Adjustment for inflation.--For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this section exceeds the total amount appropriated to

carry out this section for the preceding fiscal year, the Commissioner shall increase each of the minimum grants or allotments under paragraphs (1)(B), (3)(B), and (4)(B) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

``(d) Proportional Reduction.--To provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(3)(B), or to provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(4)(B), the Commissioner shall proportionately reduce the allotments of the remaining systems within States under subsection (c)(3), with such adjustments as may be necessary to prevent the allotment of any such remaining system within a State from being reduced to less than the minimum allotment for a system within a State (as increased under subsection (c)(5)) under subsection (c)(3)(B), or the minimum allotment for a State (as increased under subsection (c)(5)) under subsection (c)(4)(B), as appropriate.

``(e) Reallotment.--Whenever the Commissioner determines that any amount of an allotment to a system within a State for any fiscal year described in subsection (c)(1) will not be expended by such system in carrying out the provisions of this section, the Commissioner shall make such amount available for carrying out the provisions of this section to one or more of the systems that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

``(f) Application.--In order to receive assistance under this section, an eligible system shall submit an application to the Commissioner, at such time, in such form and manner, and containing such information and assurances as the Commissioner determines necessary to meet the requirements of this section, including assurances that the eligible system will--

``(1) have in effect a system to protect and advocate the rights of individuals with disabilities;

``(2) have the same general authorities, including access to records and program income, as are set forth in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.);

``(3) have the authority to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the

State or the American Indian consortium who are individuals described in subsection (a)(1);

``(4) provide information on and make referrals to programs and services addressing the needs of individuals with disabilities in the State or the American Indian consortium;

``(5) develop a statement of objectives and priorities on an annual basis, and provide to the public, including individuals with disabilities and, as appropriate, the individuals' representatives, an opportunity to comment on the objectives and priorities established by, and activities of, the system including--

``(A) the objectives and priorities for the activities of the system for each year and the rationale for the establishment of such objectives and priorities; and

``(B) the coordination of programs provided through the system under this section with the advocacy programs of the client assistance program under section 112, the State long-term care ombudsman program established under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

``(6) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with disabilities are afforded equal opportunity to access the services of the system; and

``(7) provide assurances to the Commissioner that funds made available under this section will be used to supplement and not supplant the non-Federal funds that would otherwise be made available for the purpose for which Federal funds are provided.

``(g) Carryover and Direct Payment.--

``(1) Direct payment.--Notwithstanding any other provision of law, the Commissioner shall pay directly to any system that complies with the provisions of this section, the amount of the allotment of the State or the grant for the eligible system that serves the American Indian consortium involved under this section, unless the State or American Indian consortium provides otherwise.

``(2) Carryover.--Any amount paid to an eligible system that serves a State or American Indian consortium for a fiscal year that remains unobligated at the end of such year shall remain available to such system that serves the State or American Indian consortium for obligation during the next fiscal year for the purposes for which such amount was paid.

``(h) Limitation on Disclosure Requirements.--For purposes of any audit, report, or evaluation of the performance of the program established under this section, the Commissioner shall not require such

a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

``(i) Administrative Cost.--In any State in which an eligible system is located within a State agency, a State may use a portion of any allotment under subsection (c) for the cost of the administration of the system required by this section. Such portion may not exceed 5 percent of the allotment.

``(j) Delegation.--The Commissioner may delegate the administration of this program to the Commissioner of the Administration on Developmental Disabilities within the Department of Health and Human Services.

``(k) Report.--The Commissioner shall annually prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the types of services and activities being undertaken by programs funded under this section, the total number of individuals served under this section, the types of disabilities represented by such individuals, and the types of issues being addressed on behalf of such individuals.

``(l) Authorization of Appropriations.--There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

``(m) Definitions.--As used in this section:

``(1) Eligible system.--The term `eligible system' means a protection and advocacy system that is established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and that meets the requirements of subsection (f).

``(2) American indian consortium.--The term `American Indian consortium' means a consortium established as described in section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042).".

SEC. 409. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

Title VI of the Rehabilitation Act of 1973 (29 U.S.C. 795 et seq.) is amended to read as follows:

``TITLE VI--EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

``Short Title

``Sec. 601. This title may be cited as the `Employment Opportunities for Individuals With Disabilities Act'.

``Part A--Projects With Industry

``Projects With Industry

``Sec. 611. (a)(1) The purpose of this part is to create and expand job and career opportunities for individuals with disabilities in the competitive labor market by engaging the talent and leadership of private industry as partners in the rehabilitation process, to identify competitive job and career opportunities and the skills needed to perform such jobs, to create practical job and career readiness and training programs, and to provide job placements and career advancement.

``(2) The Commissioner, in consultation with the Secretary of Labor and with designated State units, may award grants to individual employers, community rehabilitation program providers, labor unions, trade associations, Indian tribes, tribal organizations, designated State units, and other entities to establish jointly financed Projects With Industry to create and expand job and career opportunities for individuals with disabilities, which projects shall--

``(A) provide for the establishment of business advisory councils, that shall--

``(i) be comprised of--

``(I) representatives of private industry, business concerns, and organized labor;

``(II) individuals with disabilities and representatives of individuals with disabilities; and

``(III) a representative of the appropriate designated State unit;

``(ii) identify job and career availability within the community, consistent with the current and projected local employment opportunities identified by the local workforce investment board for the community under section 118(b)(1)(B) of the Workforce Investment Act of 1998;

``(iii) identify the skills necessary to perform the jobs and careers identified; and

``(iv) prescribe training programs designed to develop appropriate job and career skills, or job placement programs designed to identify and develop job placement and career advancement opportunities, for individuals with disabilities in fields related to the job and career availability identified under clause (ii);

``(B) provide job development, job placement, and career advancement services;

``(C) to the extent appropriate, provide for--

``(i) training in realistic work settings in order to prepare individuals with disabilities for employment and career advancement in the competitive market; and

``(ii) to the extent practicable, the modification of any facilities or equipment of the employer involved that are used primarily by individuals with disabilities, except that a project shall not be required to provide for such modification if the modification is required as a reasonable accommodation under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

``(D) provide individuals with disabilities with such support services as may be required in order to maintain the employment and career advancement for which the individuals have received training under this part.

``(3)(A) An individual shall be eligible for services described in paragraph (2) if the individual is determined to be an individual described in section 102(a)(1), and if the determination is made in a manner consistent with section 102(a).

``(B) Such a determination may be made by the recipient of a grant under this part, to the extent the determination is appropriate and available and consistent with the requirements of section 102(a).

``(4) The Commissioner shall enter into an agreement with the grant recipient regarding the establishment of the project. Any agreement shall be jointly developed by the Commissioner, the grant recipient, and, to the extent practicable, the appropriate designated State unit and the individuals with disabilities (or the individuals' representatives) involved. Such agreements shall specify the terms of training and employment under the project, provide for the payment by the Commissioner of part of the costs of the project (in accordance with subsection (c)), and contain the items required under subsection (b) and such other provisions as the parties to the agreement consider to be appropriate.

``(5) Any agreement shall include a description of a plan to annually conduct a review and evaluation of the operation of the project in accordance with standards developed by the Commissioner under subsection (d), and, in conducting the review and evaluation, to collect data and information of the type described in subparagraphs (A) through (C) of section 101(a)(10), as determined to be appropriate by the Commissioner.

``(6) The Commissioner may include, as part of agreements with grant recipients, authority for such grant recipients to provide technical assistance to--

``(A) assist employers in hiring individuals with disabilities; or

``(B) improve or develop relationships between--

``(i) grant recipients or prospective grant recipients; and

``(ii) employers or organized labor; or

``(C) assist employers in understanding and meeting the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) as the Act relates to employment of individuals with disabilities.

``(b) No payment shall be made by the Commissioner under any agreement with a grant recipient entered into under subsection (a) unless such agreement--

``(1) provides an assurance that individuals with disabilities placed under such agreement shall receive at least the applicable minimum wage;

``(2) provides an assurance that any individual with a disability placed under this part shall be afforded terms and benefits of employment equal to terms and benefits that are afforded to the similarly situated nondisabled co-workers of the individual, and that such individuals with disabilities shall not be segregated from their co-workers; and

``(3) provides an assurance that an annual evaluation report containing information specified under subsection (a)(5) shall be submitted as determined to be appropriate by the Commissioner.

``(c) Payments under this section with respect to any project may not exceed 80 per centum of the costs of the project.

``(d)(1) The Commissioner shall develop standards for the evaluation described in subsection (a)(5) and shall review and revise the evaluation standards as necessary, subject to paragraph (2).

``(2) In revising the standards for evaluation to be used by the grant recipients, the Commissioner shall obtain and consider recommendations for such standards from State vocational rehabilitation agencies, current and former grant recipients, professional organizations representing business and industry, organizations representing individuals with disabilities, individuals served by grant recipients, organizations representing community rehabilitation program providers, and labor organizations.

``(e)(1)(A) A grant may be awarded under this section for a period of up to 5 years and such grant may be renewed.

``(B) Grants under this section shall be awarded on a competitive basis. To be eligible to receive such a grant, a prospective grant recipient shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

``(2) The Commissioner shall, to the extent practicable, ensure an equitable distribution of payments made under this section among the States. To the extent funds are available, the Commissioner shall award grants under this section to new projects that will serve individuals

with disabilities in States, portions of States, Indian tribes, or tribal organizations, that are currently unserved or underserved by projects.

``(f)(1) The Commissioner shall, as necessary, develop and publish in the Federal Register, in final form, indicators of what constitutes minimum compliance consistent with the evaluation standards under subsection (d)(1).

``(2) Each grant recipient shall report to the Commissioner at the end of each project year the extent to which the grant recipient is in compliance with the evaluation standards.

``(3)(A) The Commissioner shall annually conduct onsite compliance reviews of at least 15 percent of grant recipients. The Commissioner shall select grant recipients for review on a random basis.

``(B) The Commissioner shall use the indicators in determining compliance with the evaluation standards.

``(C) The Commissioner shall ensure that at least one member of a team conducting such a review shall be an individual who--

``(i) is not an employee of the Federal Government; and

``(ii) has experience or expertise in conducting projects.

``(D) The Commissioner shall ensure that--

``(i) a representative of the appropriate designated State unit shall participate in the review; and

``(ii) no person shall participate in the review of a grant recipient if--

``(I) the grant recipient provides any direct financial benefit to the reviewer; or

``(II) participation in the review would give the appearance of a conflict of interest.

``(4) In making a determination concerning any subsequent grant under this section, the Commissioner shall consider the past performance of the applicant, if applicable. The Commissioner shall use compliance indicators developed under this subsection that are consistent with program evaluation standards developed under subsection (d) to assess minimum project performance for purposes of making continuation awards in the third, fourth, and fifth years.

``(5) Each fiscal year the Commissioner shall include in the annual report to Congress required by section 13 an analysis of the extent to which grant recipients have complied with the evaluation standards. The Commissioner may identify individual grant recipients in the analysis. In addition, the Commissioner shall report the results of onsite compliance reviews, identifying individual grant recipients.

``(g) The Commissioner may provide, directly or by way of grant, contract, or cooperative agreement, technical assistance to--

``(1) entities conducting projects for the purpose of assisting such entities in--

``(A) the improvement of or the development of relationships with private industry or labor; or

``(B) the improvement of relationships with State vocational rehabilitation agencies; and

``(2) entities planning the development of new projects.

``(h) As used in this section:

``(1) The term `agreement' means an agreement described in subsection (a)(4).

``(2) The term `project' means a Project With Industry established under subsection (a)(2).

``(3) The term `grant recipient' means a recipient of a grant under subsection (a)(2).

``Authorization of Appropriations

``Sec. 612. There are authorized to be appropriated to carry out the provisions of this part, such sums as may be necessary for each of fiscal years 1999 through 2003.

``Part B--Supported Employment Services for Individuals With the Most Significant Disabilities

``Purpose

``Sec. 621. It is the purpose of this part to authorize allotments, in addition to grants for vocational rehabilitation services under title I, to assist States in developing collaborative programs with appropriate entities to provide supported employment services for individuals with the most significant disabilities to enable such individuals to achieve the employment outcome of supported employment.

``Allotments

``Sec. 622. (a) In General.--

``(1) States.--The Secretary shall allot the sums appropriated for each fiscal year to carry out this part among the States on the basis of relative population of each State, except that--

``(A) no State shall receive less than $250,000, or \1/3\ of 1 percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater; and

``(B) if the sums appropriated to carry out this part for the fiscal year exceed by $1,000,000 or more the sums appropriated to carry out this part in fiscal year 1992, no State shall receive less than $300,000, or \1/3\ of 1 percent of the sums appropriated for the fiscal year for which the

allotment is made, whichever is greater.

``(2) Certain territories.--

``(A) In general.--For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

``(B) Allotment.--Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the amounts appropriated for the fiscal year for which the allotment is made.

``(b) Reallotment.--Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

``Availability of Services

``Sec. 623. Funds provided under this part may be used to provide supported employment services to individuals who are eligible under this part. Funds provided under this part, or title I, may not be used to provide extended services to individuals who are eligible under this part or title I.

``Eligibility

``Sec. 624. An individual shall be eligible under this part to receive supported employment services authorized under this Act if--

``(1) the individual is eligible for vocational rehabilitation services;

``(2) the individual is determined to be an individual with a most significant disability; and

``(3) a comprehensive assessment of rehabilitation needs of the individual described in section 7(2)(B), including an evaluation of rehabilitation, career, and job needs, identifies supported employment as the appropriate employment outcome for the individual.

``State Plan

``Sec. 625. (a) State Plan Supplements.--To be eligible for an allotment under this part, a State shall submit to the Commissioner, as part of the State plan under section 101, a State plan supplement for providing supported employment services authorized under this Act to individuals who are eligible under this Act to receive the services. Each State shall make such annual revisions in the plan supplement as may be necessary.

