

Board of Supervisors

J. Merced Corona, District I,
Vice Chair
Daurice K. Smith, District II
Kent S. Boes, District III
Gary J. Evans, District IV, Chair
Denise J. Carter, District V



County of Colusa

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COLUSA COUNTY BOARD OF SUPERVISORS

Minutes

October 12, 2021

**Board Chambers
546 Jay Street, Suite 108
Colusa, CA 95932**

The Board of Supervisors of the County of Colusa, State of California meets in Regular Session this 12th day of October 2021 at the hour of 9:00 a.m. Present: Supervisors Daurice K. Smith, Kent S. Boes, Denise J. Carter and Gary J. Evans. Absent: Supervisor J. Merced Corona.

Opening Prayer - Pledge of Allegiance

PERIOD OF PUBLIC COMMENT

None.

ANNOUNCEMENT OF CLOSED SESSION

Counsel announces Closed Session as follows:

1. CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Government Code Section 54957.6)
Agency designated representative: Dr. Jolene Church
Employee organization: Colusa County Employees' Association
(CCEA)

I. STAFF REPORTS

Mr. O'Neill updates the Board in regards to the Safe Haven Wellness Center. He further states that he is working with Human Resources for the recruitment of the Psychiatrist position.

Ms. Kelly updates the Board on COVID-19.

Ms. Tyler states she had a meeting with a Maxwell resident who is working with 4H, the American Legion and the Colusa Garden Club to create improvements to the lot between the Maxwell Legion Hall and Post Office. She further states that they are applying for a grant for the project, which has a deadline of October 15, 2021 and she will be providing a letter of support.

CONSENT AGENDA

Chair Evans makes time for the approval of Consent Agenda Item No.'s 1 through 4.

Supervisor Boes requests Consent Item No. 3. Be pulled.

Approve Consent Agenda Items No.'s 1, 2 and 4.

1. **BOARD OF SUPERVISORS**

Approve the Minutes from the September 28, 2021 Regular meeting.

2. **SHERIFF/OES**

Adopt **Resolution No. 21-059** certifying continuance of local drought emergency, first proclaimed by Sheriff Garofalo on June 16, 2021 and ratified by the Board on June 22, 2021, and continued on Aug. 17, 2021.

4. **HUMAN RESOURCES/PERSONNEL**

Reconsider Resolution No. 20-008, an Interim Resolution Establishing Temporary Personnel Policies due to COVID-19.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carter
SECONDER:	Boes
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

Chair Evans makes time for Consent Item No. 3

PUBLIC WORKS/ROAD DEPARTMENT

3. Adopt **Resolution No. 21-060** affirming exemption from mandatory organic collection requirements of Senate Bill 1383 Reducing Short-Lived Climate Pollutants in California.

Comments received by Mr. Azevedo.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Boes
SECONDER:	Smith
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

III. **HUMAN RESOURCES**

1. Introduce by title only an Ordinance Repealing County Personnel Code Chapter 45 in its Entirety and Adding Chapter 2-300 Pertaining to Colusa County Personnel Rules.

Comments received by Ms. Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carter
SECONDER:	Smith
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

2. Approve revisions to Policy No. 309 - ~~Affirmation~~ Affirmative Action Policy and authorize the renaming of the same to **Policy No. 309 - Equal Employment Opportunity (EEO) Policy**, effective October 12, 2021.

Comments received by Ms. Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Smith
SECONDER:	Boes
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

3. Approve the transfer of Personnel Code Sections 45.5.6.3.19 - 45.5.6.3.19.3 to create **Policy No. 320 Nepotism and Employment Relationship Policy**, effective October 12, 2021.

Comments received by Ms. Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carter
SECONDER:	Smith
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

4. Approve **Policy No. 322 Military Leave Policy**, and adopt same effective October 12, 2021.

Comments received by Ms. Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Boes
SECONDER:	Carter
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

5. Approve the transfer of Personnel Code Section 45-6 to create **Policy No. 323 Discipline Policy**, and adopt same effective October 12, 2021.

Comments received by Ms. Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carter
SECONDER:	Smith
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

6. Approve **Policy No. 324 Reclassification Policy**, and adopt same effective October 12, 2021.

Comments received by Ms. Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Smith
SECONDER:	Boes
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

HUMAN RESOURCES/DISTRICT ATTORNEY

7. A. Amend the Position Allocation Schedule for budget unit 516 deleting a Senior Legal Secretary MSC Range 22 (\$3,284 - \$4,212 per month) and adding a Legal Secretary MSC 18 (\$2,973 - \$3,813 per month), effective December 31, 2021.

