BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

RESOLUTION ADOPTING COMPENSATION AND BENEFITS SUMMARY FOR UNREPRESENTED MISCELLANEOUS CONFIDENTIAL UNIT FOR THE TERM OF JULY 1, 2024 THROUGH JUNE 30, 2027, SUPERSEDING RESOLUTION NO. 2024-059	RESOLUTION NO. 2026-60

WHEREAS, on July 9, 2024, the Board of Supervisors of the County of Yuba adopted Resolution No. 2024-059 establishing compensation and benefits for unrepresented miscellaneous confidential unit (Bargaining Unit 11) for the term of July 1, 2024 through June 30, 2027, superseding Resolution No. 2024-048; and

WHEREAS, the County desires to update and supersede Resolution No. 2024-059 to incorporate clarifications and administrative modifications to that compensation and benefits summary; and

WHEREAS, employees in the unrepresented miscellaneous confidential unit are not formally represented in matters of salaries and benefits, and the County establishes compensation and benefits for this unit through Board resolutions generally aligned with provisions of the Yuba County Employees' Association (YCEA) Master Labor Agreement (MLA); and

WHEREAS, on June 25, 2024, the Board of Supervisors approved the successor MLA with YCEA for the term of July 1, 2024 through June 30, 2027; and

WHEREAS, following a recent CalPERS audit, the County reviewed and clarified Longevity Pay language to more explicitly define eligibility and calculation methodology consistent with longstanding practice and CalPERS requirements, without changing compensation; and

WHEREAS, the County has conferred with CalPERS and incorporated Longevity Pay clarifications into the compensation and benefits summary, and affirms that applicable compensation and benefits practices, including Longevity Pay eligibility and calculation methodology, were administered consistent with longstanding practice during the CalPERS audit period of July 1, 2021 through December 31, 2024, and this Resolution is intended to clarify, document, and ratify those practices to address audit findings without changing compensation; and

WHEREAS, the County has also updated provisions to reflect a transition from a monthly to a bi-weekly payroll cycle, to be implemented beginning no earlier than September 2026, including prorated adjustments to specialty pays and deductions, with no impact on total compensation; and

WHEREAS, on February 24, 2026, the Board of Supervisors approved updates to the YCEA MLA, following consultation with YCEA, reflecting the same modifications proposed for the unrepresented miscellaneous confidential unit; and

WHEREAS, the County desires to supersede Resolution No. 2024-059 to incorporate these updates while maintaining alignment with the YCEA MLA.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Yuba, that:

- Resolution No. 2024-059 is hereby superseded;
- The compensation and benefits summary for the unrepresented miscellaneous confidential unit is adopted for the term of July 1, 2024 through June 30, 2027;
- Longevity Pay language is clarified to reflect eligibility and calculation methodology consistent with past practice and CalPERS requirements, without changing compensation;
- Provisions are modified to reflect a transition to a bi-weekly payroll cycle, to be implemented beginning no earlier than September 2026, including prorated adjustments to specialty pays and deductions, with no impact to total compensation; and
- This Resolution shall take effect upon adoption, with provisions applied as specified in the following sections of the Resolution.

SECTION 1: DEFINITIONS

1.1 Definitions

Effective September 1, 2026, "**Biweekly Pay**" means employees shall be paid biweekly (every other week) in direct proportion to established hourly rates multiplied by eighty (80) hours. Payday will be on the second Friday following the end of each pay period.

Effective September 1, 2026, "**Biweekly Pay Period**" or "**Pay Period**" consists of fourteen (14) consecutive calendar days.

"**Confidential**" means an employee who is privy to decision of County management affecting employer-employee relations consistent with the Employer-Employee Relations Policy and is assigned to Bargaining Unit 11.

"**Miscellaneous**" means a public agency employee who has contracted with the California Public Employees Retirement System (CalPERS) that is not involved in law enforcement, fire suppression, or public safety or employed in a position that is legally designated as local safety.

"**Range**" or "**Salary Range**" means the numerical designation assigned to a classification within the County salary matrix and establishes the Base Hourly Rate for a classification and its relationship among other classifications.

"**Salary Anniversary Date**" or "**SAD**" means the date on which an employee will receive their annual merit increase, normally the first day of the month following an employee's Service Computation Date.