``(b) Contents.--Each such plan supplement shall--

``(1) designate each designated State agency as the agency to administer the program assisted under this part;

``(2) summarize the results of the comprehensive, statewide assessment conducted under section 101(a)(15)(A)(i), with respect to the rehabilitation needs of individuals with significant disabilities and the need for supported employment services, including needs related to coordination;

``(3) describe the quality, scope, and extent of supported employment services authorized under this Act to be provided to individuals who are eligible under this Act to receive the services and specify the goals and plans of the State with respect to the distribution of funds received under section 622;

``(4) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other State agencies and other appropriate entities to assist in the provision of supported employment services;

``(5) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other public or nonprofit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services;

``(6) provide assurances that--

``(A) funds made available under this part will only be used to provide supported employment services authorized under this Act to individuals who are eligible under this part to receive the services;

``(B) the comprehensive assessments of individuals with significant disabilities conducted under section 102(b)(1) and funded under title I will include consideration of supported employment as an appropriate employment outcome;

``(C) an individualized plan for employment, as required by section 102, will be developed and updated using funds under title I in order to--

``(i) specify the supported employment services to be

provided;

``(ii) specify the expected extended services needed; and

``(iii) identify the source of extended services, which may include natural supports, or to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available;

``(D) the State will use funds provided under this part only to supplement, and not supplant, the funds provided under title I, in providing supported employment services specified in the individualized plan for employment;

``(E) services provided under an individualized plan for employment will be coordinated with services provided under other individualized plans established under other Federal or State programs;

``(F) to the extent jobs skills training is provided, the training will be provided on site; and

``(G) supported employment services will include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities;

``(7) provide assurances that the State agencies designated under paragraph (1) will expend not more than 5 percent of the allotment of the State under this part for administrative costs of carrying out this part; and

``(8) contain such other information and be submitted in such manner as the Commissioner may require.

``Restriction

``Sec. 626. Each State agency designated under section 625(b)(1) shall collect the information required by section 101(a)(10) separately for eligible individuals receiving supported employment services under this part and for eligible individuals receiving supported employment services under title I.

``Savings Provision

``Sec. 627. (a) Supported Employment Services.--Nothing in this Act shall be construed to prohibit a State from providing supported employment services in accordance with the State plan submitted under

section 101 by using funds made available through a State allotment under section 110.

``(b) Postemployment Services.--Nothing in this part shall be construed to prohibit a State from providing discrete postemployment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110 to an individual who is eligible under this part.

``Authorization of Appropriations

``Sec. 628. There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 1999 through 2003.".

SEC. 410. INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING.

Title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.) is amended to read as follows:

``TITLE VII--INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

``CHAPTER 1--INDIVIDUALS WITH SIGNIFICANT DISABILITIES

``PART A--GENERAL PROVISIONS

``SEC. 701. PURPOSE.

``The purpose of this chapter is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society, by--

``(1) providing financial assistance to States for providing, expanding, and improving the provision of independent living services;

``(2) providing financial assistance to develop and support statewide networks of centers for independent living; and

``(3) providing financial assistance to States for improving working relationships among State independent living rehabilitation service programs, centers for independent living, Statewide Independent Living Councils established under section 705, State vocational rehabilitation programs receiving assistance under title I, State programs of supported employment services receiving

assistance under part B of title VI, client assistance programs receiving assistance under section 112, programs funded under other titles of this Act, programs funded under other Federal law, and programs funded through non-Federal sources.

``SEC. 702. DEFINITIONS.

``As used in this chapter:

``(1) Center for independent living.--The term `center for independent living' means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency that--

``(A) is designed and operated within a local community by individuals with disabilities; and

``(B) provides an array of independent living services.

``(2) Consumer control.--The term `consumer control' means, with respect to a center for independent living, that the center vests power and authority in individuals with disabilities.

``SEC. 703. ELIGIBILITY FOR RECEIPT OF SERVICES.

``Services may be provided under this chapter to any individual with a significant disability, as defined in section 7(21)(B).

``SEC. 704. STATE PLAN.

``(a) In General.--

``(1) Requirement.--To be eligible to receive financial assistance under this chapter, a State shall submit to the Commissioner, and obtain approval of, a State plan containing such provisions as the Commissioner may require, including, at a minimum, the provisions required in this section.

``(2) Joint development.--The plan under paragraph (1) shall be jointly developed and signed by--

``(A) the director of the designated State unit; and

``(B) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council.

``(3) Periodic review and revision.--The plan shall provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the State for--

``(A) the provision of State independent living services;

``(B) the development and support of a statewide network of

centers for independent living; and

``(C) working relationships between--

``(i) programs providing independent living services and independent living centers; and

``(ii) the vocational rehabilitation program established under title I, and other programs providing services for individuals with disabilities.

``(4) Date of submission.--The State shall submit the plan to the Commissioner 90 days before the completion date of the preceding plan. If a State fails to submit such a plan that complies with the requirements of this section, the Commissioner may withhold financial assistance under this chapter until such time as the State submits such a plan.

``(b) Statewide Independent Living Council.--The plan shall provide for the establishment of a Statewide Independent Living Council in accordance with section 705.

``(c) Designation of State Unit.--The plan shall designate the designated State unit of such State as the agency that, on behalf of the State, shall--

``(1) receive, account for, and disburse funds received by the State under this chapter based on the plan;

``(2) provide administrative support services for a program under part B, and a program under part C in a case in which the program is administered by the State under section 723;

``(3) keep such records and afford such access to such records as the Commissioner finds to be necessary with respect to the programs; and

``(4) submit such additional information or provide such assurances as the Commissioner may require with respect to the programs.

``(d) Objectives.--The plan shall--

``(1) specify the objectives to be achieved under the plan and establish timelines for the achievement of the objectives; and

``(2) explain how such objectives are consistent with and further the purpose of this chapter.

``(e) Independent Living Services.--The plan shall provide that the State will provide independent living services under this chapter to individuals with significant disabilities, and will provide the services to such an individual in accordance with an independent living plan mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary.

``(f) Scope and Arrangements.--The plan shall describe the extent and scope of independent living services to be provided under this chapter to meet such objectives. If the State makes arrangements, by

grant or contract, for providing such services, such arrangements shall be described in the plan.

``(g) Network.--The plan shall set forth a design for the establishment of a statewide network of centers for independent living that comply with the standards and assurances set forth in section 725.

``(h) Centers.--In States in which State funding for centers for independent living equals or exceeds the amount of funds allotted to the State under part C, as provided in section 723, the plan shall include policies, practices, and procedures governing the awarding of grants to centers for independent living and oversight of such centers consistent with section 723.

``(i) Cooperation, Coordination, and Working Relationships Among Various Entities.--The plan shall set forth the steps that will be taken to maximize the cooperation, coordination, and working relationships among--

``(1) the independent living rehabilitation service program, the Statewide Independent Living Council, and centers for independent living; and

``(2) the designated State unit, other State agencies represented on such Council, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the Council.

``(j) Coordination of Services.--The plan shall describe how services funded under this chapter will be coordinated with, and complement, other services, in order to avoid unnecessary duplication with other Federal, State, and local programs.

``(k) Coordination Between Federal and State Sources.--The plan shall describe efforts to coordinate Federal and State funding for centers for independent living and independent living services.

``(l) Outreach.--With respect to services and centers funded under this chapter, the plan shall set forth steps to be taken regarding outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

``(m) Requirements.--The plan shall provide satisfactory assurances that all recipients of financial assistance under this chapter will--

``(1) notify all individuals seeking or receiving services under this chapter about the availability of the client assistance program under section 112, the purposes of the services provided under such program, and how to contact such program;

``(2) take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of section 503;

``(3) adopt such fiscal control and fund accounting procedures

as may be necessary to ensure the proper disbursement of and accounting for funds paid to the State under this chapter;

``(4)(A) maintain records that fully disclose--

``(i) the amount and disposition by such recipient of the proceeds of such financial assistance;

``(ii) the total cost of the project or undertaking in connection with which such financial assistance is given or used; and

``(iii) the amount of that portion of the cost of the project or undertaking supplied by other sources;

``(B) maintain such other records as the Commissioner determines to be appropriate to facilitate an effective audit;

``(C) afford such access to records maintained under subparagraphs (A) and (B) as the Commissioner determines to be appropriate; and

``(D) submit such reports with respect to such records as the Commissioner determines to be appropriate;

``(5) provide access to the Commissioner and the Comptroller General or any of their duly authorized representatives, for the purpose of conducting audits and examinations, of any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this chapter; and

``(6) provide for public hearings regarding the contents of the plan during both the formulation and review of the plan.

``(n) Evaluation.--The plan shall establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in subsection (d), including evaluation of satisfaction by individuals with disabilities.

``SEC. 705. STATEWIDE INDEPENDENT LIVING COUNCIL.

``(a) Establishment.--To be eligible to receive financial assistance under this chapter, each State shall establish a Statewide Independent Living Council (referred to in this section as the `Council'). The Council shall not be established as an entity within a State agency.

``(b) Composition and Appointment.--

``(1) Appointment.--Members of the Council shall be appointed by the Governor. The Governor shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

``(2) Composition.--The Council shall include--

``(A) at least one director of a center for independent living chosen by the directors of centers for independent

living within the State;

``(B) as ex officio, nonvoting members--

``(i) a representative from the designated State unit; and

``(ii) representatives from other State agencies that provide services for individuals with disabilities; and

``(C) in a State in which one or more projects are carried out under section 121, at least one representative of the directors of the projects.

``(3) Additional members.--The Council may include--

``(A) other representatives from centers for independent living;

``(B) parents and guardians of individuals with disabilities;

``(C) advocates of and for individuals with disabilities;

``(D) representatives from private businesses;

``(E) representatives from organizations that provide services for individuals with disabilities; and

``(F) other appropriate individuals.

``(4) Qualifications.--

``(A) In general.--The Council shall be composed of members--

``(i) who provide statewide representation;

``(ii) who represent a broad range of individuals with disabilities from diverse backgrounds;

``(iii) who are knowledgeable about centers for independent living and independent living services; and

``(iv) a majority of whom are persons who are--

``(I) individuals with disabilities described in section 7(20)(B); and

``(II) not employed by any State agency or center for independent living.

``(B) Voting members.--A majority of the voting members of the Council shall be--

``(i) individuals with disabilities described in section 7(20)(B); and

``(ii) not employed by any State agency or center for independent living.

``(5) Chairperson.--

``(A) In general.--Except as provided in subparagraph (B), the Council shall select a chairperson from among the voting membership of the Council.

``(B) Designation by governor.--In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a voting member of the Council to

serve as the chairperson of the Council or shall require the Council to so designate such a voting member.

``(6) Terms of appointment.--

``(A) Length of term.--Each member of the Council shall serve for a term of 3 years, except that--

``(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

``(ii) the terms of service of the members initially appointed shall be (as specified by the Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

``(B) Number of terms.--No member of the Council may serve more than two consecutive full terms.

``(7) Vacancies.--

``(A) In general.--Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

``(B) Delegation.--The Governor may delegate the authority to fill such a vacancy to the remaining voting members of the Council after making the original appointment.

``(c) Duties.--The Council shall--

``(1) jointly develop and sign (in conjunction with the designated State unit) the State plan required in section 704;

``(2) monitor, review, and evaluate the implementation of the State plan;

``(3) coordinate activities with the State Rehabilitation Council established under section 105, if the State has such a Council, or the commission described in section 101(a)(21)(A), if the State has such a commission, and councils that address the needs of specific disability populations and issues under other Federal law;

``(4) ensure that all regularly scheduled meetings of the Statewide Independent Living Council are open to the public and sufficient advance notice is provided; and

``(5) submit to the Commissioner such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.

``(d) Hearings and Forums.--The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

``(e) Plan.--

``(1) In general.--The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and personnel, as may be necessary and sufficient to carry out the functions of the Council under this section, with funds made available under this chapter, and under section 110 (consistent with section 101(a)(18)), and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

``(2) Supervision and evaluation.--Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.

``(3) Conflict of interest.--While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, that would create a conflict of interest.

``(f) Compensation and Expenses.--The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

``SEC. 706. RESPONSIBILITIES OF THE COMMISSIONER.

``(a) Approval of State Plans.--

``(1) In general.--The Commissioner shall approve any State plan submitted under section 704 that the Commissioner determines meets the requirements of section 704, and shall disapprove any such plan that does not meet such requirements, as soon as practicable after receiving the plan. Prior to such disapproval, the Commissioner shall notify the State of the intention to disapprove the plan, and shall afford such State reasonable notice and opportunity for a hearing.

``(2) Procedures.--

``(A) In general.--Except as provided in subparagraph (B), the provisions of subsections (c) and (d) of section 107 shall apply to any State plan submitted to the Commissioner under section 704.

``(B) Application.--For purposes of the application described in subparagraph (A), all references in such provisions--

``(i) to the Secretary shall be deemed to be references to the Commissioner; and

``(ii) to section 101 shall be deemed to be references to section 704.

``(b) Indicators.--Not later than October 1, 1993, the Commissioner shall develop and publish in the Federal Register indicators of minimum compliance consistent with the standards set forth in section 725.

``(c) Onsite Compliance Reviews.--

``(1) Reviews.--The Commissioner shall annually conduct onsite compliance reviews of at least 15 percent of the centers for independent living that receive funds under section 722 and shall periodically conduct such a review of each such center. The Commissioner shall annually conduct onsite compliance reviews of at least one-third of the designated State units that receive funding under section 723, and, to the extent necessary to determine the compliance of such a State unit with subsections (f) and (g) of section 723, centers that receive funding under section 723 in such State. The Commissioner shall select the centers and State units described in this paragraph for review on a random basis.