B. Further, add a limited-term Legal Secretary, LT-FT, MSC 18 (\$2,973 - \$3,813 per month), effective their date of hire through December 30, 2021.

Comments received by Ms. Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Smith
SECONDER:	Carter
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

HUMAN RESOURCES/AG COMMISSIONER-MIGRANT HOUSING

8. Approve an exception to the 28 hour per week limitation on Extra Help hires to address the increased workload due to an upcoming retirement and personnel changes within the Agricultural Department - Migrant Housing Division.

Comments received by Ms. Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carter
SECONDER:	Boes
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

HUMAN RESOURCES/AG COMMISSION

9. Adopt Revised Job Class Table reflecting a 40 hour work week for all PFT classifications within the Department of Agriculture approved by the Board as part of the FY 2021-22 Final Budget.

Comments received by Ms. Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Boes
SECONDER:	Carter
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

IV. AUDITOR

1. Approve Special Claims.
There were no Special Claims.

Chair Evans declares a recess at 9:32 a.m. and states they are now sitting as the Colusa County Board of Equalization with all Members present, except Member Corona.

9:32 a.m. (9:30 a.m. Item on the Agenda)

COLUSA COUNTY BOARD OF EQUALIZATION

Chair Evans makes time for a continued Assessment Appeal Hearing on Appeal # 20-06 by Olam Tomato Processors, Inc. for value placed on fixtures and personal property for 2019.

Counsel reads Rule 321 into the record:

- “(a) Subject to exceptions set by law, it is presumed that the Assessor has properly performed his or her duties. The effect of this presumption is to impose upon the applicant the burden of proving that the value on the assessment roll is not correct, or, where applicable, the property in question has not been otherwise correctly assessed. The law requires that the applicant present independent evidence relevant to the full value of the property or other issue presented by the application.
- (b) If the applicant has presented evidence, and the Assessor has also presented evidence, then the Board must weigh all of the evidence to determine whether it has been established by a preponderance of the evidence that the Assessor's determination is incorrect. The presumption that the Assessor has properly performed his or her duties is not evidence and shall not be considered by the Board in its deliberations.
- (c) The Assessor has the burden of establishing the basis for imposition of a penalty assessment.
- (d) Exceptions to subsection (a) apply in any hearing involving the assessment of an owner-occupied single-family dwelling or an escape assessment. In such instances, the presumption in section 167 of the Revenue and Taxation Code affecting the burden of proof in favor of the applicant who has supplied all information to the Assessor as required by law imposes upon the Assessor the duty of rebutting the presumption by the submission of evidence supporting the assessment.
- (e) In hearings involving change in ownership, except as provided in section 110 of the Revenue and Taxation Code, the purchase price is rebuttably presumed to be the full cash value. The party seeking to rebut the presumption bears the burden of proof by a preponderance of the evidence.
- (f) In weighing evidence, the Board shall apply the same evidentiary standard to the testimony and documentary evidence presented by the applicant and the Assessor.

No greater relief may be granted than is justified by the evidence produced during the hearing."

Comments received by Mr. Buckner, Mr. LoRusso, Mr. Singh and Mr. Glenn.

1. **SITTING AS THE COLUSA COUNTY BOARD OF EQUALIZATION**

Motion from Board to take item under submission to be discussed at the conclusion of Closed Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carter
SECONDER:	Boes
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

Chair Evans adjourns as the Colusa County Board of Equalization at 10:14 a.m. and reconvenes in Regular Session with all Supervisors present, except Supervisor Corona.

V. **COUNTY ADMINISTRATIVE OFFICE**

1. Approve FY 21/22 Revenue and Appropriations Inter-Budget Adjustments No. 004-005. **(4/5 vote required)**

Comments received by Ms. Moore.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carter
SECONDER:	Smith
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

2. Approve FY 20/21 Revenue and Appropriations Inter-Budget Adjustments No. 037-057. **(4/5 vote required)**

Comments received by Ms. Moore.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Boes
SECONDER:	Carter
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

3. Approve FY 20/21 Revenue and Appropriations Intra-Budget Contingency Request Adjustments No. B-21044. **(4/5 vote required)**

Comments received by Ms. Moore.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Smith
SECONDER:	Boes
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

VI. BOARD OF SUPERVISORS

1. Adopt **Resolution No. 21-061** approving Contract No. **C21-185** with **Golden State Connect Authority Joint Exercise of Powers Agreement**.