"**Service Computation Date**" or "**SCD**" means an employee's most current hire date, adjusted for any prior service with the County as a regular employee, and for any Leave Without Pay.

SECTION 2: SALARIES

2.1 Classifications and Ranges

Effective July 1, 2024, employees will be placed at the specified ranges identified as follows:

Classification	Range
Administrative Analyst	127
Board Clerk I	75
Board Clerk II	95
Communications Specialist	127
Executive Assistant to County Administrator	80
Human Resources Analyst I	128
Human Resources Analyst II	148
Human Resources Technician	87
Legal Services Specialist	54
Office Assistant	30
Office Specialist	50

Paralegal	110

Should the Board of Supervisors approve the creation of classifications not represented above or adjust salary ranges, the changes will be represented in the Classification System – Basic Salary / Hourly Schedule brought before the Board of Supervisors for their approval.

2.2 Salary Adjustments

Effective July 1, 2024, employees will be placed at the specified ranges identified Section 2.1 Classifications and Ranges. This is inclusive of the three percent (3.0%) Cost of Living Adjustment (COLA).

Effective July 1, 2025, all ranges will receive a COLA with a minimum of one percent (1.0%) and a maximum of three and a half percent (3.5%) based on the 2025 April to April California Consumer Price Index for All Urban Consumers.

Effective July 1, 2026, all ranges will receive a COLA with a minimum of one percent (1.0%) and a maximum of three and a half percent (3.5%) based on the 2025 April to April California Consumer Price Index for All Urban Consumers.

2.3 Salary Surveys

Salary surveys include only the following comparable core agencies: Butte County, Nevada County, Sutter County, and Yolo County; and the additional agencies of City of Chico, Glenn County, Lake County, Placer County, Tehama County, and City of Yuba City and will use only the following compensation data: Base Salary; Longevity Pay at ten (10) years; Health Benefits (employer's maximum contribution towards family medical, dental, vision, life & long-term disability insurance); Deferred Compensation; Retiree Health Savings Account Contributions; and employer pickup of employee pension costs and employee pickup of employer pension costs using the retirement tier that was in effect on December 31, 2012. Market data is valid with a minimum of four (4) comparable agencies, at least two (2) must be from the core agencies.

2.4 Merit and Longevity Pay: Employees hired on or before June 30, 2013, receive Merit and Longevity pay based on the following index rate table and in accordance with County practices:

- Merit shall be calculated by multiplying Base Rate by Index Rate up to the cap of 1.216
- Longevity shall be calculated on the incremental difference between the Index Rate and the cap of 1.216
- Total Salary is Base Rate * Index Rate

