

Board of Supervisors

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Thomas A. Indrieri, District II
Mark D. Marshall, District III
Gary J. Evans, District IV,
Chairman
Denise J. Carter, District V,
Vice-chairman



COUNTY OF COLUSA

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Minutes

February 7, 2012

The Board of Supervisors of the County of Colusa, State of California meets in Regular Session this 7th day of February 2012 at the hour of 8:00 a.m., Present: Supervisors Gary J. Evans, Chairman, Thomas A. Indrieri, Denise J. Carter, Kim Dolbow Vann and Mark D. Marshall. Absent: None.

Chairman Evans calls to order the Regular meeting of February 7, 2012 at 8:05 a.m., with all Supervisors present.

Present: Thomas R. Parker, County Counsel.
Nikki Berry, Personnel Director.
Ann Nordyke, Yolanda Tirado, Board Clerks.

8:07 a.m. (8:03 a.m. item on Agenda) Chairman Evans states Closed Session matters A and B will be discussed this morning and items C through E will be considered when the Board reconvenes at 1:30 p.m. at the Chamber of Commerce Conference room. Brief discussion is held, with no action taken. (See Supervisors Minute Book, Page 43)

Chairman Evans announces the Board will consider Closed Session matters as follows:

- A. Under the provisions of Government Code Section 54956.9(b)(1) the Board will meet with County Counsel and the Planning and Building Director to discuss a significant exposure to litigation against the local agency in one (1) case.
- B. Under the provisions of Government Code Section 54957, a Public Employee Performance Evaluation will be conducted for the position of County Librarian. **(Continued from January 24, 2012)**
- C. Under the provisions of Government Code Section 54957, the Board of Supervisors will meet with County Counsel and the Personnel Director to discuss the employment of a public employee.
- D. Under the provisions of Government Code Section 54956.9, the Board of Supervisors will discuss with Legal Counsel and the Personnel Director potential litigation.

- E. Under the provisions of Government Code Section 54956.9(b)(1), the Board of Supervisors will discuss with the Personnel Department and County Counsel's Office the significant exposure to litigation against the County in multiple cases.

Chairman Evans declares a recess at 8:10 a.m. to convene in Closed Session and reconvenes in Regular Session at 9:15 a.m., with all Supervisors present.

Present: Thomas R. Parker, County Counsel.
 Peggy Scroggins, Robert Zunino, Jill Rablin, Auditor-Controller's Office.
 Elizabeth Kelley, Interim Director, Health and Human Services.
 Renee McCormick, Ag Commissioner's Office.
 Nikki Berry, Personnel Director.
 Jim Bell, Mike Azevedo, Public Works Department.
 Mary Winters, Michael Davies, Colusa citizens.
 John Poyner, Sharon Reische, Dave Markss, District Attorney's Office.
 Eddie Johnson, Williams citizen.
 Scott Marshall, Shane Maxey, Russ Jones, Joe Garofalo, Sheriff's Office.
 Bill Cornelius, Interim Director, Behavioral Health Services.
 Patrick Landreth, City of Colusa.
 Don Barker, Williams citizen.
 Jonathon Hobbs, Attorney at Law, representing the Romingers.
 Steve Hackney, Director, Planning & Building.
 Yolanda Tirado, Ann Nordyke, Board Clerks.

Prayer by Chairman Evans. Pledge of Allegiance.

ADMINISTRATION: It is moved by Supervisor Vann, seconded by Supervisor Indrieri to approve the Minutes of January 24, 2012 Regular Session. Motion carried by the following vote:

AYES: Supervisors Indrieri, Carter, Vann and Evans.
 NOES: None.
 ABSENT: None.
 ABSTAIN: Supervisor Marshall.

Chairman Evans makes time for a period of Public Comment. Hearing none, Chairman Evans closes the period of Public Comment.

Mr. Parker announces under the provisions of Government Code Section 54956.9(b)(1), the Board met with County Counsel and the Planning and Building Director and outside counsel to discuss a significant exposure to litigation against the local agency in one (1) case. He states there was nothing to report at this time.