Comments received by Ms. Tyler.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carter
SECONDER:	Smith
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

Chair Evans makes time for a Resolution Establishing Colusa County Citizens Bill of Rights and reads the following into the record:

**“RESOLUTION OF THE COLUSA COUNTY BOARD OF SUPERVISORS
ESTABLISHING THE COLUSA COUNTY CITIZENS BILL OF RIGHTS**

WHEREAS, the People have established the government, and provided the government with limited and defined powers to secure and defend the People's lives, liberty, and property and to advance the general business of the nation;

WHEREAS, the People have sovereign authority over the government and all of its agents, agencies, and jurisdictions thereof;

WHEREAS, the People have enumerated these limited and defined powers that they have granted to the government in the United States Constitution, and have enshrined the People's inalienable individual rights in the Bill of Rights;

WHEREAS, the People have supreme authority to constrain the power that they have granted to the government when it conducts its affairs in a way that is not specifically granted in the Constitution or abridges the inalienable rights reserved to the People;

WHEREAS, it is the moral obligation of the government and all of its agents, agencies, and jurisdictions thereof to conduct its affairs in a manner that preserves, protects, and defends the fundamental and absolute rights of the People and conforms to its appropriate role as established by the People;

WHEREAS, all duly elected representatives of the People, regardless of jurisdiction, have sworn a solemn oath to protect and defend the Constitution of the United States, and/or the constitutions of their various states or jurisdictions and have agreed to conduct the business of their office in a manner commensurate to the solemn trust that they have been granted by the People;

WHEREAS, local governments have been established to provide public services to its citizens including public safety, education, public works, land use, public health, and social services; and

WHEREAS, local governments have authority to address local issues and concerns without undue interference or coercion from state or federal jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that The Board of Supervisors of the County of Colusa reaffirms its steadfast commitment to the citizens of Colusa County to preserve, protect and defend the People's lives, liberty, and property and that the County's agents, agencies, and jurisdictions thereof, will conduct its business in a manner that conforms to its proper role as granted by the People, and

BE IT FURTHER RESOLVED that,

1. The freedoms enshrined in the 1st Amendment of the Bill of Rights of the United States Constitution ("Bill of Rights") establishes the foundations of individual liberty for all American Citizens. The freedom of speech, the guarantee of a free press, the right of the people to peacefully assemble and associate, and the right of a citizen to practice their religious beliefs are the fundamental principles of American Liberty. The County of Colusa reaffirms these core principals and will establish no ordinance, regulation, or rule that will unreasonably abridge Colusa County citizens of their 1st Amendment freedoms.

2. The 2nd Amendment establishes the right of American Citizens to keep and bear arms for the protection of their individual persons and property and to protect themselves from a tyrannical government that seeks to take away the people's fundamental rights enshrined in the Bill of Rights. The County of Colusa reaffirms these core principals and will establish no ordinance, regulation, or rule that will unreasonably abridge Colusa County citizens of their 2nd Amendment freedoms.

3. The 4th Amendment guarantees the right of American Citizens to be secure in their persons, houses, papers and effects against any unreasonable searches and seizures. This fundamental individual liberty guarantees the right of American Citizens to not be deprived of the ownership or use of their property (whether it be a home, business, firearm, etc.) and the right of citizens to be secure from governmental intrusion in matters of a citizens personal, business, and medical decisions, including the rights of parents and legal guardians to make all decisions regarding their children or dependents. The County of Colusa reaffirms these core principals and will establish no ordinance, regulation, or rule that will unreasonably abridge Colusa County citizens of their 4th Amendment freedoms.

4. The 5th Amendment guarantees that American Citizens shall not be deprived of life, liberty or property without due process of the law, nor shall private property be taken for public use, without just compensation. This fundamental liberty ensures that American citizens are secure in their property and persons and that any government actions must conform to the rule of law. The County of Colusa reaffirms these core principals and will establish no ordinance, regulation, or rule that will unreasonably abridge Colusa County citizens of their 5th Amendment freedoms.

5. The California State Constitution Article I, Sec. 25 recognizes citizens' fundamental right to fish the public waters of the state. The County of Colusa recognizes the great heritage of hunting and fishing in California, and specifically Colusa County. Citizens shall have the right to hunt upon and from the public lands within Colusa County and fish in the waters thereof, and the County of Colusa reaffirms these rights and will establish no ordinance, regulation, or rule that will unreasonably abridge Colusa County citizens of their rights under the California State Constitution Article I, Sec. 25.