MERIT / LONGEVITY STEP INDEX TABLE						
	Step	Index Rate	Merit Calculation (Pay Rate on Salary Schedule)	Longevity Differential (Index Rate - Merit Cap of 1.216)	Longevity Calculation	Total Salary
MERIT	Base - Less than 1	1.0000	Base Rate * 1.000	0	—	Base Rate * 1.000
	At least 1	1.0500	Base Rate * 1.050	0	—	Base Rate * 1.050
	At least 2	1.1030	Base Rate * 1.103	0	—	Base Rate * 1.103
	At least 3	1.1580	Base Rate * 1.158	0	—	Base Rate * 1.158
	At least 4	1.2160	Base Rate * 1.216	0	—	Base Rate * 1.216
	5	1.2160	Base Rate * 1.216	0	—	Base Rate * 1.216
Years of Service						
LONGEVITY	6	1.2300	Base Rate * 1.216	0.0140	Base Rate × 0.0140	Base Rate * 1.230
	7	1.2450	Base Rate * 1.216	0.0290	Base Rate × 0.0290	Base Rate * 1.245
	8	1.2600	Base Rate * 1.216	0.0440	Base Rate × 0.0440	Base Rate * 1.260
	9	1.2750	Base Rate * 1.216	0.0590	Base Rate × 0.0590	Base Rate * 1.275
	10	1.2900	Base Rate * 1.216	0.0740	Base Rate × 0.0740	Base Rate * 1.290
	11	1.3050	Base Rate * 1.216	0.0890	Base Rate × 0.0890	Base Rate * 1.305
	12	1.3200	Base Rate * 1.216	0.1040	Base Rate × 0.1040	Base Rate * 1.320
	13	1.3350	Base Rate * 1.216	0.1190	Base Rate × 0.1190	Base Rate * 1.335
	14	1.3500	Base Rate * 1.216	0.1340	Base Rate × 0.1340	Base Rate * 1.350
	15	1.3650	Base Rate * 1.216	0.1490	Base Rate × 0.1490	Base Rate * 1.365
	16	1.3800	Base Rate * 1.216	0.1640	Base Rate × 0.1640	Base Rate * 1.380
	17	1.3950	Base Rate * 1.216	0.1790	Base Rate × 0.1790	Base Rate * 1.395
	18	1.4100	Base Rate * 1.216	0.1940	Base Rate × 0.1940	Base Rate * 1.410
	19	1.4250	Base Rate * 1.216	0.2090	Base Rate × 0.2090	Base Rate * 1.425
	20	1.4400	Base Rate * 1.216	0.2240	Base Rate × 0.2240	Base Rate * 1.440
	21	1.4550	Base Rate * 1.216	0.2390	Base Rate × 0.2390	Base Rate * 1.455
	22	1.4700	Base Rate * 1.216	0.2540	Base Rate × 0.2540	Base Rate * 1.470
	23	1.4850	Base Rate * 1.216	0.2690	Base Rate × 0.2690	Base Rate * 1.485
	24	1.5000	Base Rate * 1.216	0.2840	Base Rate × 0.2840	Base Rate * 1.500
	25	1.5150	Base Rate * 1.216	0.2990	Base Rate × 0.2990	Base Rate * 1.515
	26	1.5300	Base Rate * 1.216	0.3140	Base Rate × 0.3140	Base Rate * 1.530
	27	1.5450	Base Rate * 1.216	0.3290	Base Rate × 0.3290	Base Rate * 1.545
	28	1.5600	Base Rate * 1.216	0.3440	Base Rate × 0.3440	Base Rate * 1.560
	29	1.5750	Base Rate * 1.216	0.3590	Base Rate × 0.3590	Base Rate * 1.575
	30	1.5900	Base Rate * 1.216	0.3740	Base Rate × 0.3740	Base Rate * 1.590

* Merit is also referenced as Pay Rate on the Yuba County Clasification System - Basic Salary/Hourly Schedule

<u>Employees hired on or after July 1, 2013</u>, receive Merit and Longevity pay calculated as follows:

- Merit shall be calculated by multiplying Base Rate by Index Rate up to the cap of 1.300
- Longevity shall be calculated on the incremental difference between the Index Rate and the Cap of 1.300
- Total Salary is Base Rate * Index Rate

MERIT / LONGEVITY STEP INDEX TABLE						
	Step	Index Rate	Merit Calculation (Pay Rate in Salary Schedule)	Longevity Differential (Index Rate - Merit Cap of 1.30)	Longevity Calculation	Total Salary
Merit	Less than 1	1.0000	Base Rate *1.000	0	—	Base Rate *1.000
	At least 1	1.0500	Base Rate *1.050	0	—	Base Rate *1.050
	At least 2	1.1000	Base Rate *1.100	0	—	Base Rate *1.100
	At least 3	1.1500	Base Rate *1.150	0	—	Base Rate *1.150
	At least 4	1.2000	Base Rate *1.200	0	—	Base Rate *1.200
	At least 5	1.2500	Base Rate *1.250	0	—	Base Rate *1.250
	At least 6	1.3000	Base Rate *1.300	0	—	Base Rate *1.300
Years of Service						
Longevity	At least 10	1.3250	Base Rate *1.300	0.0250	Base Rate *0.0250	Base Rate ×1.3250
	At least 15	1.3500	Base Rate *1.300	0.0500	Base Rate *0.0500	Base Rate ×1.3500

* Merit is also referenced as Pay Rate on the Yuba County Clasification System - Basic Salary/Hourly Schedule

- **<u>Employees hired on or before June 30, 2013</u> -**Index Rates between 1.0000 and 1.2160 are defined as Merit. Merit increases are increases to Base Rate. Longevity begins upon completion of the fifth (5^{th}) year of service. Longevity is based on Base Rate.