Mr. Parker further states the following Closed Session matters have been continued to later today:

Under the provisions of Government Code Section 54957, a Public Employee Performance Evaluation will be conducted for the position of County Librarian. **(Continued from January 24, 2012)**

Under the provisions of Government Code Section 54957, the Board of Supervisors will meet with County Counsel and the Personnel Director to discuss the employment of a public employee.

Under the provisions of Government Code Section 54956.9, the Board of Supervisors will discuss with Legal Counsel and the Personnel Director potential litigation.

Under the provisions of Government Code Section 54956.9(b)(1), the Board of Supervisors will discuss with the Personnel Department and County Counsel's Office the significant exposure to litigation against the County in multiple cases.

9:16 a.m. (9:05 a.m. item on Agenda) STAFF REPORTS

Mr. Cornelius updates the Board members on item that pertains to his Department.

Mr. Azevedo gives an update on items that pertain to Solid Waste and programs offered by same.

9:19 a.m. (9:10 a.m. item on Agenda) PERSONNEL/HEALTH AND HUMAN SERVICES - ADMINISTRATION - 5010: It is moved by Supervisor Carter, seconded by Supervisor Marshall to authorize filling the vacant position of Director of Health and Human Services, PFT, DH Range 38, \$6,776.00 - \$8,237.00 per month, effective April 1, 2012. Motion carried: All yes. Absent: None.

PERSONNEL/BEHAVIORAL HEALTH SERVICES - 4010: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to authorize filling the vacant position of Director of Behavioral Health Services, PFT, DH Range 38, \$6,776.00 - \$8,237.00 per month effective April 1, 2012. Motion carried: All yes. Absent: None.

PERSONNEL/PERSONNEL - 1040: It is moved by Supervisor Indrieri, seconded by Supervisor Vann to authorize the recommended step increase as a result of the Board of Supervisors completing the performance evaluation held January 24, 2012 for Nicole Berry, Personnel Director, PFT, DH Range 35, from Step 1 to Step 2, \$6,609.00 per month, effective January 1, 2012. Motion carried: All yes. Absent: None.

C12-018 9:21 a.m. (9:15 a.m. item on Agenda) DISTRICT ATTORNEY: It is moved by Supervisor Vann, seconded by Supervisor Marshall to approve a contract between the County of Colusa District Attorney's Office and **New Dawn Technologies, Inc.**, to train staff on the newest version of JustWare Prosecutor, effective January 24, 2012, with terms and conditions as set forth in the contract and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

DISTRICT ATTORNEY: It is moved by Supervisor Carter, seconded

by Supervisor Marshall that the Board finds it is in the best interest of the County/public to waive the County's formal bid process and approve the purchase of the following for the District Attorney's Office:

- Upgrade to SQL Server and Windows Server programs for DA Server, in the amount of \$5,128.33
- Tape drive system, in the amount of \$1,193.70 and
- Four (4) new computers, in the amount of \$3,968.83

Motion carried: All yes. Absent: None.

9:28 a.m. (9:20 a.m. item on Agenda) SHERIFF/JAIL/BIDS: It is moved by Supervisor Vann, seconded by Supervisor Carter to award the bid for the Sheriff's Animal Control Facility Needs Assessment, Feasibility/Building Study, to **Swatt | Miers Architects**, Option 2, in the amount of \$30,250.00, Further direct the Sheriff to return at a later date with a contract for same. Motion carried: All yes. Absent: None.

SHERIFF/JAIL/RESOLUTION: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to adopt **Resolution No. 12-002**, a Resolution of the Colusa County Board of Supervisors Approving the Application to Apply for the State of California Department of Parks and Recreation Off-Highway Vehicle Grant Fund, authorize the Sheriff or his designee to sign the Application and the Chairman to sign the Resolution. Further, direct the Sheriff to return with a contract and to expend funds for same. Resolution passed and adopted by the following vote:

AYES: Supervisors Indrieri, Carter, Vann, Marshall, and Evans.

NOES: None.

ABSENT: None.

9:32 a.m. (9:25 a.m. item on Agenda) PUBLIC WORKS: It is moved by Supervisor Indrieri, seconded by Supervisor Marshall to delegate authority to the Director of Public Works to dispose of miscellaneous scrap metal on an ongoing basis, that are not fixed assets and may accumulate at the Road maintenance yards utilizing Central Services' contract for scrap metal. Motion carried: All yes. Absent: None.