6. Essential to the rights of every American citizen is the right to vote. Free and fair elections are the very bedrock of American liberty. As established in the Constitution, the election of federal and state representatives as well as local officials is delegated to the states. The states establish the rules and regulations for free and fair elections, and the county jurisdictions are responsible for the orderly facilitation of elections. The County of

Colusa reaffirms the right of every American citizen to vote and will ensure that every eligible Colusa County citizen has the opportunity to cast their vote and that every vote that is legally cast is counted.

7. Government is the servant of the people. Government and all of its agents, agencies, and jurisdictions are obligated to conduct its affairs in a manner that preserves, protects, and defends the fundamental rights of the citizens. The County of Colusa reaffirms these principles and will ensure that all County representatives, agencies, and employees conduct its business in a transparent manner that respects the liberties and rights of the citizens and will establish no ordinance, regulation, or rule that will unreasonably abridge Colusa County citizens of their fundamental rights, and

BE IT FURTHER RESOLVED that The Board of Supervisors of the County of Colusa establishes this Colusa County Citizens Bill of Rights that recognizes the inalienable rights of our citizens established in the U. S. Constitution and the Bill of Rights, acknowledges our citizens rights to their property and person, and reaffirms Colusa County's commitment to exercising the power granted by the People without undue governmental overreach or coercion."

Comments received by Mr. Manor, Ms. Diaz, Ms. Roberts, Ms. Tyler, Ms. Kelly, Mr. O'Neill and Mr. Beauchamp.

2. Adopt **Resolution No. 21-062** Establishing Colusa County Citizens Bill of Rights as amended by striking ~~tyrannical~~.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Smith
SECONDER:	Boes
AYES:	Evans, Boes, Smith
ABSTAIN:	Carter
ABSENT:	Corona

3. A. Appoint Supervisor Boes as the Delegate and Supervisor Corona as the Alternate for the 2021-2022 California State Association of Counties (CSAC) Board of Directors.

B. Discussion and possible direction regarding number of Board members to attend CSAC Annual Meeting.

Comments received by Ms. Tyler.

Motion to budget for all 5 Board members to attend all CSAC Annual meetings.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carter
SECONDER:	Smith
AYES:	Evans, Boes, Smith, Carter
ABSENT:	Corona

VII. SUPERVISORS' REPORTS OR COMMENTS

Supervisor Smith

Meetings/functions attended:

Meeting with Fire Chief Jeff Winters
Colusa County Cleanup
Meeting with Building Inspector and Code Enforcement
Transportation and Transit meeting
Department Head dinner

Supervisor Boes

Meetings/functions attended:
Budget Hearings
Transportation and Transit meeting
Regional Housing Authority meeting
Chamber of Commerce meeting
Karen's House meeting
Department Head Dinner

Supervisor Carter

Meetings/functions attended:
RCRC meeting
Groundwater Authority JPA meeting
Department Head dinner

Supervisor Evans

Meetings/functions attended:
Sites meetings
Agenda Review meeting
Transportation and Transit meeting
Department Head Dinner

IX. STATE OR FEDERAL LEGISLATION/GENERAL BUDGETARY MATTERS

None.

Chair Evans declares a recess at 11:20 a.m. to convene in Closed Session and reconvenes at 12:30 p.m. in Regular Session with all Supervisors present, except Supervisor Corona.

Chair Evans makes time for the announcement of Closed Session.

Counsel Announces Closed Session as follows:

X. CLOSED SESSION/COUNTY COUNSEL/HUMAN RESOURCES

1. CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code Section 54957.6). Agency designated representative: Dr. Jolene Church. Employee organization: Colusa County Employees' Association (CCEA). Counsel states direction was given to staff.

XI. SITING AS THE COLUSA COUNTY BOARD OF EQUALIZATION

1. Board of Equalization-Deliberation.

Counsel states after considering the evidence, the Board of Equalization has upheld the valuation of the Assessor and denied the appeal of the applicant. Finding of Facts to be issued.

Chair Evans adjourned the meeting at 12:32 p.m. to reconvene in Regular Session on October 26, 2021 at the hour of 9:00 a.m.

Gary J. Evans, Chair

Attest: Wendy G. Tyler,
Clerk to the Board of Supervisors

BY _____
Patricia Rodriguez, Deputy Clerk