- **<u>Employees hired on or after July 1, 2013-</u>** Index Rates between 1.0000 and 1.300 are defined as Merit. Merit increases are increases to Base Rate. A longevity increase is given upon completion of an employee's tenth (10^{th}) and fifteen (15^{th}) years of service. Longevity is based on Base Rate.

2.5 To Determine an Employee's Hourly Rate:

A. Determine the number of years of service an employee has completed based on the employee's Service Computation Date (SCD).
B. Refer to the "Number of Years of Service" column. Go to the number of years of service the employee has completed and locate the "Index Rate" immediately to the right.
C. Refer to the Classification System – Basic Salary/Hourly Schedule and find the current title of the employee's position.
D. Multiply the corresponding Index Rate by the Minimum Hourly Base Rate for the employee's classification to determine the Employee's Hourly Rate.

2.6 Service Computation Date (SCD) and Index Rate Determination:

- **<u>Employees hired on or before June 30, 2013</u>** – the SCD determines their Index Rate. The SCD is computed by adjusting their current hire date for any prior service with the County as a regular employee, and for any Leave without Pay (LWOP).

- **<u>Employees hired on or after July 1, 2013</u>** – The SCD determines their Index Rate. The SCD is computed by adjusting their current hire date by any LWOP.

2.7 Salary Anniversary Date (SAD) for Merit and Longevity Index Rate

Adjustments: The employee's SAD is the first (1st) day of the month following their SCD, unless specifically stated otherwise. However, if the SCD is within the first (1st) three (3) days of the month, the SCD will be the first (1st) day of that month in which the employee is hired.

Merit Step Index increases will occur automatically on the employee's SAD, unless the Human Resources Department is notified at least thirty (30) days in advance that the employee has received an evaluation that is less than Meets Standards and is on a Performance Improvement Plan (PIP). If an increase is withheld due to a PIP, any further increase will not be approved until the Department notifies the Human Resources Department that the employee's performance at least meets standards and that the employee has a "Meets Standards" performance evaluation. The employee's Merit Step Index will be the first (1st) of the month following said successful performance evaluations. However, if the successful performance evaluation is given on the first (1st) day of the month then the merit increase will be given in that same month.

Longevity Step Index increases will occur automatically on the employee's SAD.

2.8. Prior Service (only applicable for employees hired on or before June 30, 2013): The number of days between a current employee or applicant's previous hire date and termination dates with the date with the County as a regular employee. If, when applying the employee's prior service credit on a daily basis, it results in a date which falls within the first (1st) three (3) days of the month, the employee will be given credit for that entire month. Should the application of prior service on a daily basis result in a date other than the first (1st) three (3) days, the employee's adjusted SCD will be the first day of the following month.

2.9. Leave Without Pay (LWOP): LOWP will be computed in either one (1) or two (2) way.

A. **Effective January 1, 2004**, each accumulated eight (8) hour increment of LWOP from work (i.e., excluding nonscheduled workdays such as weekends) will reduce an employee's SCD by one (1) day (i.e., move the SCD forward one (1) day, or

B. **Prior to January 1, 2004**, the granting of any leave of absence without pay exceeding fifteen (15) days will cause the regular employee's SAD to be postponed (moved forward) a number of months equal to the nearest whole number of months for which the leave was taken. All such calculations will be based on the number of days of such leave.

SECTION 3: ADDITIONAL COMPENSATION

3.1 Confidential Premium Pay: Confidential employees will receive confidential pay in the amount of two hundred and fifty dollars ($250.00) per month or at such a time that the county moves to a bi-weekly pay cycle, one hundred fifteen dollars and thirty-nine cents ($115.39) a pay period. Confidential Premium Pay does apply to Extra Help employees employed in qualifying classifications.

3.2 Bilingual Premium Pay: Employees who are routinely and consistently required by the Department Head to speak a language other than English, and who are able to do so fluently will receive bilingual premium in the amount of one hundred and twenty-five dollars ($125.00) per month or at such a time that the county moves to a bi-weekly .pay cycle, fifty seven dollars and sixty-nine cents ($57.69) per pay period. To qualify for bilingual pay, employees must be State certified or pass a County qualifying language test in the relevant language at the option of the County.