PUBLIC WORKS/BIDS: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve Notice to Contractors, Special Provisions, Bid Book for construction on County Roads to Repair Damaged Bridge Rails at Various Locations and authorize the Chairman to sign the Notice to Contractors. Further, set February 29, 2012 at 10:00 a.m., to receive and open sealed bids and direct the Clerk to publish and post Notice of same. Motion carried: All yes. Absent: None.

C12-019 9:35 a.m. (9:30 a.m. item on Agenda) HEALTH AND HUMAN SERVICES: It is moved by Supervisor Indrieri, seconded by Supervisor Vann to approve an agreement for professional services between the County of Colusa Department of Health and Human and **Chellie Gates** to perform Program Manager II support and oversight for Social Services specific to Child Welfare Services and Adult Protective Services, effective February 7, 2012 through June 30, 2012, in an amount not to exceed \$13,000.00, with a fifteen (15) day written termination clause by either party and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

HEALTH AND HUMAN SERVICES: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to approve the IHSS Fraud Investigation Budget for FY 2011-2012, authorize the Chairman to sign and direct the Interim Director of Health and Human Services to submit same to the State of California – Health and Human Services Agency, Department of Social Services. Motion carried: All yes. Absent: None.

C12-020 HEALTH AND HUMAN SERVICES: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve the Non-Financial Work Experience Agreement between the County of Colusa Health and Human Services and **the Colusa County One-Stop**, allowing individuals to attain and experience working within an administrative office facility, effective January 18, 2012 through January 31, 2013, with terms and conditions as set forth in the Agreement and authorize the Interim Director of Health and Human Services to sign on behalf of the Board of Supervisors. Motion carried: All yes. Absent: None.

C12-021 HEALTH AND HUMAN SERVICES: It is moved by Supervisor Indrieri, seconded by Supervisor Marshall to approve an agreement between the County of Colusa Health and Human Services and **the Colusa County One-Stop** to utilize the AB 98 subsidized employment program as expanded under SB 72, in order to create subsidized employment opportunities with the goal of placing approximately fifteen (15) individuals with jobs until the conclusion of the program, effective February 1, 2012 through June 30, 2012, in an amount not to exceed \$122,600.00, with a thirty (30) day written termination clause by either party and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

9:45 a.m. (9:40 a.m. item on Agenda) Chairman Evans states the request for approval to allow CAPC to place an activity/display on the lawn of the Colusa Historical Courthouse during the month of April 2012 has been continued to the February 21, 2012 Board meeting.

C12-022 9:45 a.m. BEHAVIORAL HEALTH SERVICES: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve an agreement between the County of Colusa Behavioral Health Services and **Blue Cross of California (CMSP) Participating Physician Group Agreement** which will allow Behavioral Health Services to bill for CMSP services provided by Dr. Toribio, effective January 1, 2012, with terms and conditions as set forth in the agreement and authorize the Interim Director of Behavioral Health Services to sign on behalf of the Board of Supervisors. Motion carried: All yes. Absent: None.

CONSENT AGENDA: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve Consent Agenda Item Nos. 1 through 6 as follows:

C12-023 1. BEHAVIORAL HEALTH: Approve Agreement Number 10-NNA06, V.1 for FY 2011-12 through FY 2012-13 between the County of Colusa Behavioral Health Services and **State of California, Department of Alcohol and Drug Programs (ADP)** for Negotiated Net Amount (NNA) and Drug Medi-Cal (DMC) contract, effective July 1, 2010 through June 30, 2013, and decreasing FY 2011-12 contract amount by \$127,639.00 for a new total of \$373,667.00 and FY 2012-13 contract amount decreased by \$127,638.00 for a new total of \$373,667.00 for a new multi-year contract total of \$1,248,641.00, with all other terms and conditions to remain in full force and effect and authorize the Chairman to sign.

2. SHERIFF: Authorize a budgeted one lump sum payoff for accumulated sick leave, in the amount of \$22,259.00 (including benefits), for Sgt. Merced Corona upon his retirement on March 1, 2012, as provided in Colusa County Code 45.8.5.6.3.