``(2) Qualifications of employees conducting reviews.--The Commissioner shall--

``(A) to the maximum extent practicable, carry out such a review by using employees of the Department who are knowledgeable about the provision of independent living services;

``(B) ensure that the employee of the Department with responsibility for supervising such a review shall have such knowledge; and

``(C) ensure that at least one member of a team conducting such a review shall be an individual who--

``(i) is not a government employee; and

``(ii) has experience in the operation of centers for independent living.

``(d) Reports.--The Commissioner shall include, in the annual report required under section 13, information on the extent to which centers for independent living receiving funds under part C have complied with the standards and assurances set forth in section 725. The Commissioner may identify individual centers for independent living in the analysis. The Commissioner shall report the results of onsite compliance reviews, identifying individual centers for independent living and other recipients of assistance under this chapter.

``PART B--INDEPENDENT LIVING SERVICES

``SEC. 711. ALLOTMENTS.

``(a) In General.--
``(1) States.--
``(A) Population basis.--Except as provided in subparagraphs (B) and (C), from sums appropriated for each fiscal year to carry out this part, the Commissioner shall make an allotment to each State whose State plan has been approved under section 706 of an amount bearing the same ratio to such sums as the population of the State bears to the population of all States.
``(B) Maintenance of 1992 amounts.--Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of an allotment made to the State for fiscal year 1992 under part A of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.
``(C) Minimums.--Subject to the availability of appropriations to carry out this part, and except as provided in subparagraph (B), the allotment to any State under subparagraph (A) shall be not less than $275,000 or \1/3\ of 1 percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $275,000 or \1/3\ of 1 percent of such sums shall be increased to the greater of the two amounts.
``(2) Certain territories.--
``(A) In general.--For the purposes of paragraph (1)(C), Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.
``(B) Allotment.--Each jurisdiction described in subparagraph (A) shall be allotted under paragraph (1)(A) not less than \1/8\ of 1 percent of the amounts made available for purposes of this part for the fiscal year for which the allotment is made.
``(3) Adjustment for inflation.--For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year, the Commissioner shall increase the minimum allotment under paragraph (1)(C) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this part between the preceding fiscal year and the fiscal year involved.
``(b) Proportional Reduction.--To provide allotments to States in

accordance with subsection (a)(1)(B), to provide minimum allotments to States (as increased under subsection (a)(3)) under subsection (a)(1)(C), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by subsection (a)(1)(B).

``(c) Reallotment.--Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State in carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

``SEC. 712. PAYMENTS TO STATES FROM ALLOTMENTS.

``(a) Payments.--From the allotment of each State for a fiscal year under section 711, the State shall be paid the Federal share of the expenditures incurred during such year under its State plan approved under section 706. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

``(b) Federal Share.--

``(1) In general.--The Federal share with respect to any State for any fiscal year shall be 90 percent of the expenditures incurred by the State during such year under its State plan approved under section 706.

``(2) Non-federal share.--The non-Federal share of the cost of any project that receives assistance through an allotment under this part may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

``SEC. 713. AUTHORIZED USES OF FUNDS.

``The State may use funds received under this part to provide the resources described in section 705(e), relating to the Statewide Independent Living Council, and may use funds received under this part--

``(1) to provide independent living services to individuals with significant disabilities;

``(2) to demonstrate ways to expand and improve independent living services;

``(3) to support the operation of centers for independent living that are in compliance with the standards and assurances set forth in subsections (b) and (c) of section 725;

``(4) to support activities to increase the capacities of public or nonprofit agencies and organizations and other entities to develop comprehensive approaches or systems for providing independent living services;

``(5) to conduct studies and analyses, gather information, develop model policies and procedures, and present information, approaches, strategies, findings, conclusions, and recommendations to Federal, State, and local policymakers in order to enhance independent living services for individuals with disabilities;

``(6) to train individuals with disabilities and individuals providing services to individuals with disabilities and other persons regarding the independent living philosophy; and

``(7) to provide outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

``SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

``There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1999 through 2003.

``PART C--CENTERS FOR INDEPENDENT LIVING

``SEC. 721. PROGRAM AUTHORIZATION.

``(a) In General.--From the funds appropriated for fiscal year 1999 and for each subsequent fiscal year to carry out this part, the Commissioner shall allot such sums as may be necessary to States and other entities in accordance with subsections (b) through (d).

``(b) Training.--

``(1) Grants; contracts; other arrangements.--For any fiscal year in which the funds appropriated to carry out this part exceed the funds appropriated to carry out this part for fiscal year 1993, the Commissioner shall first reserve from such excess, to provide training and technical assistance to eligible agencies, centers for independent living, and Statewide Independent Living Councils for such fiscal year, not less than 1.8 percent, and not more than 2

percent, of the funds appropriated to carry out this part for the fiscal year involved.

``(2) Allocation.--From the funds reserved under paragraph (1), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities that have experience in the operation of centers for independent living to provide such training and technical assistance with respect to planning, developing, conducting, administering, and evaluating centers for independent living.

``(3) Funding priorities.--The Commissioner shall conduct a survey of Statewide Independent Living Councils and centers for independent living regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, and other arrangements.

``(4) Review.--To be eligible to receive a grant or enter into a contract or other arrangement under this subsection, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of grant applications by panels that include persons who are not government employees and who have experience in the operation of centers for independent living.

``(5) Prohibition on combined funds.--No funds reserved by the Commissioner under this subsection may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this chapter are separately identified in such grant or payment and are used for the purposes of this chapter.

``(c) In General.--

``(1) States.--

``(A) Population basis.--After the reservation required by subsection (b) has been made, and except as provided in subparagraphs (B) and (C), from the remainder of the amounts appropriated for each such fiscal year to carry out this part, the Commissioner shall make an allotment to each State whose State plan has been approved under section 706 of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

``(B) Maintenance of 1992 amounts.--Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of financial assistance received by centers for independent living

in the State for fiscal year 1992 under part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

``(C) Minimums.--Subject to the availability of appropriations to carry out this part and except as provided in subparagraph (B), for a fiscal year in which the amounts appropriated to carry out this part exceed the amounts appropriated for fiscal year 1992 to carry out part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992--

``(i) if such excess is not less than $8,000,000, the allotment to any State under subparagraph (A) shall be not less than $450,000 or \1/3\ of 1 percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $450,000 or \1/3\ of 1 percent of such sums shall be increased to the greater of the 2 amounts;

``(ii) if such excess is not less than $4,000,000 and is less than $8,000,000, the allotment to any State under subparagraph (A) shall be not less than $400,000 or \1/3\ of 1 percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $400,000 or \1/3\ of 1 percent of such sums shall be increased to the greater of the 2 amounts; and

``(iii) if such excess is less than $4,000,000, the allotment to any State under subparagraph (A) shall approach, as nearly as possible, the greater of the 2 amounts described in clause (ii).

``(2) Certain territories.--

``(A) In general.--For the purposes of paragraph (1)(C), Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

``(B) Allotment.--Each jurisdiction described in subparagraph (A) shall be allotted under paragraph (1)(A) not less than \1/8\ of 1 percent of the remainder for the fiscal year for which the allotment is made.

``(3) Adjustment for inflation.--For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year, the Commissioner shall increase the minimum allotment under paragraph (1)(C) by a

percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this part between the preceding fiscal year and the fiscal year involved.

``(4) Proportional reduction.--To provide allotments to States in accordance with paragraph (1)(B), to provide minimum allotments to States (as increased under paragraph (3)) under paragraph (1)(C), or to provide minimum allotments to States under paragraph (2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under paragraph (1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by paragraph (1)(B).

``(d) Reallotment.--Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

``SEC. 722. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

``(a) Establishment.--

``(1) In general.--Unless the director of a designated State unit awards grants under section 723 to eligible agencies in a State for a fiscal year, the Commissioner shall award grants under this section to such eligible agencies for such fiscal year from the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

``(2) Grants.--The Commissioner shall award such grants, from the amount of funds so allotted, to such eligible agencies for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

``(b) Eligible Agencies.--In any State in which the Commissioner has approved the State plan required by section 704, the Commissioner may make a grant under this section to any eligible agency that--

``(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part,

funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

``(2) is determined by the Commissioner to be able to plan, conduct, administer, and evaluate a center for independent living consistent with the standards and assurances set forth in section 725; and

``(3) submits an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

``(c) Existing Eligible Agencies.--In the administration of the provisions of this section, the Commissioner shall award grants to any eligible agency that has been awarded a grant under this part by September 30, 1997, unless the Commissioner makes a finding that the agency involved fails to meet program and fiscal standards and assurances set forth in section 725.

``(d) New Centers for Independent Living.--

``(1) In general.--If there is no center for independent living serving a region of the State or a region is underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the Commissioner may award a grant under this section to the most qualified applicant proposing to serve such region, consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.

``(2) Selection.--In selecting from among applicants for a grant under this section for a new center for independent living, the Commissioner--

``(A) shall consider comments regarding the application, if any, by the Statewide Independent Living Council in the State in which the applicant is located;

``(B) shall consider the ability of each such applicant to operate a center for independent living based on--

``(i) evidence of the need for such a center;

``(ii) any past performance of such applicant in providing services comparable to independent living services;

``(iii) the plan for satisfying or demonstrated success in satisfying the standards and the assurances set forth in section 725;

``(iv) the quality of key personnel and the involvement of individuals with significant disabilities;

``(v) budgets and cost-effectiveness;

``(vi) an evaluation plan; and

``(vii) the ability of such applicant to carry out the plans; and

``(C) shall give priority to applications from applicants proposing to serve geographic areas within each State that are currently unserved or underserved by independent living programs, consistent with the provisions of the State plan submitted under section 704 regarding establishment of a statewide network of centers for independent living.

``(3) Current centers.--Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B for a fiscal year shall be eligible for a grant for the subsequent fiscal year under this subsection.

``(e) Order of Priorities.--The Commissioner shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

``(1) The Commissioner shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

``(2) The Commissioner shall provide for a cost-of-living increase for such existing centers for independent living.

``(3) The Commissioner shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

``(f) Nonresidential Agencies.--A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.

``(g) Review.--

``(1) In general.--The Commissioner shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the Commissioner determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the Commissioner shall immediately notify such center that it is out of compliance.

``(2) Enforcement.--The Commissioner shall terminate all funds under this section to such center 90 days after the date of such notification unless the center submits a plan to achieve compliance within 90 days of such notification and such plan is approved by the Commissioner.

``SEC. 723. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

``(a) Establishment.--

``(1) In general.--

``(A) Initial year.--

``(i) Determination.--The director of a designated State unit, as provided in paragraph (2), or the Commissioner, as provided in paragraph (3), shall award grants under this section for an initial fiscal year if the Commissioner determines that the amount of State funds that were earmarked by a State for a preceding fiscal year to support the general operation of centers for independent living meeting the requirements of this part equaled or exceeded the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

``(ii) Grants.--The director or the Commissioner, as appropriate, shall award such grants, from the amount of funds so allotted for the initial fiscal year, to eligible agencies in the State for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

``(iii) Regulation.--The Commissioner shall by regulation specify the preceding fiscal year with respect to which the Commissioner will make the determinations described in clause (i) and subparagraph (B), making such adjustments as may be necessary to accommodate State funding cycles such as 2-year funding cycles or State fiscal years that do not coincide with the Federal fiscal year.

``(B) Subsequent years.--For each year subsequent to the initial fiscal year described in subparagraph (A), the director of the designated State unit shall continue to have the authority to award such grants under this section if the Commissioner determines that the State continues to earmark the amount of State funds described in subparagraph (A)(i). If the State does not continue to earmark such an amount for a fiscal year, the State shall be ineligible to make grants under this section after a final year following such fiscal year, as defined in accordance with regulations established by the Commissioner, and for each subsequent fiscal year.

``(2) Grants by designated state units.--In order for the designated State unit to be eligible to award the grants described in paragraph (1) and carry out this section for a fiscal year with respect to a State, the designated State agency shall submit an application to the Commissioner at such time, and in such manner as the Commissioner may require, including information about the

amount of State funds described in paragraph (1) for the preceding fiscal year. If the Commissioner makes a determination described in subparagraph (A)(i) or (B), as appropriate, of paragraph (1), the Commissioner shall approve the application and designate the director of the designated State unit to award the grant and carry out this section.

``(3) Grants by commissioner.--If the designated State agency of a State described in paragraph (1) does not submit and obtain approval of an application under paragraph (2), the Commissioner shall award the grant described in paragraph (1) to eligible agencies in the State in accordance with section 722.

``(b) Eligible Agencies.--In any State in which the Commissioner has approved the State plan required by section 704, the director of the designated State unit may award a grant under this section to any eligible agency that--

``(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

``(2) is determined by the director to be able to plan, conduct, administer, and evaluate a center for independent living, consistent with the standards and assurances set forth in section 725; and

``(3) submits an application to the director at such time, in such manner, and containing such information as the head of the designated State unit may require.

``(c) Existing Eligible Agencies.--In the administration of the provisions of this section, the director of the designated State unit shall award grants under this section to any eligible agency that has been awarded a grant under this part by September 30, 1997, unless the director makes a finding that the agency involved fails to comply with the standards and assurances set forth in section 725.

``(d) New Centers for Independent Living.--

``(1) In general.--If there is no center for independent living serving a region of the State or the region is unserved or underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the director of the designated State unit may award a grant under this section from among eligible agencies, consistent with the provisions of the State plan under section 704 setting forth the design of the State for establishing a statewide network of centers for independent living.