3.3 Payment of Premium Pays: Premium Pays will be payable at the full monthly rate in any month an employee is on paid status at least half of the month. If an employee is on unpaid status or has been placed on paid administrative leave for more than half of the month, Premium Pays will be reduced by half. Premium Pay will not be paid in a month if an employee is on Leave without Pay (LWOP) or paid administrative leave for the entire month.

Employees hired with Premium Pays within the first (1^{st}) fifteen (15) days of the month will receive the full monthly rate for the first (1^{st}) month of employment; those hired with Premium Pays after the fifteenth (15^{th}) of the month will receive half of the Premium Pays for their first (1^{st}) month of employment.

Employees leaving County service during the first (1^{st}) fifteen (15) days of the month will receive half of the Premium Pays for that month; those leave service any time after the fifteenth (15^{th}) of the month will be paid the full monthly rate.

At such a time that the county moves to a bi-weekly pay cycle, Payment of Premium pays will be as follows:
Premium Pays will be payable at the full per pay period rate in any pay period an employee is on paid status at least half of the pay period. If an employee is on unpaid status or has been placed on paid administrative leave for more than half of the pay period, Premium Pays will be reduced by half. Premium Pay will not be paid in a pay period if an employee is on Leave without Pay (LWOP) or paid administrative leave for the entire pay period.

Employees hired with Premium Pays within the first (1st) seven (7) days of the pay period will receive the pay period rate for the first (1st) pay period of employment; those hired with Premium Pays after the seventh (7th) of the pay period will receive half of the Premium Pays for their first (1st) pay period of employment.

Employees leaving County service during the first (1st) seven (7) days of the pay period will receive half of the Premium Pays for that pay period; those leaving service any time after the seventh (7th) day of the pay period will be paid the full pay period rate.

SECTION 4: BENEFIT PROGRAMS

4.1 Benefit Program Coverage

Confidential employees working an average of twenty (20) regularly scheduled hours per week and the employee's dependents are entitled to participate in the County health plans. Coverage commences and is dependent upon eligibility for coverage under the health plan carriers' rules. If the employee elects medical coverage, then the employee must participate in a dental plan option and the vision insurance.

4.2 Medical, Dental and Vision Insurance

The County contracts for employee, dependents, retirees and their dependents medical insurance benefit plans through the CalPERS Public Employees Medical and Hospital Care Program. Employees must enroll in the County's sponsored vision and dental plan.

The County contributes the Public Employees Medical and Hospital Care Act (PEMHCA) statutory monthly minimum essential coverage (MEC) set annually by CalPERS on behalf of each employee. The County will make an additional contribution through the County's established Section 125 Cafeteria Plan. In no event, with the total contribution exceed the employee's actual cost.

Effective January 1, 2025, the County's total monthly contribution, which includes the PEMHCA statutory monthly MEC, is as follows:

<u>Employee only</u>: Up to one hundred percent (100%) of the CalPERS Gold employee only premium and one hundred percent (100%) of the dental and vision basic premium;

<u>Employee plus one</u>: Up to ninety percent (90%) of the CalPERS Gold employee plus one premium and eighty percent (80%) of the dental and vision basic premium;

<u>Employee plus family</u>: Up to ninety percent (90%) of the employee plus family CalPERS Gold premium and eighty percent (80%) of the dental and vision basic premium.

The County will continue enrollment in CalPERS for the Health Insurance for the term of this Resolution. However, due to the continued rising cost of health care, the County must explore alternatives to our current plans and funding.

In-Lieu Health: Eligible employee may elect to "opt out" of the County provided health/dental/vision coverage upon proof of other health insurance coverage and receive two hundred and fifty dollars ($250.00) per month In-Lieu of Premium Savings or at such time that the county moves to a bi-weekly pay cycle, one hundred twenty-five dollars ($125) for the first two paydays of each month.

Employees declining health plan coverage and receiving In-Lieu Health may re-enroll upon proof of involuntary loss of other coverage or during next open enrollment. In-Lieu Health is taxable income.

4.3 Life Insurance: Employees receive the same life insurance benefit provided to all employees in the amount of fifty thousand dollars ($50,000).

4.4 Short-Term Disability Program: The County offers an employee funded short-term disability program. This program includes an additional fifty thousand dollars ($50,000) of life insurance coverage funded by the employee's contribution to the short-term disability program. This program also funds a long-term disability benefit.