C12-024 3. SHERIFF: Approve an agreement between the County of Colusa Sheriff's Office and **Johnson Controls** for heating and air at the Sheriff's Office, effective February 1, 2012, with terms and conditions as set forth in the agreement and authorize the Chairman to sign.

C12-025 4. CENTRAL SERVICES/LIBRARY/CHILD SUPPORT/DHHS ADMIN/ASSESSOR/REVENUE RECOVERY/CO-OPERATIVE EXTENSION/AGRICULTURE: Approve Delivery and Acceptance Certificate for equipment lease agreement (approved December 20, 2011, C11-291) between the following County of Colusa Departments and **Wells Fargo Financial/Advanced Document Concepts**, for renewal/upgrade and maintenance services of copy machine equipment:

- Library
One (1) Kyocera TASKalfa 300ci \$104.00/month
- Child Support
One (1) Kyocera TASKalfa 4500i \$165.00/month
- Health and Human Services
One (1) Kyocera TASKalfa 4500i \$165.00/month
- Assessor
One (1) Kyocera TASKalfa 5500i \$180.00/month
- Revenue & Recovery
One (1) Kyocera TASKalfa 3050ci \$130.00/month
- Co-Operative Extension
One (1) Kyocera TASKalfa 4550ci \$223.00/month
- Agriculture
One (1) Kyocera TASKalfa 5550ci \$288.00/month

with terms and conditions as set forth in the Delivery & Acceptance Certificate and authorize the Chairman to sign.

C12-026 5. ASSESSOR: Approve Database Information Agreement between the County of Colusa Assessor's Office and **ParcelQuest**, to provide access to the data and maps for Colusa County, effective February 7, 2012, with terms and conditions as set forth in the agreement and authorize the Chairman to sign.

6. COMMUNITY ADVOCATES FOR PARENTS AND CHILDREN: Approve Updated Colusa County Multi-Disciplinary Interview Center Protocol (MDIC) as revised 10/11.

Consent motion carried: All yes. Absent: None.

SUPERVISOR REPORTS AND/OR COMMENTS

Supervisor Vann

Meetings/Functions attended
 Union Pacific meeting.
 City of Colusa.
 MFIP Ag Zone meeting.
 Transportation and Transit.
 Commission meeting.
 State Budget.
 Constituent calls:
 Grand Jury.
 State Budget.
 AB 109 issues.

Supervisor Marshall

Meetings/Functions attended:
 Supervisor Marshall States the Williams Community Center will be having a meeting on February 22, 2012 at 6:30 p.m. and thanks everyone for supporting the Community Center project.

9:50 a.m. APPOINTMENTS/PLANNING COMMISSION: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to appoint Eddie Johnson, to the Colusa County Planning Commission for District III, effective February 1, 2012 through January 31, 2013. Motion carried: All yes. Absent: None.

CONTINUED SUPERVISOR REPORTS AND/OR COMMENTS

Supervisor Indrieri

Meetings/Functions attended:
 Crab Feed.
 Constituent/Employee Concerns:
 Supervisor Indrieri states he is working with staff regarding the Historical Courthouse bathrooms during court proceedings.

Supervisor Carter

Meetings/Functions attended:
 Central Valley Flood Board.
 Met with Ms. Moran and Board Clerks re: New Agenda Request format.
 LAFCo.

9:55 a.m. Chairman Evans makes time for discussion/direction and or action regarding repairs for the Grimes Library.

Mr. Hackney states in June 2010 the Maintenance staff expressed concerns regarding needed repairs to the Grimes Library and speak to the southeast corner post of the Library and the possibility of jeopardizing the integrity of building due to subterranean termites and requests direction/authority to obtain a qualified engineer.

Discussion is held regarding obtaining an engineer from a neighboring County, running a bid for an engineer, the cost of repairing the building verses building a new Library, and the Library being used by the School.

PLANNING & BUILDING: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to give the Planning & Building Director authority to move forward with obtaining a structural engineer to determine the integrity of the building and the cost effectiveness of repairing the building verses construction of a new building. Further Supervisor Vann is given authority to work with the Planning & Building Department regarding same. Motion carried: All yes. Absent: None.

PLANNING AND BUILDING: It is moved by Supervisor Vann, seconded by Supervisor Marshall to approve Contingency Funds, in the amount of \$134,610.00 to finance the Zoning Code Update. Motion carried: All yes. Absent: None.

C12-027 10:06 a.m. (10:00 a.m. item on Agenda) CENTRAL SERVICES/AG DEPARTMENT: It is moved by Supervisor Vann, seconded by Supervisor Marshall to approve an agreement for Internet Services between the County of Colusa Department of Agriculture and **DigitalPath.net**, effective February 15, 2012 through February 14, 2014, with terms and conditions as set forth in the Agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

CENTRAL SERVICES/AIR POLLUTION/RFQs: It is moved by Supervisor Marshall, seconded by Supervisor Vann to accept quotes from the following vendors with comparable vehicles for the Air Pollution Department as follows:

- | | | |
|----|--------------------------------------------------------------------|-------------|
| 1. | Hoblit Motors, Colusa
One (1) 2012 Ford F150 | \$16,089.65 |
| 2. | Downtown Ford Sales
One (1) 2012 Ford F150 | \$15,876.94 |
| 3. | Sankey Automobile Co. Inc., Colusa
One (1) 2012 Chevy Silverado | \$21,200.18 |

Motion carried: All yes. Absent: None.

CENTRAL SERVICES/AIR POLLUTION: It is moved by Supervisor Indrieri, seconded by Supervisor Marshall to approve the purchase of one (1) 2012 vehicle for the Ag Department/Air Pollution Department from **Hoblit Motors**, in the amount of \$16,089.65. Motion carried: All yes. Absent: None.

10:19 a.m. (10:10 a.m. item on Agenda) AUDITOR-CONTROLLER: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve Intra-Budget Transfer Nos. 12015 through 12016. Motion carried: All yes. Absent: None.

AUDITOR-CONTROLLER: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to authorize the Auditor-Controller to write off \$73,348.68 of bad debt accumulated by a rehabilitation loan in the name of Jose Parra. Motion carried: All yes. Absent: None.

Chairman Evans makes time for a Presentation and discussion of Revenue and Expenditure Status Reports for the County operating funds for the month ended December 31, 2011.

Ms. Scroggins speaks to the Revenue and Expenditures for the County as of December 31, 2011, stating overall the general fund is at 41%. She further expresses concern regarding the Grand Jury, Public Defender, and Burial of Indigents. Discussion is held, with no action taken.

Supervisor Marshall inquires whether the Board members would consider allowing the Williams Community Center using the old Justice Center in Williams while renovations are being done on the new Williams Community Center. Brief discussion is held regarding utility costs of the Justice Center, with no action taken.

Chairman Evans makes time for accepting the Worker's Comp report for 2011.

Ms. Scroggins states the attached documentation reflects Workers' Comp Yearly Comparison from 2005 up to 2011 and speaks to same.

Discussion is held regarding the types of claims, modified work, who addresses the overall safety issues, training, how much time the safety officer spends with departments, the Board being apprised of Departments not conducting safety meeting, and holding people accountable.

Supervisor Marshall inquires as to whether Trindel is doing their own claims.

Brief discussion is held regarding Trindel and the meetings Ms. Scroggins and Supervisor Carter attends, with no action taken.

Chairman Evans makes time to consider approval of a professional agreement between the County of Colusa Auditor-Controller's Office and Bartel Associates, LLC., for GASB 45 OPEB Actuarial Valuation Report for 2010-11 and 2011-12, effective February 7, 2012 through March 14, 2012.

Ms. Scroggins distributes a revised first page to the proposed agreement with the following addition to item No. 2:

"The GASB 45 OPEB Actuarial Valuation Report and the draft financial statement footnote for the 2010-11 Fiscal shall be completed no later than March 19, 2012. Draft financial statement footnote for the 2011-12 Fiscal Year shall be completed no later than September 30, 2012."

and requests the authority to insert the date. Discussion is held.

C12-028 AUDITOR-CONTROLLER: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve an agreement between the County of Colusa Auditor-Controller's Office and **Bartel Associates, LLC.**, for GASB 45 OPEB Actuarial Valuation Report for 2010-11 and 2011-12, effective February 7, 2012, with terms and conditions as set forth in the agreement and authorize the Chairman to sign. Further, authorize the Auditor-Controller to included added language and modify date when determined. Motion carried: All yes. Absent: None.

Chairman Evans declares a recess at 10:50 a.m. and reconvenes at 11:05 a.m. with all Supervisors, except Supervisor Vann present.

Present: Peggy Scroggins, Auditor-Controller.
 Jonathon Hobbs, Attorney at Law, representing the Romingers.
 Thomas R. Parker, County Counsel.
 Gerald Rominger, Mike Adams, Arbuckle citizens.
 Daryl Brun, Blue Diamond Growers.
 Pat Dunn, Dunn Environmental.
 Travis Crawford, Quad Knopf.
 Mary Winters, Patrick Landreth, Colusa citizens.
 Peter Jukusky, Williams citizen.
 Nikki Berry, Personnel Director.
 Steve Hackney, Kent Johanns, Planning & Building.
 Mike Azevedo, Public Works.
 Yolanda Tirado, Ann Nordyke, Board Clerks.

11:05 a.m. (11:00 a.m. item on Agenda) Chairman Evans makes time for a continued Public Hearing to consider an appeal of the Planning Commission's decision on September 12, 2011 to adopt a Mitigated Negative Declaration, a Mitigation Monitoring and Reporting Program and a Tentative Subdivision Map for Mike Adams, (ED #09-38), TSM #09-5-1 to divide 159+acres of partially developed, Industrial designated and zoned land into 16 lots. The 16 proposed lots will range in size from 1.19+acres to 30.80+acres. Five of the resulting lots will consist of less than 5-acres each, six of the lots will be between 5 to 10-acres in size, and five of the lots will be larger than 10-acres in size. The proposed project site is located at the northwest corner of Grevie road and County Line road and approximately 6-miles south of the unincorporated community of Arbuckle, identified as Assessor's Parcel Numbers 022-190-054, 022-190-055, 022-190-056 and 022-190-057.

Mr. Parker states Supervisor Vann has recused herself from all discussion regarding this matter.

Mr. Hackney states this is a request for approval of a Tentative Subdivision Map to divide 159.3 acres of partially developed Industrial zoned land into 16 lots.

11:09 a.m. Chairman Evans opens the public hearing and calls for public comment.

Mr. Hobbs states he is representing Gerald and Elaine Rominger and thanks County staff for their hard work regarding this item. He further states on behalf of the Romingers, he has submitted several letters regarding the Adams Group Tentative Subdivision Map, expressing the Romingers' concerns and speaks to the following:

Notices for the Public Hearing,
 Public comment period/Close of Public Comment Period,
 Public Notice of Availability/Notice of Intent,
 County rescheduling the hearing,
 CEQA guidelines, and
 County should have prepared an EIR.

He further speaks to Mr. Daniel Smith, an expert in traffic and transportation, Mr. Kurt Legleiter, an expert in noise, air quality, odors, and greenhouse gas emissions, and Mr. Patrick Angel, an expert in water, and their analysis's of same.

Mr. Brun, on behalf of Blue Diamond Growers, expresses concern regarding the proposed Adams Group Development. He states Blue Diamond Growers is an almond marketing cooperative, which receives several million pounds of almonds each year from members in Colusa County. He states Blue Diamond is not opposed to the project but concerned about the increased traffic congestion that will occur at the intersection of County Line Road and 99-W as a result of the development. He states Blue Diamond feels strongly, significant modifications, including a turn lane and widening of the road, need to be considered to mitigate the results of the increased truck traffic. He states a good example of the congestion that can occur is Eddy Road and 99-W where Blue Diamond's Receiving Station is located. He states this is a very dangerous situation and could have been prevented by widening the road and installing a turning lane prior to approval of the industrial development now on Eddy Road. He notes another major drawback to County Line Road and 99-W intersection is the angle of the intersection, trucks traveling south and turning west have to turn into the oncoming lane, stating this is extremely dangerous and happens every time a truck makes a right hand turn while traveling south. He further states Blue Diamond requests the Board consider these issues carefully because it will ultimately affect the county for many years to come.

Chairman Evans calls for further public comment.

11:27 a.m. Hearing no further comment, Chairman Evans closes the Public Hearing.

Chairman Evans expresses concern regarding the 30 day commenting period. Brief discussion is held.

Chairman Evans inquires as to options available to the Board.

Mr. Parker states the Board has two options of which are to either grant or deny the appeal. He requests that should the Board opt to deny the appeal Staff be authorized to return on March 13, 2012 with formal findings of same.

PLANNING AND BUILDING: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to deny the appeal thereby upholding the Planning Commission's decision regarding the approval on September 12, 2011 to adopt a Mitigated Negative Declaration, a Mitigation Monitoring and Reporting Program and a Tentative Subdivision Map for Mike Adams, (ED #09-38), TSM #09-5-1 to divide 159+acres of partially developed, Industrial designated and zoned land into 16 lots. The 16 proposed lots will range in size from 1.19+acres to 30.80+acres. Five of the resulting lots will consist of less than 5-acres each, six of the lots will be between 5 to 10-acres in size, and five of the lots will be larger than 10-acres in size. The proposed project site is located at the northwest corner of Grevie road and County Line road and approximately 6-miles south of the unincorporated community of Arbuckle, identified as Assessor's Parcel Numbers 022-190-054, 022-190-055, 022-190-056 and 022-190-057 and direct Staff to return on March 13, 2012 with Formal Findings. Further, Staff is directed to modify the conditions, so they apply at the time of sale or development. Motion carried by the following vote:

AYES: Supervisors Indrieri, Carter, Marshall and Evans.

NOES: None.

ABSENT: Supervisor Vann.

ABSTAIN: None.

Chairman Evans declares a recess at 11:45 a.m. to reconvene in Regular Session at 11:50 a.m., with all Supervisors present.

Present: Thomas R. Parker, County Counsel.
Peggy Scroggins, Auditor Controller.
Nikki Berry, Personnel Director.
Yolanda Tirado, Ann Nordyke, Board Clerks.

CONTINUED SUPERVISOR REPORTS AND/OR COMMENTS

Supervisor Evans

Meetings/Functions attended:

Meeting regarding the bird issue in Maxwell.
Agenda Review.
Met with Personnel and Probation.
Met with Health Department.
LAFCo.
Transportation and Transit.

Chairman Evans inquires as to any State or Federal Legislation/General Budgetary Matters to discuss.

Supervisor Vann speaks to the small County exemption, Health & Human Services possibly receiving front loaded money from the State in July. She also states the Department of Finance, Sheriff's Association and the Chief Probation Officers Association are scheduled to meet on February 27, 2012.

Supervisor Marshall announces Golden State Insurance will be hosting a Harassment and Ethics training on March 8, 2012 at 8:30 a.m. at Granzella's. He further states those interested in attending can call Golden State to sign up.

AUDITOR: It is moved by Supervisor Marshall, seconded by Supervisor Carter to approve Special Claims as follows:

<u>Fund/Department</u>	<u>Vendor</u>	<u>Amount</u>
Public Defender	Clark & Nelson	\$630.00
Public Defender	Leo Steidlmayer	\$3,382.50
Bldgs & Grnds	Thyssenkrupp Elevator	\$382.50
Bldgs & Grnds	Thyssenkrupp Elevator	\$600.00
Probation	Charles Fusaro Construction	\$1,878.50
DHHS-Ambulance	C & L Home Service	\$45.00
Central Services	Chevron & Texaco	\$362.50
Sheriff	Davies Oil	\$2,060.84
Air Pollution	Strain Orchards	\$25,671.00
Air Pollution	Strain Orchards	\$25,671.00
Substance Abuse	Colusa Unified School District	\$2,000.00

Motion carried: All yes. Absent: None.

AUDITOR: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve Claim Register Sheets for the period of January 24, 2012 through February 6, 2012. Motion carried: All yes. Absent: None.

Chairman Evans declares a recess at 12:06 p.m. and reconvenes at 1:39 p.m., with all Supervisors present.

Present: Thomas R. Parker, County Counsel.
Peggy Scroggins, Robert Zunino, Auditor's Office.
Wendy Burke, County Librarian.
Nikki Berry, Personnel Director.
Yolanda Tirado, Ann Nordyke, Board Clerks.

Chairman Evans makes time to consider a request by Sites Project JPA that the Board of Supervisors replace the annual audits ending September 2011 and September 2012 with a single bi-annual audit ending September 2012 as provided by Government Code Section 26909(f).

Mr. Parker states Government Code 26909(f) permits the Board of Supervisors by unanimous approval to replace the annual audit with a bi-annual, 2-year audit. Discussion is held.

ADMINISTRATION: It is moved by Supervisor Marshall, seconded by Carter to approve a request by Sites Project JPA that the Board of Supervisors replace the annual audits ending September 2011 and September 2012 with a single bi-annual audit ending September 2012, as provided by Government Code Section 26909(f). Motion carried: All yes. Absent: None.

Chairman Evans declares a recess at 1:44 p.m. to reconvene in Closed Session and reconvenes in Regular Session at 5:30 p.m. with all Supervisors, except Supervisors Vann and Marshall present.

Present: Thomas R. Parker, County Counsel.
Yolanda Tirado, Ann Nordyke, Board Clerks.

Chairman Evans makes time to consider appointment of members of the Board of Supervisors to various committees, commissions, boards, and liaison assignments for 2012.

ADMINISTRATION/APPOINTMENT: It is moved by Supervisor Indrieri, seconded by Supervisor Evans to appoint Supervisor Carter to the Children and Families Commission/First 5 for FY 2012. Motion carried: All yes. Absent: Supervisors Vann and Marshall.

Ms. Tirado states RCRC staff have been calling as to which Supervisors have been appointed as RCRC's delegates.

Chairman Evans states appointees to RCRC will remain the same as in 2011 and those Supervisors are Vann and Marshall, with Supervisor Marshall as the alternate.

Chairman Evans continues the remainder of the appointments to the February 24, 2012 Board meeting.

Mr. Parker requests the agreement between the County of Colusa County Counsel's Office and Elizabeth Ison, to represent the County regarding general employment law matters, be pulled from the Agenda at this time. Chairman Evans so directs.

C12-029 PERSONNEL-1040/PROBATION – 2035: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve a Professional Services Agreement between the County of Colusa Personnel Department and **Nichols Investigative Services**, to perform pre-employment background investigations consistent with Chapter 45, effective January 12, 2012, with terms and conditions as set forth in the agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: Supervisors Vann and Marshall.

C12-030 PERSONNEL – 1040: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to approve a Professional Services Agreement between the County of Colusa Personnel Department and **John T. Ketelsen**, Attorney at Law to perform Personnel matters for Colusa County's Personnel Department and County Counsel consistent with Chapter 45, effective through June 30, 2012, with terms and conditions as set forth in the Agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: Supervisors Vann and Marshall.

Chairman Evans calls for announcement of Closed Session.

Mr. Parker announces the Board considered Closed Session matters as follows:

Under the provisions of Government Code Section 54957, a Public Employee Performance Evaluation was conducted for the position of County Librarian and a satisfactory performance was found by the Board.

Under the provisions of Government Code Section 54957, the Board of Supervisors met with County Counsel and the Personnel Director to discuss the employment of a public employee. He states there was nothing to report.

Under the provisions of Government Code Section 54956.9, the Board of Supervisors discussed with Legal Counsel and the Personnel Director potential litigation. He states there was nothing to report.

Under the provisions of Government Code Section 54956.9(b)(1), the Board of Supervisors discussed with the County Counsel's Office significant exposure to litigation against the County in multiple cases. He states there was nothing to report at this time.

Ms. Tirado apprises the Board members of item set for the February 21, 2012 Agenda.

The Board adjourns at 5:45 p.m. to reconvene in Regular Session on February 21, 2012 at the hour of 9:00 a.m.

Gary J. Evans, Chairman

Attest: Kathleen Moran, County Clerk
and ex-officio Clerk to the Board of
Supervisors

BY _____
Ann Nordyke, Board Clerk