``(2) Selection.--In selecting from among eligible agencies in

awarding a grant under this part for a new center for independent living--

``(A) the director of the designated State unit and the chairperson of, or other individual designated by, the Statewide Independent Living Council acting on behalf of and at the direction of the Council, shall jointly appoint a peer review committee that shall rank applications in accordance with the standards and assurances set forth in section 725 and criteria jointly established by such director and such chairperson or individual;

``(B) the peer review committee shall consider the ability of each such applicant to operate a center for independent living, and shall recommend an applicant to receive a grant under this section, based on--

``(i) evidence of the need for a center for independent living, consistent with the State plan;

``(ii) any past performance of such applicant in providing services comparable to independent living services;

``(iii) the plan for complying with, or demonstrated success in complying with, the standards and the assurances set forth in section 725;

``(iv) the quality of key personnel of the applicant and the involvement of individuals with significant disabilities by the applicant;

``(v) the budgets and cost-effectiveness of the applicant;

``(vi) the evaluation plan of the applicant; and

``(vii) the ability of such applicant to carry out the plans; and

``(C) the director of the designated State unit shall award the grant on the basis of the recommendations of the peer review committee if the actions of the committee are consistent with Federal and State law.

``(3) Current centers.--Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B for a fiscal year shall be eligible for a grant for the subsequent fiscal year under this subsection.

``(e) Order of Priorities.--Unless the director of the designated State unit and the chairperson of the Council or other individual designated by the Council acting on behalf of and at the direction of the Council jointly agree on another order of priority, the director shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

``(1) The director of the designated State unit shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

``(2) The director of the designated State unit shall provide for a cost-of-living increase for such existing centers for independent living.

``(3) The director of the designated State unit shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

``(f) Nonresidential Agencies.--A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.

``(g) Review.--

``(1) In general.--The director of the designated State unit shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the director of the designated State unit determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the director of the designated State unit shall immediately notify such center that it is out of compliance.

``(2) Enforcement.--The director of the designated State unit shall terminate all funds under this section to such center 90 days after--

``(A) the date of such notification; or

``(B) in the case of a center that requests an appeal under subsection (i), the date of any final decision under subsection (i),

unless the center submits a plan to achieve compliance within 90 days and such plan is approved by the director, or if appealed, by the Commissioner.

``(h) Onsite Compliance Review.--The director of the designated State unit shall annually conduct onsite compliance reviews of at least 15 percent of the centers for independent living that receive funding under this section in the State. Each team that conducts onsite compliance review of centers for independent living shall include at least one person who is not an employee of the designated State agency, who has experience in the operation of centers for independent living, and who is jointly selected by the director of the designated State unit and the chairperson of or other individual designated by the Council acting on behalf of and at the direction of the Council. A copy of this review shall be provided to the Commissioner.

``(i) Adverse Actions.--If the director of the designated State unit proposes to take a significant adverse action against a center for independent living, the center may seek mediation and conciliation to be provided by an individual or individuals who are free of conflicts of interest identified by the chairperson of or other individual designated by the Council. If the issue is not resolved through the mediation and conciliation, the center may appeal the proposed adverse action to the Commissioner for a final decision.

``SEC. 724. CENTERS OPERATED BY STATE AGENCIES.

``A State that receives assistance for fiscal year 1993 with respect to a center in accordance with subsection (a) of this section (as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1998) may continue to receive assistance under this part for fiscal year 1994 or a succeeding fiscal year if, for such fiscal year--

``(1) no nonprofit private agency--

``(A) submits an acceptable application to operate a center for independent living for the fiscal year before a date specified by the Commissioner; and

``(B) obtains approval of the application under section 722 or 723; or

``(2) after funding all applications so submitted and approved, the Commissioner determines that funds remain available to provide such assistance.

``SEC. 725. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

``(a) In General.--Each center for independent living that receives assistance under this part shall comply with the standards set out in subsection (b) and provide and comply with the assurances set out in subsection (c) in order to ensure that all programs and activities under this part are planned, conducted, administered, and evaluated in a manner consistent with the purposes of this chapter and the objective of providing assistance effectively and efficiently.

``(b) Standards.--

``(1) Philosophy.--The center shall promote and practice the independent living philosophy of--

``(A) consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;

``(B) self-help and self-advocacy;

``(C) development of peer relationships and peer role models; and

``(D) equal access of individuals with significant disabilities to society and to all services, programs, activities, resources, and facilities, whether public or private and regardless of the funding source.

``(2) Provision of services.--The center shall provide services to individuals with a range of significant disabilities. The center shall provide services on a cross-disability basis (for individuals with all different types of significant disabilities, including individuals with significant disabilities who are members of populations that are unserved or underserved by programs under this title). Eligibility for services at any center for independent living shall be determined by the center, and shall not be based on the presence of any one or more specific significant disabilities.

``(3) Independent living goals.--The center shall facilitate the development and achievement of independent living goals selected by individuals with significant disabilities who seek such assistance by the center.

``(4) Community options.--The center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with significant disabilities.

``(5) Independent living core services.--The center shall provide independent living core services and, as appropriate, a combination of any other independent living services.

``(6) Activities to increase community capacity.--The center shall conduct activities to increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities.

``(7) Resource development activities.--The center shall conduct resource development activities to obtain funding from sources other than this chapter.

``(c) Assurances.--The eligible agency shall provide at such time and in such manner as the Commissioner may require, such satisfactory assurances as the Commissioner may require, including satisfactory assurances that--

``(1) the applicant is an eligible agency;

``(2) the center will be designed and operated within local communities by individuals with disabilities, including an assurance that the center will have a Board that is the principal governing body of the center and a majority of which shall be composed of individuals with significant disabilities;

``(3) the applicant will comply with the standards set forth in subsection (b);

``(4) the applicant will establish clear priorities through

annual and 3-year program and financial planning objectives for the center, including overall goals or a mission for the center, a work plan for achieving the goals or mission, specific objectives, service priorities, and types of services to be provided, and a description that shall demonstrate how the proposed activities of the applicant are consistent with the most recent 3-year State plan under section 704;

``(5) the applicant will use sound organizational and personnel assignment practices, including taking affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503;

``(6) the applicant will ensure that the majority of the staff, and individuals in decisionmaking positions, of the applicant are individuals with disabilities;

``(7) the applicant will practice sound fiscal management, including making arrangements for an annual independent fiscal audit, notwithstanding section 7502(a)(2)(A) of title 31, United States Code;

``(8) the applicant will conduct annual self-evaluations, prepare an annual report, and maintain records adequate to measure performance with respect to the standards, containing information regarding, at a minimum--

``(A) the extent to which the center is in compliance with the standards;

``(B) the number and types of individuals with significant disabilities receiving services through the center;

``(C) the types of services provided through the center and the number of individuals with significant disabilities receiving each type of service;

``(D) the sources and amounts of funding for the operation of the center;

``(E) the number of individuals with significant disabilities who are employed by, and the number who are in management and decisionmaking positions in, the center; and

``(F) a comparison, when appropriate, of the activities of the center in prior years with the activities of the center in the most recent year;

``(9) individuals with significant disabilities who are seeking or receiving services at the center will be notified by the center of the existence of, the availability of, and how to contact, the client assistance program;

``(10) aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of

individuals with significant disabilities that are unserved or underserved by programs under this title, especially minority groups and urban and rural populations;

``(11) staff at centers for independent living will receive training on how to serve such unserved and underserved populations, including minority groups and urban and rural populations;

``(12) the center will submit to the Statewide Independent Living Council a copy of its approved grant application and the annual report required under paragraph (8);

``(13) the center will prepare and submit a report to the designated State unit or the Commissioner, as the case may be, at the end of each fiscal year that contains the information described in paragraph (8) and information regarding the extent to which the center is in compliance with the standards set forth in subsection (b); and

``(14) an independent living plan described in section 704(e) will be developed unless the individual who would receive services under the plan signs a waiver stating that such a plan is unnecessary.

``SEC. 726. DEFINITIONS.

``As used in this part, the term `eligible agency' means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency.

``SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

``There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1999 through 2003.

``CHAPTER 2--INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

``SEC. 751. DEFINITION.

``For purposes of this chapter, the term `older individual who is blind' means an individual age 55 or older whose significant visual impairment makes competitive employment extremely difficult to attain but for whom independent living goals are feasible.

``SEC. 752. PROGRAM OF GRANTS.

``(a) In General.--

``(1) Authority for grants.--Subject to subsections (b) and

(c), the Commissioner may make grants to States for the purpose of providing the services described in subsection (d) to older individuals who are blind.

``(2) Designated state agency.--The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be administered solely by the agency described in section 101(a)(2)(A)(i).

``(b) Contingent Competitive Grants.--Beginning with fiscal year 1993, in the case of any fiscal year for which the amount appropriated under section 753 is less than $13,000,000, grants made under subsection (a) shall be--

``(1) discretionary grants made on a competitive basis to States; or

``(2) grants made on a noncompetitive basis to pay for the continuation costs of activities for which a grant was awarded--

``(A) under this chapter; or

``(B) under part C, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

``(c) Contingent Formula Grants.--

``(1) In general.--In the case of any fiscal year for which the amount appropriated under section 753 is equal to or greater than $13,000,000, grants under subsection (a) shall be made only to States and shall be made only from allotments under paragraph (2).

``(2) Allotments.--For grants under subsection (a) for a fiscal year described in paragraph (1), the Commissioner shall make an allotment to each State in an amount determined in accordance with subsection (j), and shall make a grant to the State of the allotment made for the State if the State submits to the Commissioner an application in accordance with subsection (i).

``(d) Services Generally.--The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be expended only for purposes of--

``(1) providing independent living services to older individuals who are blind;

``(2) conducting activities that will improve or expand services for such individuals; and

``(3) conducting activities to help improve public understanding of the problems of such individuals.

``(e) Independent Living Services.--Independent living services for purposes of subsection (d)(1) include--

``(1) services to help correct blindness, such as--

``(A) outreach services;

``(B) visual screening;

``(C) surgical or therapeutic treatment to prevent, correct, or modify disabling eye conditions; and

``(D) hospitalization related to such services;

``(2) the provision of eyeglasses and other visual aids;

``(3) the provision of services and equipment to assist an older individual who is blind to become more mobile and more self-sufficient;

``(4) mobility training, braille instruction, and other services and equipment to help an older individual who is blind adjust to blindness;

``(5) guide services, reader services, and transportation;

``(6) any other appropriate service designed to assist an older individual who is blind in coping with daily living activities, including supportive services and rehabilitation teaching services;

``(7) independent living skills training, information and referral services, peer counseling, and individual advocacy training; and

``(8) other independent living services.

``(f) Matching Funds.--

``(1) In general.--The Commissioner may not make a grant under subsection (a) unless the State involved agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than $1 for each $9 of Federal funds provided in the grant.

``(2) Determination of amount contributed.--Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

``(g) Certain Expenditures of Grants.--A State may expend a grant under subsection (a) to carry out the purposes specified in subsection (d) through grants to public and nonprofit private agencies or organizations.

``(h) Requirement Regarding State Plan.--The Commissioner may not make a grant under subsection (a) unless the State involved agrees that, in carrying out subsection (d)(1), the State will seek to incorporate into the State plan under section 704 any new methods and approaches relating to independent living services for older individuals who are blind.

``(i) Application for Grant.--

``(1) In general.--The Commissioner may not make a grant under subsection (a) unless an application for the grant is submitted to the Commissioner and the application is in such form, is made in

such manner, and contains such agreements, assurances, and information as the Commissioner determines to be necessary to carry out this section (including agreements, assurances, and information with respect to any grants under subsection (j)(4)).

``(2) Contents.--An application for a grant under this section shall contain--

``(A) an assurance that the agency described in subsection (a)(2) will prepare and submit to the Commissioner a report, at the end of each fiscal year, with respect to each project or program the agency operates or administers under this section, whether directly or through a grant or contract, which report shall contain, at a minimum, information on--

``(i) the number and types of older individuals who are blind and are receiving services;

``(ii) the types of services provided and the number of older individuals who are blind and are receiving each type of service;

``(iii) the sources and amounts of funding for the operation of each project or program;

``(iv) the amounts and percentages of resources committed to each type of service provided;

``(v) data on actions taken to employ, and advance in employment, qualified individuals with significant disabilities, including older individuals who are blind; and

``(vi) a comparison, if appropriate, of prior year activities with the activities of the most recent year;

``(B) an assurance that the agency will--

``(i) provide services that contribute to the maintenance of, or the increased independence of, older individuals who are blind; and

``(ii) engage in--

``(I) capacity-building activities, including collaboration with other agencies and organizations;

``(II) activities to promote community awareness, involvement, and assistance; and

``(III) outreach efforts; and

``(C) an assurance that the application is consistent with the State plan for providing independent living services required by section 704.

``(j) Amount of Formula Grant.--

``(1) In general.--Subject to the availability of appropriations, the amount of an allotment under subsection (a) for a State for a fiscal year shall be the greater of--

``(A) the amount determined under paragraph (2); or

``(B) the amount determined under paragraph (3).

``(2) Minimum allotment.--

``(A) States.--In the case of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is the greater of--

``(i) $225,000; or

``(ii) an amount equal to \1/3\ of 1 percent of the amount appropriated under section 753 for the fiscal year and available for allotments under subsection (a).

``(B) Certain territories.--In the case of Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is $40,000.

``(3) Formula.--The amount referred to in subparagraph (B) of paragraph (1) for a State for a fiscal year is the product of--

``(A) the amount appropriated under section 753 and available for allotments under subsection (a); and

``(B) a percentage equal to the quotient of--

``(i) an amount equal to the number of individuals residing in the State who are not less than 55 years of age; divided by

``(ii) an amount equal to the number of individuals residing in the United States who are not less than 55 years of age.

``(4) Disposition of certain amounts.--

``(A) Grants.--From the amounts specified in subparagraph (B), the Commissioner may make grants to States whose population of older individuals who are blind has a substantial need for the services specified in subsection (d) relative to the populations in other States of older individuals who are blind.

``(B) Amounts.--The amounts referred to in subparagraph (A) are any amounts that are not paid to States under subsection (a) as a result of--

``(i) the failure of any State to submit an application under subsection (i);

``(ii) the failure of any State to prepare within a reasonable period of time such application in compliance with such subsection; or

``(iii) any State informing the Commissioner that the State does not intend to expend the full amount of the allotment made for the State under subsection (a).

``(C) Conditions.--The Commissioner may not make a grant under subparagraph (A) unless the State involved agrees that

the grant is subject to the same conditions as grants made under subsection (a).

``SEC. 753. AUTHORIZATION OF APPROPRIATIONS.

``There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1999 through 2003.".

SEC. 411. REPEAL.

Title VIII of the Rehabilitation Act of 1973 (29 U.S.C. 797 et seq.) is repealed.

SEC. 412. HELEN KELLER NATIONAL CENTER ACT.

(a) General Authorization of Appropriations.--The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking ``1993 through 1997" and inserting ``1999 through 2003".

(b) Helen Keller National Center Federal Endowment Fund.--The first sentence of section 208(h) of such Act (29 U.S.C. 1907(h)) is amended by striking ``1993 through 1997" and inserting ``1999 through 2003".

(c) Registry.--Such Act (29 U.S.C. 1901 et seq.) is amended by adding at the end the following:

``SEC. 209. REGISTRY.

``(a) In General.--To assist the Center in providing services to individuals who are deaf-blind, the Center may establish and maintain registries of such individuals in each of the regional field offices of the network of the Center.

``(b) Voluntary Provision of Information.--No individual who is deaf-blind may be required to provide information to the Center for any purpose with respect to a registry established under subsection (a).

``(c) Nondisclosure.--The Center (including the network of the Center) may not disclose information contained in a registry established under subsection (a) to any individual or organization that is not affiliated with the Center, unless the individual to whom the information relates provides specific written authorization for the Center to disclose the information.

``(d) Privacy Rights.--The requirements of section 552a of title 5, United States Code (commonly known as the `Privacy Act of 1974') shall apply to personally identifiable information contained in the registries established by the Center under subsection (a), in the same

manner and to the same extent as such requirements apply to a record of an agency.

``(e) Removal of Information.--On the request of an individual, the Center shall remove all information relating to the individual from any registry established under subsection (a).".

SEC. 413. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

Section 2(2) of the joint resolution approved July 11, 1949 (63 Stat. 409, chapter 302; 36 U.S.C. 155b(2)) is amended by inserting ``solicit,'' before ``accept,''.

SEC. 414. CONFORMING AMENDMENTS.

(a) Randolph-Sheppard Act.--Section 2(e) of the Act of June 20, 1936 (commonly known as the ``Randolph-Sheppard Act'') (49 Stat. 1559, chapter 638; 20 U.S.C. 107a(e)) is amended by striking ``section 101(a)(1)(A)'' and inserting ``section 101(a)(2)(A)''.

(b) Technology-Related Assistance for Individuals With Disabilities Act of 1988.--

(1) Section 101(b) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2211(b)) is amended--

(A) in paragraph (7)(A)(ii)(II), by striking ``individualized written rehabilitation program'' and inserting ``individualized plan for employment''; and

(B) in paragraph (9)(B), by striking ``(as defined in section 7(25) of such Act (29 U.S.C. 706(25)))'' and inserting ``(as defined in section 7 of such Act)''.

(2) Section 102(e)(23)(A) of such Act (29 U.S.C. 2212(e)(23)(A)) is amended by striking ``the assurance provided by the State in accordance with section 101(a)(36) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(36))'' and inserting ``the portion of the State plan provided by the State in accordance with section 101(a)(21) of the Rehabilitation Act of 1973''.

(c) Title 38, United States Code.--Sections 3904(b) and 7303(b) of title 38, United States Code, are amended by striking ``section 204(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(2)) (relating to the establishment and support of Rehabilitation Engineering Research Centers)'' and inserting ``section 204(b)(3) of the Rehabilitation Act of 1973 (relating to the establishment and support of Rehabilitation Engineering Research Centers)''.

(d) National School Lunch Act.--Section 27(a)(1)(B) of the National School Lunch Act (42 U.S.C. 1769h(a)(1)(B)) is amended by striking ``section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8))''

and inserting ``section 7 of the Rehabilitation Act of 1973''.

(e) Domestic Volunteer Service Act of 1973.--Section 421(11) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061(11)) is amended by striking ``section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B))'' and inserting ``section 7(20)(B) of the Rehabilitation Act of 1973''.

(f) Energy Conservation and Production Act.--Section 412(5) of the Energy Conservation and Production Act (42 U.S.C. 6862(5)) is amended by striking ``a handicapped individual as defined in section 7(7) of the Rehabilitation Act of 1973'' and inserting ``an individual with a disability, as defined in section 7 of the Rehabilitation Act of 1973''.

(g) National and Community Service Act of 1990.--Section 101(12) of the National and Community Service Act of 1990 (42 U.S.C. 12511(12)) is amended by striking ``section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B))'' and inserting ``section 7(20)(B) of the Rehabilitation Act of 1973''.

TITLE V--GENERAL PROVISIONS

SEC. 501. STATE UNIFIED PLAN.

(a) Definition of Appropriate Secretary.--In this section, the term ``appropriate Secretary'' means the head of the Federal agency who exercises administrative authority over an activity or program described in subsection (b).

(b) State Unified Plan.--

(1) In general.--A State may develop and submit to the appropriate Secretaries a State unified plan for 2 or more of the activities or programs set forth in paragraph (2), except that the State may include in the plan the activities described in paragraph (2)(A) only with the prior approval of the legislature of the State. The State unified plan shall cover one or more of the activities set forth in subparagraphs (A) through (D) of paragraph (2) and may cover one or more of the activities set forth in subparagraphs (E) through (O) of paragraph (2).

(2) Activities.--The activities and programs referred to in paragraph (1) are as follows:

(A) Secondary vocational education programs authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(B) Postsecondary vocational education programs authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(C) Activities authorized under title I.

(D) Activities authorized under title II.

(E) Programs authorized under section 6(d) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)).

(F) Work programs authorized under section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o)).

(G) Activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(H) Programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(I) Programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 of such Act (29 U.S.C. 732).

(J) Activities authorized under chapter 41 of title 38, United States Code.

(K) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

(L) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(M) Programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(N) Training activities carried out by the Department of Housing and Urban Development.

(O) Programs authorized under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

(c) Requirements.--

(1) In general.--The portion of a State unified plan covering an activity or program described in subsection (b) shall be subject to the requirements, if any, applicable to a plan or application for assistance under the Federal statute authorizing the activity or program.

(2) Additional submission not required.--A State that submits a State unified plan covering an activity or program described in subsection (b) that is approved under subsection (d) shall not be required to submit any other plan or application in order to receive Federal funds to carry out the activity or program.

(3) Coordination.--A State unified plan shall include--

(A) a description of the methods used for joint planning and coordination of the programs and activities included in the unified plan; and

(B) an assurance that the methods included an opportunity for the entities responsible for planning or administering such programs and activities to review and comment on all portions of the unified plan.

(d) Approval by the Appropriate Secretaries.--

(1) Jurisdiction.--The appropriate Secretary shall have the

authority to approve the portion of the State unified plan relating to the activity or program over which the appropriate Secretary exercises administrative authority. On the approval of the appropriate Secretary, the portion of the plan relating to the activity or program shall be implemented by the State pursuant to the applicable portion of the State unified plan.

(2) Approval.--

(A) In general.--A portion of the State unified plan covering an activity or program described in subsection (b) that is submitted to the appropriate Secretary under this section shall be considered to be approved by the appropriate Secretary at the end of the 90-day period beginning on the day the appropriate Secretary receives the portion, unless the appropriate Secretary makes a written determination, during the 90-day period, that the portion is not consistent with the requirements of the Federal statute authorizing the activity or program including the criteria for approval of a plan or application, if any, under such statute or the plan is not consistent with the requirements of subsection (c)(3).

(B) Special rule.--In subparagraph (A), the term ``criteria for approval of a State plan'', relating to activities carried out under title I or II or under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), includes a requirement for agreement between the State and the appropriate Secretary regarding State performance measures, including levels of performance.

SEC. 502. DEFINITIONS FOR INDICATORS OF PERFORMANCE.

(a) In General.--In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, after consultation with the representatives described in subsection (b), shall issue definitions for indicators of performance and levels of performance established under titles I and II.

(b) Representatives.--The representatives referred to in subsection (a) are representatives of States (as defined in section 101) and political subdivisions, business and industry, employees, eligible providers of employment and training activities (as defined in section 101), educators, participants in activities carried out under this Act, State Directors of adult education, providers of adult education, providers of literacy services, individuals with expertise in serving the employment and training needs of eligible youth (as defined in section 101), parents, and other interested parties, with expertise regarding activities authorized under this Act.

SEC. 503. INCENTIVE GRANTS.

(a) In General.--Beginning on July 1, 2000, the Secretary shall award a grant to each State that exceeds the State adjusted levels of performance for title I, the expected levels of performance for title II, and the levels of performance for programs under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.), for the purpose of carrying out an innovative program consistent with the requirements of any one or more of the programs within title I, title II, or such Public Law, respectively.

(b) Application.--

(1) In general.--The Secretary may provide a grant to a State under subsection (a) only if the State submits an application to the Secretary for the grant that meets the requirements of paragraph (2).

(2) Requirements.--The Secretary may review an application described in paragraph (1) only to ensure that the application contains the following assurances:

(A) The legislature of the State was consulted with respect to the development of the application.

(B) The application was approved by the Governor, the eligible agency (as defined in section 203), and the State agency responsible for programs established under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.).

(C) The State and the eligible agency, as appropriate, exceeded the State adjusted levels of performance for title I, the expected levels of performance for title II, and the levels of performance for programs under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.).

(c) Amount.--

(1) Minimum and maximum grant amounts.--Subject to paragraph (2), a grant provided to a State under subsection (a) shall be awarded in an amount that is not less than $750,000 and not more than $3,000,000.

(2) Proportionate reduction.--If the amount available for grants under this section for a fiscal year is insufficient to award a grant to each State or eligible agency that is eligible for a grant, the Secretary shall reduce the minimum and maximum grant amount by a uniform percentage.

SEC. 504. PRIVACY.

(a) Section 144 of the General Education Provisions Act.--Nothing in this Act shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General

Education Provisions Act (20 U.S.C. 1232g), as added by the Family Educational Rights and Privacy Act of 1974 (section 513 of Public Law 93-380; 88 Stat. 571).

(b) Prohibition on Development of National Database.--

(1) In general.--Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under title I of this Act.

(2) Limitation.--Nothing in paragraph (1) shall be construed to prevent the proper administration of national programs under subtitles C and D of title I of this Act or to carry out program management activities consistent with title I of this Act.

SEC. 505. BUY-AMERICAN REQUIREMENTS.

(a) Compliance With Buy American Act.--None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) Sense of the Congress; Requirement Regarding Notice.--

(1) Purchase of american-made equipment and products.--In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available under this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) Notice to recipients of assistance.--In providing financial assistance using funds made available under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by Congress.

(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.--If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ``Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this subtitle, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections are in effect on the date of enactment of this Act, or pursuant to any successor regulations.

SEC. 506. TRANSITION PROVISIONS.

(a) Workforce Investment Systems.--The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) to the workforce investment systems established under title I of this Act. Such actions shall include the provision of guidance relating to the designation of State workforce investment boards, local workforce investment areas, and local workforce investment boards described in such title.

(b) Adult Education and Literacy Programs.--

(1) In general.--The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the transition from any authority under the Adult Education Act (20 U.S.C. 1201 et seq.) to any authority under the Adult Education and Family Literacy Act (as added by title II of this Act).

(2) Limitation.--The authority to take actions under paragraph (1) shall apply only for the 1-year period beginning on the date of the enactment of this Act.

(c) Regulations.--

(1) Interim final regulations.--Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall develop and publish in the Federal Register interim final regulations relating to the transition to, and implementation of, this Act.

(2) Final regulations.--Not later than December 31, 1999, the Secretary shall develop and publish in the Federal Register final regulations relating to the transition to, and implementation of, this Act.

(d) Expenditure of Funds During Transition.--

(1) In general.--Subject to paragraph (2) and in accordance with regulations developed under subsection (b), States, grant recipients, administrative entities, and other recipients of financial assistance under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or under this Act may expend funds received under the Job Training Partnership Act or under this Act, prior to July 1, 2000, in order to plan and implement programs and activities authorized under this Act.

(2) Additional requirements.--Not to exceed 2 percent of any allotment to any State from amounts appropriated under the Job Training Partnership Act or under this Act for fiscal year 1998 or 1999 may be made available to carry out paragraph (1) and not less than 50 percent of any such amount used to carry out paragraph (1) shall be made available to local entities for the purposes described in such paragraph.

(e) Reorganization.--Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall reorganize and

align functions within the Department of Labor and within the Employment and Training Administration in order to carry out the duties and responsibilities required by this Act (and related laws) in an effective and efficient manner.

SEC. 507. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act, shall take effect on the date of the enactment of this Act.

Senate Bill No. 293

CHAPTER 630

An act to add Chapter 2 (commencing with Section 14005), Chapter 3 (commencing with Section 14010), Chapter 4 (commencing with Section 14200), and Chapter 5 (commencing with Section 14500) to Division 7 of, to repeal Division 8 (commencing with Section 15000) of, and to repeal and add Section 14000 of, the Unemployment Insurance Code, relating to job training.

[Approved by Governor September 29, 2006. Filed with Secretary of State September 29, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 293, Ducheny. Workforce Training Act: education, training, and investment.

The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive programs, as specified.

This bill would restructure and revise those provisions relating to the state administration of, and educational services under, the federal Workforce Investment Act of 1998 by a California Workforce Investment Board.

This bill would restructure those provisions relating to state workforce investment boards and local workforce investment boards, with respect to various local workforce investment programs. This bill would provide certain job security protections for state employees affected by the reorganization of workforce development programs, as specified.

Existing law requires various local job training plans to be prepared by local educational agencies and counties with respect to welfare-to-work programs, as specified.

This bill would authorize a unified local plan prepared by the local workforce investment board to be submitted instead of the individual local plans. This bill, by imposing duties on local government with respect to the implementation of these local programs, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 14000 of the Unemployment Insurance Code is repealed.

SEC. 2. Section 14000 is added to the Unemployment Insurance Code, to read:

14000. (a) The Legislature finds and declares that, in order for California to remain prosperous and globally competitive, it needs to have a highly skilled workforce.

(b) The Legislature recognizes all of the following:

(1) California must transform its current job training, job placement, and vocational education programs into an integrated, accessible, and accountable workforce investment system that can effectively serve job seekers, students, and employers.

(2) California's workforce investment system must provide lifelong learning for all Californians, promote self-sufficiency, link education and training to economic development, and prepare California to successfully compete in the global economy.

(3) The programs described in paragraphs (1) and (2) must be accessible to all Californians, including persons with economic, physical, or other barriers to employment.

SEC. 3. Chapter 2 (commencing with Section 14005) is added to Division 7 of the Unemployment Insurance Code, to read:

Chapter 2. Definitions and Severability

14005. For purposes of this division:

(a) "Board" shall mean the California Workforce Investment Board.

(b) "Agency" means the Labor and Workforce Development Agency.

(c) "Workforce Investment Act of 1998" means the federal act enacted as Public Law 105-220.

14006. The provisions of this division are severable. If any provision of this division or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

14007. Each provision of this division shall remain in effect unless the United States Secretary of Labor determines that any provision of this division or its application is not in conformity with the requirements of federal law, at which time only those provisions of this division that are not in conformity with federal law shall be repealed.

SEC. 4. Chapter 3 (commencing with Section 14010) is added to Division 7 of the Unemployment Insurance Code, to read:

Chapter 3. State Responsibilities

Article 1. California Workforce Investment Board

14010. The California Workforce Investment Board is the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system.

14011. The board shall report, through its executive director, to the Secretary of the Labor and Workforce Development Agency.

14012. The board shall be appointed by the Governor to assist in the development of the State Workforce Investment Plan and to carry out other functions, as described in Section 14103. The board shall be comprised of the Governor and representatives from the following categories:

(a) Two members of each house of the Legislature, appointed by the appropriate presiding officer of each house.

(b) (1) A majority of board members shall be representatives of business who:

(A) Are owners of small and large businesses, chief executives or operating officers of small and large businesses, and other small and large business executives or employers with optimum policymaking or hiring authority, including members of local workforce investment boards.

(B) Represent businesses with employment opportunities that reflect the employment opportunities of the state.

(C) Are appointed from a group of individuals nominated by state business organizations and business trade associations.

(2) At least one representative shall be a private sector member of the California Economic Strategy Panel, created pursuant to Section 15570 of the Government Code.

(c) Chief elected officials representing both cities and counties, where appropriate.

(d) Representatives of labor organizations that are appointed to the board by the Governor shall have been nominated by state labor federations. At least 15 percent of board members shall be representatives of labor organizations.

(e) Representatives of individuals and organizations that have experience with regard to youth activities.

(f) Representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including the Chancellor of the California Community Colleges, representatives of school districts, and representatives of community-based organizations within the state.

(g) The lead state agency officials with responsibility for the programs, services, or activities that are mandatory participants in the one-stop system, or, where there are no lead state agency officials responsible for

those programs, services, or activities, a representative with expertise relating to those programs, services, or activities.

(h) Any other representatives and state agency officials as the Governor may designate, such as the state agency officials responsible for economic development and juvenile justice programs in the state.

(i) Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within those organizations, agencies, or entities.

(j) In making appointments to the board, the Governor shall consider the ethnic, race, gender, and geographic distribution of the state's population, and members of the board shall represent diverse regions of the state, including urban, rural, and suburban areas.

(k) The Governor may appoint a single member to the board to represent multiple constituencies on the board.

(*l*) The Governor shall select a chairperson for the board from the business representatives.

14013. The board shall assist the Governor in the following:

(a) Promoting the development of a well-educated and highly skilled workforce.

(b) Developing the State Workforce Investment Plan.

(c) Developing guidelines for the continuous improvement and operation of the workforce investment system, including:

(1) Developing policies to guide the one-stop system.

(2) Providing technical assistance for the continuous improvement of the one-stop system.

(3) Recommending state investments in the one-stop system.

(d) Developing and continuously improving the statewide workforce investment system as delivered via the one-stop delivery system, including:

(1) Developing linkages in order to assure coordination and nonduplication among workforce programs and activities.

(2) Reviewing local workforce investment plans.

(e) Commenting, at least once annually, on the measures taken pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (P.L. 101-392; 20 U.S.C. Sec. 2301 and following).

(f) Designating local workforce investment areas within the state based on information derived from all of the following:

(1) Consultations with the board.

(2) Consultations with the chief local elected officials.

(3) Consideration of comments received through the public comment process, as described in Section 112(b)(9) of the Workforce Investment Act of 1998.

(g) Developing and modifying allocation formulas, as necessary, for the distribution of funds for adult employment and training activities, for youth activities to local workforce investment areas, and dislocated worker employment and training activities, as permitted by federal law.

(h) Coordinating the development and continuous improvement of comprehensive state performance measures, including state adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the state.

(i) Preparing the annual report to the United States Secretary of Labor.

(j) Recommending policy for the development of the statewide employment statistics system, including workforce and economic data, as described in Section 15 of Title 29 of the United States Code, and using, to the fullest extent possible, the Employment Development Department's existing labor market information systems.

(k) Recommending strategies to the Governor for strategic training investments of the Governor's 15-percent discretionary funds.

(*l*) Developing and recommending waivers, in conjunction with local workforce investment boards, to the Governor as provided for in the Workforce Investment Act of 1998.

(m) Recommending policy to the Governor for the use of the 25-percent rapid response funds, as authorized under the Workforce Investment Act of 1998.

(n) Developing an application to the United States Department of Labor for an incentive grant under Section 9273 of Title 20 of the United States Code.

14015. Members of the board may receive up to one hundred dollars ($100) for each day's actual attendance at meetings and other official business of the board, not to exceed three hundred dollars ($300) per month, and shall receive their necessary and actual expenses incurred in the performance of their official duties.

Article 2. State Planning

14020. The California Workforce Investment Board, in collaboration with state and local partners, including the Chancellor of the California Community Colleges, the State Department of Education, other appropriate state agencies, and local workforce investment boards, shall develop a strategic workforce plan to serve as a framework for the development of public policy, fiscal investment, and operation of all state labor exchange, workforce education, and training programs. The strategic workforce plan shall also serve as the framework for the single state plan required by the Workforce Investment Act of 1998. The plan shall be updated at least every five years.

SEC. 5. Chapter 4 (commencing with Section 14200) is added to Division 7 of the Unemployment Insurance Code, to read:

Chapter 4. Local Service Delivery

Article 1. Local Workforce Investment Board

14200. (a) The local chief elected officials in a local workforce development area shall form, pursuant to guidelines established by the Governor and the board, a local workforce investment board to plan and oversee the workforce investment system.

(b) The Governor shall certify one local board for each local area in the state once every two years, following the requirements of the Workforce Investment Act of 1998.

14201. Local workforce investment boards shall be established in each local workforce investment area of the state to assist the local chief elected official in planning, oversight, and evaluation of local workforce investment. The local board shall promote effective outcomes consistent with statewide goals, objectives, and negotiated local performance standards.

14202. Membership of the local board shall be appointed by the local chief elected official using criteria established by the Governor and the board, and shall include:

(a) Representatives of business in the local area appointed from among individuals nominated by local business organizations and business trade associations and that reflect employment opportunities of the local area. Business representatives shall be owners of businesses, chief executives, or operating officers of businesses or other business executives, including human resources executives, or employers with optimum policymaking or hiring authority.

(b) Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, public and private postsecondary educational institutions, including representatives of community colleges, selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing local educational entities.

(c) Representatives of labor organizations nominated by local labor federations, including a representative of an apprenticeship program. At least 15 percent of local board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least 10 percent of the local board members shall be representatives of labor organizations.

(d) Representatives of local community-based organizations, including organizations representing individuals with disabilities and veterans, and organizations that serve populations with barriers to employment, such as the economically disadvantaged, youth, farmworkers, homeless, and immigrants.

(e) Representatives of economic development agencies, including private sector economic development entities.

(f) Representatives of each of the one-stop partners.

(g) Members of the local board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within those organizations, agencies, or entities.

14203. Membership of local boards may include other individuals or representatives of entities as the local elected official in the local area may determine to be appropriate. A single member of the local board may be appointed to represent multiple constituencies on the local board.

14204. A majority of the members of the local board shall be representatives of businesses in the local area.

14205. The local board shall elect a chairperson for the local board from among the business representatives.

14206. It shall be the duty of the local board to do all of the following:

(a) Coordinate workforce investment activities in the local area with economic development strategies.

(b) Promote participation of private sector employers in the local workforce investment system.

(c) Develop and submit a local workforce investment plan to the Governor.

(d) Select one-stop operators, with the agreement of the local chief elected official, annually review their operations, and terminate for cause the eligibility of such operators.

(e) Award grants or contracts to eligible providers of youth activities in the local area on a competitive basis, consistent with the Workforce Investment Act of 1998, based upon the recommendations of the youth council.

(f) Identify, consistent with the Workforce Investment Act of 1998, eligible providers of training services.

(g) Identify eligible providers of intensive services and, when the one-stop operator does not provide intensive services to the local area, award contracts to those providers.

(h) Develop local policy on the amount and duration of individual training accounts based upon the market rate for local training programs.

(i) Conduct program oversight over workforce investment activities in the local area.

(j) Negotiate with the local chief elected official in the local area and the Governor on local performance measures for the local area.

(k) Assist in the development of a statewide employment statistics system, which shall be developed in conjunction with and shall utilize to the fullest extent possible, the Employment Development Department’s labor market information system.

14207. The local board, in order to carry out its functions:

(a) Shall prepare a budget for the purpose of carrying out the duties of the local board as specified under this section, subject to the approval of the local chief elected official.

(b) Shall direct the activities of the local board's executive director.

(c) May employ additional staff to carry out the activities as described in the local board's strategic plan.

(d) May solicit and accept contributions and grant funds from other sources.

(e) Shall not provide training services unless the Governor grants a written waiver of this provision.

(f) Shall not provide other workforce investment services or be designated as a one-stop operator without the agreement of the local chief elected official and the Governor.

14208. A youth council shall be established as a subgroup within each local board, appointed by the local board in cooperation with the local chief elected official. Youth council membership shall conform with the requirements of the Workforce Investment Act of 1998.

14209. It is the intent of the Legislature that when appointing members to the youth council, the local workforce investment board and the local chief elected official appoint:

(a) Representatives of youth who are enrolled in school, and out of school youth.

(b) Representatives from the private sector.

(c) Representatives of local educational agencies serving youth.

(d) Representatives of private nonprofit agencies serving youth.

(e) Representatives of apprenticeship training programs serving youth.

14210. The youth council shall do all of the following:

(a) Develop the portions of the local plan relating to youth.

(b) Make recommendations of eligible providers of youth activities for the award of grants or contracts on a competitive basis by the local board to carry out youth activities.

(c) Leverage other youth program funds in the local area for the purpose of improving the effectiveness of local youth programs through collaborative planning, funding, and service delivery.

(d) Conduct oversight of eligible youth activities in the local area.

(e) Make recommendations to the local board for connecting youth program activities, including those provided by local educational entities to the one-stop delivery system.

(f) Make recommendations to the local board for including training in nontraditional occupations for women and girls and preapprenticeship training in youth program activities.

Article 2. Local Workforce Investment Plan

14220. Each local board shall develop and submit to the Governor a comprehensive five-year local plan in partnership with the appropriate chief local elected official. The plan shall be consistent with the state workforce investment plan.

14221. The local plan shall include all of the following:

(a) A local labor market assessment which contains an identification of local and regional workforce investment needs of businesses, jobseekers, and workers in the local area, the current and projected employment opportunities and the job skills necessary to obtain that employment.

(b) A description of the local one-stop delivery system, including all of the following:

(1) A description of how the local board will achieve system integration that will improve services to local employers and jobseekers, and a description of local funding sources.

(2) A copy of each memorandum of understanding between the local board and each of the one-stop partners concerning the operation of the one-stop delivery system in the local area.

(c) A description of the local levels of performance negotiated with the Governor and chief local elected official to be used to measure the performance of the local area and the performance of the local fiscal agent, eligible providers, and the one-stop delivery system in the local area. Performance standards shall not create disincentives for serving clients for whom it is more difficult to provide service.

(d) A description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area.

(e) A description of how the local board will provide services to the business community.

(f) A description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as appropriate.

(g) A description and assessment of the type and availability of youth activities in the local area, including an identification of successful providers of those activities.

(h) A description of the process used by the local board, consistent with Section 14223, to provide an opportunity for public comment, including comment by representatives of businesses, labor organizations, and community-based organizations, and input into the development of the local plan, prior to submission of the plan.

(i) An identification of the entity, as prescribed in the Workforce Investment Act of 1998, responsible for the disbursal of funds under the Workforce Investment Act of 1998.

(j) A description of the competitive process to be used to award the grants and contracts in the local area for activities carried out under the Workforce Investment Act of 1998.

14222. The local board may submit a local unified plan that includes or integrates the local workforce investment and other local workforce plans such as:

(a) An instructional and job training plan required by Section 10200 of the Education Code.

(b) A plan for community college curriculum development or redesign required pursuant to Section 79202 of the Education Code.

(c) A county plan for CalWORKs required by Section 10531 of the Welfare and Institutions Code.

(d) A local welfare-to-work plan required by Section 5063, to the extent permitted under federal law.

14223. The local board shall make available copies of a proposed local plan, allow members of the local board and members of the public to submit comments on the proposed local plan to the local board not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available and submit the plan to the Governor along with any comments that were in disagreement with the plan.

Article 3. One-Stop Career Center System

14230. (a) It is the intent of the Legislature that:

(1) California deliver comprehensive workforce services to jobseekers, students, and employers through a system of one-stop career centers.

(2) Universal access to core services shall be available to adult residents regardless of income, education, employment barriers, or other eligibility requirements. Core services shall include, but not be limited to:

(A) Outreach, intake, and orientation to services available through the one-stop delivery system.

(B) Initial assessment of skill levels, aptitudes, abilities, and supportive service needs.

(C) Job search and placement assistance.

(D) Career counseling, where appropriate.

(E) Provision of labor market information.

(F) Provision of program performance and cost information on eligible providers of training services and local area performance measures.

(G) Provision of information on supportive services in the local area.

(H) Provision of information on the filing of claims for unemployment compensation benefits and unemployment compensation disability benefits.

(I) Assistance in establishing eligibility for welfare-to-work activities pursuant to Section 11325.8 of the Welfare and Institutions Code, and financial aid assistance.

(3) State and federally funded workforce education, training, and employment programs shall be integrated in the one-stop delivery system to achieve universal access to the core services described in paragraph (2).

(4) Intensive services shall be available to individuals who have completed at least one core service, have been unable to obtain employment, and who have been determined, by the one-stop operator, as being in need of more intensive services, or who are employed but in need of intensive services to obtain or retain employment to achieve self-sufficiency. Intensive services may include comprehensive and specialized assessments of skill levels and service needs, including learning disability screening, the development of individual employment

plans, counseling, career planning, and short-term prevocational services to prepare an individual for training and employment.

(5) Training services shall be made available to individuals who have met the requirements for intensive services, have been unable to obtain or retain employment through these services, and who, after an interview, evaluation, or assessment, are determined to be in need of training, and have selected a program of services directly linked to occupations in demand in the local or regional area. Training services may include:

(A) Occupational skill training including training for nontraditional employment.

(B) On-the-job training.

(C) Programs that combine workplace training with related instruction.

(D) Training programs operated by the private sector.

(E) Skill upgrading and retraining.

(F) Entrepreneurial training.

(G) Job readiness training.

(H) Adult education and literacy activities, including vocational English as a second language, provided in combination with subparagraphs (A) through (G), inclusive.

(I) Business services, including, but not limited to, recruitment and staffing services, training and development, information and resources, outplacement services, and business retention.

(6) As prescribed in the Workforce Investment Act of 1998, when funds are limited, priority for intensive services and training services shall be given to adult recipients of public assistance and other low-income adults, such as CalWORKs participants.

(b) Each local workforce investment board shall establish at least one full service one-stop career center in the local workforce investment area. Each full service one-stop career center shall have all entities specified in Section 14231 as partners and shall provide jobseekers with integrated employment, education, training, and job search services. Additionally, employers will be provided with access to comprehensive career and labor market information, job placement, economic development information, performance and program information on service providers, and other such services as the businesses in the community may require.

(c) Local boards may also establish affiliated and specialized centers, as defined in the Workforce Investment Act of 1998, which shall act as portals into the larger local one-stop system, but are not required to have all of the partners specified for full service one-stop centers.

(d) Each local board shall develop a policy for identifying individuals who, because of their skills or experience, should be referred immediately to training services. This policy, along with the methods for referral of individuals between the one-stop operators and the one-stop partners for appropriate services and activities, shall be contained in the memorandum of understanding between the local board and the one-stop partners.

(e) In light of California’s diverse population, each one-stop career center should have the capacity to provide the appropriate services to the

full range of languages and cultures represented in the community served by the one-stop career center.

14231. (a) The local providers of the following programs or activities shall be required partners in the local one-stop system:

(1) Programs authorized under Title I of the Workforce Investment Act of 1998.

(2) Programs authorized under the Wagner-Peyser Act (29 U.S.C. Sec. 49 et seq.).

(3) Adult education and literacy activities authorized under Title II of the Workforce Investment Act of 1998.

(4) Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 720 et seq.).

(5) Programs authorized under Section 403(a)(5) of the Social Security Act (42 U.S.C. Sec. 603(a)(5) as added by Section 5001 of the Balanced Budget Act of 1997).

(6) Activities authorized under Title V of the Older Americans Act of 1965 (42 U.S.C. Sec. 3056 et seq.).

(7) Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. Sec. 2301 et seq.), including community colleges and regional occupational centers and programs.

(8) Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. Sec. 2271 et seq.).

(9) Activities authorized under Chapter 41 (commencing with Section 4100) of Title 38 of the United States Code.

(10) Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. Sec. 9901 et seq.).

(11) Employment and training activities carried out by the Department of Housing and Urban Development.

(12) Programs authorized by this code, in accordance with applicable federal law.

(13) Small business development centers, as defined in Section 15382 of the Government Code, where they exist.

(b) Community-based organizations that provide intensive services as described in paragraph (4) of subdivision (a) of Section 14230, shall be encouraged to be one-stop partners.

14232. The local board, with the agreement of the chief local elected official for the local area, shall develop and enter into a memorandum of understanding with the local one-stop partners, designate or certify one-stop operators, and conduct oversight over the local one-stop delivery system.

14233. One-stop career center operators shall recognize and comply with applicable labor agreements affecting employees of one-stop career centers, including the right to access by labor representatives pursuant to the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1 of the Government Code).

14234. In order to avoid a conflict of interest, operators of one-stop career centers that issue vouchers shall not be the recipient of vouchers issued by their center without the approval of the chief local elected official and the state board in instances when there are no other potential one-stop partners in the local area.

14235. To the full extent permitted by federal law, the Employment Development Department shall utilize its Wagner-Peyser funded activities and programs to support local one-stop career centers.

SEC. 6. Chapter 5 (commencing with Section 14500) is added to Division 7 of the Unemployment Insurance Code, to read:

Chapter 5. Educational Services

14500. Notwithstanding any other provision of law, when a person using his or her Workforce Investment Act individual training account enrolls in an adult education program, a noncredit curricula program at a community college, or a regional occupational center or program, for which state funds are allocated, all of the following shall apply:

(a) The entities administering the program may use Workforce Investment Act individual training account funds only to increase the number of hours of services provided above their adult block entitlement pursuant to Section 52616 of the Education Code and funding limit for regional occupational center programs for the purpose of enhancing services already supported with state funds. Any state funds provided to these entities above their adult block entitlements and funding limit for regional occupational center programs shall be subject to an appropriation in the annual Budget Act.

(b) Any state funds allocated to the entity administering the program shall not be offset with the Workforce Investment Act individual training account funds.

(c) The entity administering the program shall use the Workforce Investment Act individual training account funds received for the program.

14510. To the extent permitted by federal law, school districts and county offices of education are eligible to apply to local youth councils to provide basic skills training and skills necessary for attaining a secondary school diploma.

14530. To the extent permissible under federal law, the Governor may set aside a portion of the youth funding specifically for programs to improve the academic skills of low-achieving youth, including those at risk of not passing the high school exit examination required by Section 60850 of the Education Code, and for dropout prevention activities.

SEC. 7. Division 8 (commencing with Section 15000) of the Unemployment Insurance Code is repealed.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act implements a federal law or regulation and results only in costs mandated

by the federal government, within the meaning of Section 17556 of the Government Code.

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BYLAWS OF THE

WORKFORCE INVESTMENT BOARD

OF VENTURA COUNTY

July 1, 2007

BYLAWS

WORKFORCE INVESTMENT BOARD OF VENTURA COUNTY

These Bylaws are hereby created by the Workforce Investment Board of Ventura County.

I. RECITALS

A. The State of California, pursuant to the Federal Workforce Investment Act of 1998 ("Act"), has designated the County of Ventura ("County") as a Workforce Investment Area for the administration of employment and training programs at the local level, and provides funding thereto.

B. The State and Federal rules and regulations adopted under the Act require the County to establish a local Workforce Investment Board. The following are the bylaws of the Workforce Investment Board of Ventura County:

II. NAME

A. The name of this body will be the Workforce Investment Board of Ventura County, hereinafter referred to as the WIB.

III. PURPOSE AND FUNCTION

A. The WIB is, and will exercise the powers and responsibilities of, the "local board" as defined by the Act. The purpose of the WIB is to represent local employers, workers, job seekers, youth and others with an investment in employment and training activities under Title I of the Act to:

1. Ensure that training opportunities are accessible through a streamlined One-Stop delivery system that is responsive to the need of all local job seekers.

2. Ensure that the training system satisfies the needs of local employers, both large and small and that the system is market and employer demand driven;

3. Establish and coordinate youth development, education and training opportunities, particularly for economically disadvantaged youth;

4. Develop and maintain a partnership between leaders in business, economic development, education and government that will effectively contribute to the economic well being of the community and address local workforce needs;

5. Ensure that the local employment and training system is guided by rigorous standards of performance accountability in such areas as customer satisfaction, rates of job placement, job retention and earnings.

B. The WIB will serve as the Ventura County employer, business and industry contact point for the local employment and training system, to represent the views of private and public sector employers, organized labor, public assistance agencies, community based organizations, educational agencies, rehabilitation agencies, and economic development agencies, for the purpose of making programs responsive to local employment needs.

C. The WIB will provide direction on ways to increase private sector employment and training opportunities for all persons including those using the services of the Ventura County One-Stop Job & Career Center System.

D. In conjunction with the County, it will be the duty of the WIB to:

1. Develop the five-year Local Workforce Area Strategic Plan for Ventura County.

2. Develop a budget to carry out its duties. The budget will be subject to the approval of the Board of Supervisors.

3. Select the One-Stop operator(s) with the agreement of the County Board of Supervisors.

4. Review annually the operations of the One-Stop operator(s) and if appropriate, recommend termination for cause the eligibility of such operators.

5. Conduct oversight of the One-Stop Job and Career Center (JCC) System.

6. Establish at least one full-service One-Stop Job and Career Center that has all required WIA partners and that provides job seekers with integrated employment, education, training, and job search services, information on the filing of claims for unemployment compensation disability benefits, as expressed in UI Code 14230(a)(2)(H) and provides employers with comprehensive workforce-related business services.

7. Identify eligible providers of training services.

8. Identify eligible providers of WIA intensive services if such services are not provided by the One-Stop operators.

9. Identify eligible providers of youth activities in the Workforce Investment Area based on the recommendations of the Youth Council established in accordance with the Act.

10. Negotiate and reach agreement with the State and County Board of Supervisors on local performance measures.

11. Conduct oversight with respect to local WIA youth and adult employment and training activities.

12. Assist the Governor in developing a statewide employment statistics system, and do so in conjunction with, and using to the fullest extent possible, the labor market information system of the EDD.

13. Promote the participation of the private sector employers in the statewide workforce investment system and ensure the effective provision through the system of connecting, brokering and coaching activities, through intermediaries such as the One-Stop operator or through other organizations to assist such employers in meeting hiring needs.

14. Develop and implement a plan for public input regarding planning, program development, and evaluation.

15. Guide the production of local, annual labor market research and reports for the benefit of the community.

16. Appoint a Youth Council that meets the minimum membership requirements and functions as set forth under the provisions of the Act and the WIB Bylaws.

17. Direct the activities of the WIB Executor Director in carrying out the WIB functions.

18. Develop a policy on the amount and duration of individual training accounts, based on the market rate for local training programs.

E. The WIB will enter into written Memoranda of Understanding (MOU) or Agreements, clarifying the roles and responsibilities of the WIB and its community partner agencies. Such memoranda will include, but not be limited to, the following:

1. A Memorandum of Understanding with the County, on the parties' separate and shared responsibilities in the administration of the local Workforce Investment Area.

2. A Memorandum of Understanding with each One-Stop system partner to define and secure the partners' contributions to the One-Stop system.

3. A Memorandum of Understanding with the One-Stop operator(s), to clarify the WIB's expectations for One-Stop system performance and to define the responsibilities and accountability of the One-Stop operator relative to those performance expectations.

F. The WIB will perform other duties, responsibilities, and functions as deemed appropriate by action of the WIB, the Act, or governing agencies. The WIB will at all times perform its duties and activities in a manner consistent with the Act and its rules and regulations, with County ordinances, and all applicable laws.

G. All meetings of the WIB and where applicable, its committees will be conducted and noticed in conformance with the Ralph M. Brown Act, Government Code Section 54960 et seq.

IV. MEMBERSHIP

A. Consistent with the membership provisions of the Act, the County has established the membership and structure of the WIB. An official membership list, attendance materials, a record of actions and a detailed statement of composition, structure, and membership for the WIB will be maintained by staff to the WIB. WIB members will be appointed by the Board of Supervisors of the County of Ventura.

B. Composition

1. The WIB will consist of no fewer than 33 and no more than 45 members appointed by the County Board of Supervisors as follows:

   a) The majority of WIB members will include representatives of business in the local area, who at both the time of appointment and at all times throughout their term are owners of businesses, chief executives or operating officers of businesses, human resources executives and other business executives or employers with optimum policy making or hiring authority; who represent businesses with employment opportunities that reflect the employment opportunities of the local area; and who are nominated by local business organizations or business trade associations.

b) No fewer than two (2) members that are representatives of local education entities, including representatives of local educational agencies, local school Boards, entities providing adult education and literacy activities, and post secondary educational institutions selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities

c) No less than 15% of total WIB membership that are representatives of labor organizations (for local area in which employers are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such an organization), other representatives of employees;

d) No fewer than two (2) members that are representatives of community – based organizations (including organizations representing individuals with disabilities, veterans, economically disadvantaged, youth, farm workers, homeless individuals, immigrants, or other populations with barriers to employment for a local area in which such organizations are present);

e) No fewer than two (2) members that are representatives of economic development entities;

f) No fewer than one (1) representative from each of the Act's One-Stop partners. One-Stop representatives on the WIB will not exceed in any instance a total of fifteen (15) members.

2. Members of the WIB that represent organizations, agencies, or other entities will be individuals with optimum policy making authority within the organizations, agencies, or entities.

3. Members of the WIB may not appoint alternates to serve on their behalf.

C. Term

1. The term for all WIB members will be for two (2) years based on their initial date of appointment. WIB membership terms will be staggered, so that approximately half of total WIB membership will be ending their terms of appointment every year.

2. Members appointed to fill a vacant term will serve until the expiration date of that term. A member may continue to serve until reappointment or replacement by the County Board of Supervisors, but in no event will serve more than 60 days beyond the expiration date of the vacant term.

D. Resignation

1. WIB members may resign for any reason upon written notice.

2. WIB members are responsible for notifying the WIB Executive Director and Chair of any changes in their status relative to the category of the WIB membership to which they were appointed within 30 days of the change in status. A member who no longer qualifies for the category for which he or she was appointed will within 30 days of the change in status either (1) resign his or her membership or (2) petition the WIB to remain on the WIB for additional time, including to the end of the member's term, though, at the discretion of the WIB, he/she may remain on the WIB for up to 60 days pending replacement. If a member whose status has changed petitions to remain on the WIB for additional time, the petition must

   be submitted to the WIB Executive Committee for preliminary review and subsequent recommendation to the Board of Supervisors for final approval.

E. Removal of Members

1. WIB members may be removed for cause or because of repeated absence as follows:

   a) By two-thirds vote of the WIB membership, the WIB may remove any member of the WIB for neglect of any duty required by law or these bylaws.

   b) A WIB member may be removed from membership for absence if the member has been absent for more than three (3) regular WIB meetings and/or their appointed committee meetings between July 1 and June 30 of one service year. A WIB member may be removed for absenteeism by two-thirds vote of the WIB members in attendance at any regular meeting providing that a quorum is present.

   c) Removal actions taken by the WIB will require approval by the Board of Supervisors. Removal will not be effective unless and until such approval has been given.

      1) Any member who no longer qualifies for the category for which he or she was appointed, and who within 30 days of the change in status neither resigns his or her membership nor petitions the WIB to request to serve additional time on the WIB, is deemed to have resigned his or her membership and is automatically removed from the WIB without Board of Supervisors approval, and his or her slot on the WIB is then deemed vacant.

F. Filling of Vacancies

1. The Chair will promptly notify the County Board of Supervisors and the Clerk of the County Board of Supervisors of all vacancies on the WIB.

2. Notice will be given to the Clerk of the Board of Supervisors within ten (10) days after the WIB Chair or Executive Director receives notice of a WIB member's resignation or other reason for the vacancy.

3. All vacancies in WIB membership will be filled as soon as possible in accordance to the procedures of Section IV.B. of these Bylaws.

V. OFFICERS AND THEIR ELECTION

A. Chair

1. The Workforce Investment Board will elect one (1) private sector member as Chair.

2. The term of office for the Chair will be two years.

3. The Chair will preside over all regular meetings and may call special meetings, if necessary.

4. The WIB Chair, with the approval of the WIB, will create and appoint the members of ad hoc committees of the WIB, which may be advisory committees, technical workgroups or business or community advisory groups as determined to be required by the WIB.

5. The Chair will be an ex-officio member of all committees.

6. The Chair and WIB Executive Director will have the responsibility of preparing the agenda for WIB meetings and managing the business of the WIB.

7. The Chair, or in the Chair's absence, the Vice Chair, will be the signatory for all official WIB business.

8. The WIB Chair will appoint Committee Chairs from the WIB membership. The WIB Chair will be the Chair of the Executive Committee. The Committee Chairs will be selected to reflect the balance of the business and the non-business sector of the WIB.

B. Vice Chair

1. The WIB will elect one (1) private sector member as the Vice Chair.

2. The term of office for the Vice Chair will be two years.

3. The Vice Chair will assume the position of Chair upon the resignation or removal of the Chair.

4. The Vice Chair will serve as the WIB Chair, and will assume the responsibilities of the Chair in his or her absence.

5. In the absence of the WIB Chair, the Vice Chair will serve as the presiding officer. In the absence of both the Chair and the Vice Chair, the WIB will, at the beginning of its meeting, designate by majority vote a Chair pro tem to serve as presiding officer of that meeting. Such a Chair pro tem must be a private sector representative.

C. Election Process for Chair and Vice Chair

1. The election of the Chair and election of the Vice Chair will take place every other year at the WIB's Annual Organizational Meeting to be held in June. The election will occur in each year ending in an odd number (e.g., 2001, 2003, etc).

2. In April (or at the regular WIB meeting at least two meeting dates prior to the Annual Meeting) of each year ending in an odd number (e.g., 2001, 2003, etc), the Chair will appoint a Nominations Committee to develop a slate of nominations for the positions of Chair and Vice Chair. WIB members may make additional nominations at the meeting, during which the election takes place.

3. Upon resignation or removal of the Chair, the Vice Chair/ will assume the duties of the Chair for the remainder of the current term. Reelection of the Vice Chair who has assumed the Chair's position for resignation or removal may only occur if the changeover occurred at least one year into the former Chair's term. A member may thereby serve as Chair for no more than three (3) consecutive years.

VI. COMMITTEES

A. The WIB will operate with a committee structure. Each member of the WIB will serve on at least one Standing Committee.

B. The Committee Chairs will be appointed or removed by the Chair of the WIB

1. The term of office for the committee chair will not exceed two (2) years.

2. In the event of resignation or removal of the Committee Chair, the WIB Chair will appoint a new Committee Chair.

C. Each committee will also have a Vice Chair. Each Vice Chair will be selected by the respective Committee Chair to serve for a term concurrent with that of the Committee Chair.

1. The Committee Vice Chair will assume the responsibilities of the Committee Chair in his or her absence.

D. Committee members (with the exception of the Youth Council) may include WIB members and ex officio non-WIB members as deemed appropriate by the WIB Chair, with the approval of the WIB.

E. All actions of the WIB Committees are advisory to the WIB unless the WIB delegates the authority to act on behalf of the WIB.

F. The WIB may empower a Committee to take action on behalf of the WIB for a specific purpose or purposes. The power of any committee to act on behalf of the WIB requires a two-thirds (2/3) majority vote of the WIB quorum. Notification of such a committee meeting will be sent to all WIB members, who may attend and vote. The minimum size of these committees will be no less than five (5) members. Such meetings will be subject to the provisions of the Ralph M. Brown Act.

G. WIB Committees empowered to take full action on behalf of the WIB will have a quorum requirement of fifty percent (50%), plus one (1), of the authorized Committee members. WIB Committees whose functions are to recommend an action or whose roles are advisory in nature, requiring confirmation by the WIB, will have no quorum requirement.

VII. STANDING COMMITTEE SUMMARIES

A. Youth Council

1. The purpose of the Youth Council is to provide expertise in youth policy, to advise on the best ways to prepare local youth for employment and life-long learning and to assist the WIB in:

a. Developing and recommending local youth employment and training policy and practice;

b. Broadening the youth employment and training focus in the community to incorporate a youth development prospective;

c. Establishing linkages with other organizations serving youth in the local area;

d. Taking into account a range of issues that can have an impact on the success of youth in the labor market;

2. Youth Council duties under the Act include:

a) Developing portions of the WIA local plan related to eligible youth, as determined by the WIB Chair;

b) Subject to approval of the WIB and consistent with section 123 of the Act:

1) Recommending eligible providers of youth activities to be awarded grants or contracts on a competitive basis by the WIB to carry out the youth activities; and

2) Conducting oversight with respect to the eligible providers of youth activities;

c) Coordinating youth activities authorized under section 129 of the Act;

d) Leveraging other WIA youth program funds for the purpose of improving the effectiveness of local youth programs through collaborative planning, funding, and service delivery.

e) Making recommendations to the WIB for connecting youth program activities, including those provided by local educational entities, to the One-Stop delivery system.

f) Making recommendations to the WIB for including training in nontraditional occupations for women and girls, and pre-apprenticeship training in youth program activities.

g) Carrying out other duties, as authorized by the WIB Chair, such as establishing linkages with educational agencies and other youth entities.

3. Composition

The Youth Council will be established as a subgroup of the WIB. Youth Council members will be appointed by the WIB, in cooperation with the County Board of Supervisors. Membership will consist of no fewer than one (1) member in each category as required by the Act:

a) Members of the WIB, such as educators, which may include special education personnel, employers, and representatives of human service agencies, who have special interest or expertise in youth policy

b) Members who represent service agencies such as juvenile justice and local law enforcement agencies

c) Members who represent local public housing authorities

d) Parents of eligible youth seeking assistance under subtitle B of title I of WIA

e) Individuals, including former participants, and members who represent organizations that have experience relating to youth activities

f) Members who represent the Job Corps, if a Job Corps Center is located in Ventura County

Youth Councils may include other individuals whom the WIB Chair, in cooperation with the County Board of Supervisors, determines to be appropriate.

Members of the Youth Council who are not members of the WIB must be voting members of the Youth Council and nonvoting members of the WIB.

B. Executive Committee

1. Members of the Executive Committee will be the Chair, Vice Chair, the immediate past Chair, and the Chairs of the standing committees.

2. The Executive Committee provides financial oversight and is authorized to take actions on behalf of the WIB when time sensitive correspondence or the approvals of compliance documents are required before the next regularly scheduled meeting of the WIB. Any such actions will be reported to the WIB at its next regularly scheduled meeting.

C. Evaluation Committee

1. The purpose of the Evaluation Committee is to establish and review relevant measures and indicators of performance that focus on Employer and Job-Seeker Customer Satisfaction, One-Stop System performance, youth and adult employment and training activities, and business services. The Evaluation Committee will provide reports and recommendations to the WIB or to the Youth Council.

D. Membership Committee

1. The Membership Committee is responsible for community outreach for the purpose of WIB member recruitment, to develop and promote strategies for WIB member leadership development, to make recommendations relative to the replacement of members, to review records of WIB member meeting attendance, to address matters of member motivation and recognition, and to ensure the proper implementation and consistency with the membership provision of the Act as stipulated.

E. Marketing and Business Outreach Committee

1. The purpose of the Marketing and Business Outreach Committee is to increase public awareness and to promote the use of the services offered under the auspices of the WIB. The primary target of the Committee's community outreach is local business and industry, but also includes the promotion of marketing strategies to inform and attract clients to youth, adult, and dislocated worker services and to the local One-Stop Job & Career Center System.

2. The Marketing Committee provides oversight and leadership with respect to the development and release of various publications and press releases that promote the Workforce Investment Boards mission.

F. Resource Development Committee

1. The Resource Development Committee's scope is to focus on identifying and engaging forward thinking community and educational leaders in partnerships to promote systemic change, diversified funding, and program development.

VIII. MEETINGS AND QUORUMS

A. The WIB will meet at least four (4) times annually on a calendar quarterly basis.

B. The WIB will hold an annual organizational meeting in June of each year. At its annual organizational meeting the WIB will adopt a schedule of meetings and transmit that schedule to its members, the County Board of Supervisors, the County Executive Officer, and the public.

C. At least fifty percent (50%) plus one (1) of the total appointed WIB members must be present in person to create a quorum. A quorum of the WIB, once attained in a meeting, will be considered as retained throughout the meeting. Action may be taken by a simple majority of those present and voting provided that a quorum has been established.

D. The WIB meetings will be governed by Robert's Rules of Order, Newly Revised, in all cases to which they are applicable and to the extent in which they are not inconsistent with, or in conflict with, these bylaws.

IX. CONFLICT OF INTEREST

A. No WIB member will engage in any activity, including participation in the selection, award, or administration of a sub grant or contract supported by Act funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the individual or a member of the individual's immediate family, the individual's partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm or organization selected for award. The officers, employees, or agents of any agency making the award will neither solicit nor accept gratuities, favors, or anything of monetary value from actual or potential contractors, or parties to sub agreements. WIB members will not participate in financial matters before the WIB that pertain to organizations that they represent, own, are employed by, or otherwise have a financial interest in.

B. Neither membership on the WIB or the Youth Council nor the receipt of WIA funds to provide training and related services, by itself, constitutes a conflict of interest.

C. A WIB member or Youth Council member must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or a member of his immediate family.

D. A WIB member will not engage in any other activity determined by the Governor or the County Board of Supervisors of Supervisors to constitute a conflict of interest.

E. WIB members will comply with applicable provisions of the Political Reform Act of 1974 (Government Code section 81000 et seq), Government Code SS 1090 and 1091.2, the Conflict of Interest Code for the Workforce Investment Board, and any other applicable provision of law.

F. WIB members will avoid organizational conflict of interest, and they and personnel, employees, or agents will avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance, and in the conduct of procurement activities involving funds under the Act.

X. AMENDMENTS

A. Amendments to the bylaws will be submitted for review and comment by County Counsel prior to the WIB's consideration and approval. Amendments proposed to these bylaws must be received by the WIB membership no less than ten (10) working days prior to their consideration. Amendments to these bylaws will be effective upon approval by a two-thirds (2/3) vote of the WIB quorum, at any regular meeting of the WIB, and upon approval of the Ventura County Board of Supervisors.

XI. EFFECT

A. These bylaws will become effective upon adoption by a majority vote of the WIB quorum, and approval of the Board of Supervisors. Nothing in these Bylaws may, nor will they be construed to, take precedence over Federal, State or local laws or regulations.

Adopted by the Workforce Investment Board of Ventura County on

June 14, 2007

DATE

CHAIR, WORKFORCE INVESTMENT BOARD

Approved by the County Board of Supervisors on

JULY 10, 2007
DATE

Linda Parks
CHAIR, BOARD OF SUPERVISORS
COUNTY OF VENTURA