4.5 Optional Employee Paid Supplemental Life Insurance: Employees may purchase, at their expense, County sponsored supplemental life insurance coverage for themselves and their dependents subject to limitations specified by the insurance carrier.

4.6 Deferred Compensation: The County offers one voluntary deferred compensation plan, Nationwide 457. Employees may participate in the County's deferred compensation 457 plan to the extent allowed by law and Plan documents.

4.7 Vacation Leave Maximum Accrual: Vacation leave will be accumulated to a maximum of 384 hours with a hard cap.

4.8 Floating Holiday Leave: Effective July 1, 2024, employees accrue two (2) hours of floating holiday leave per month or at such time that the county moves to bi-weekly pay cycle, point nine two three one (.9231) hours per pay period. Floating holiday leave may accumulate to a maximum of twenty-four (24) hours. Floating holiday leave will be paid upon separation at the employees' current hourly rate of pay.

Part time employees will accrue prorated floating holiday leave.

Usage. Floating holiday leave may be taken at any time with the approval of the employee's Department Head in quarter (1/4) hour increments.

4.9 Payout of Sick Leave:
Sick Leave Upon Separation from Employment: After ten (10) continuous years of permanent employment with the County: upon separation of employment by death or retirement in accordance with provisions of the Public Employees Retirement Law, as amended, or by resignation in good standing or layoff, an employee will be paid a sum equal to twenty-five percent (25%) of their earned sick leave computed on the basis of the hourly equivalent to such employee's hourly rate as of the time of death, retirement, lay-off or resignation in good standing.

Sick Leave Upon Retirement: If the retiring employee has ten (10) continuous years of permanent employment with the County, upon retirement the employee may elect to receive up to twenty-five percent (25%) of their unused sick leave as pay at the regular rate of pay and convert the remaining balance of unused sick leave to service credit.

SECTION 5: CALPERS MISCELLANEOUS RETIREMENT PLAN

5.1 CalPERS Retirement Miscellaneous Contract Benefits. The County contract with the California Public Employees Retirement System (CalPERS) for retirement benefits as follows:

Employees hired prior to January 1, 2013, who are not classified by CalPERS as a classic member will receive the two percent (2%) at fifty-five (55) miscellaneous CalPERS formula with the one (1) year final average compensation period. These employees pay the required nine percent (9%) member contribution, on a pre-tax basis.

Employees hired after December 31, 2012, who are classified by CalPERS as a new member will receive the two percent (2%) at sixty-two (62) miscellaneous CalPERS formula with the three (3) year final average compensation period. These employees pay one half of the total normal cost as determined annually by CalPERS plus an additional two percent (2%) on a pre-tax basis.

5.2 Optional CalPERS Retirement Miscellaneous Contract Benefits. All miscellaneous retirement formulas have the following optional CalPERS retirement benefits:

- Sick Leave Service Credit – Section 20965. This benefit provides that unused accumulated sick leave at time of retirement may be converted to additional service credit at the rate of 0.0041 year of service credit for each day of unused sick leave in accordance with the PERS formula.

- Non-Industrial Disability Standard
- Pre-Retirement Death Benefits:
  - 1959 Survivor Benefit Level Three (3)
  - Optional Settlement 2W – Section 21548. This benefit provides that the spouse or domestic partner of a deceased member, who was eligible to retire for service at the time of death, may elect to receive the Pre-Retirement Option 2W Death Benefit which is the highest monthly allowance a member can leave a spouse or domestic partner in lieu of the lump sum Basic Death Benefit.
- Post-Retirement Death Benefit a lump sum of five hundred dollars ($500.00)
- Two percent (2%) retirement COLA.

BE IT FURTHER RESOLVED, effective July 1, 2026, the summary of salary and benefits for the unrepresented miscellaneous confidential unit contained in this Resolution supersedes, where applicable, all agreements made prior to this date.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the 28 day of July, 2026, by the following vote:

AYES: Supervisors Vasquez, House, Fuhrer, Messick
NOES: None
ABSENT: Supervisor Bradford
ABSTAIN: None

CHAIR, SETH FUHRER

ATTEST: MARY PASILLAS
CLERK OF THE BOARD OF SUPERVISORS

Esmeralda Garcia, Board Clerk

YUBA COUNTY COUNSEL
APPROVED AS TO FORM: