

## Board of Supervisors

Kim Dolbow Vann, District I  
Thomas A. Indrieri, District II  
Mark D. Marshall, District III  
Gary J. Evans, District IV,  
Chairman  
Denise J. Carter, District V,  
Vice-chair



## COUNTY OF COLUSA

KATHLEEN MORAN, COUNTY CLERK  
YOLANDA TIRADO, CHIEF BOARD CLERK  
ANN NORDYKE, BOARD CLERK  
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### Minutes

October 9, 2012

The Board of Supervisors of the County of Colusa, State of California meets in Regular Session this 9<sup>th</sup> day of October 2012 at the hour of 9:00 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 October 9, 2012 at 9:00 a.m., with all Supervisors present.

Present: John Ketelsen, Counsel.  
Peggy Scroggins, Margaret Van Warmerdam, Auditor's Office.  
Elizabeth Kelly, Director, Health & Humans Services.  
Nancy Loudon, Grand Jury member.  
Nikki Berry, Personnel Director.  
Mary Winters, Michael Davies, Colusa citizens.  
Jim Bell, Director, Public Works.  
Michael Laffin, Behavioral Health.  
Joe Garofalo, Sheriff's Department.  
Arnie Gross, Assessors Office.  
Yolanda Tirado, Ann Nordyke, Board Clerks.

Prayer by Chairman Evans. Pledge of Allegiance.

ADMINISTRATION: It is moved by Supervisor Marshall, seconded by Supervisor Carter to approve the Minutes of the September 25, 2012 Regular Session. Motion carried by the following vote:

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

NOES: None.

ABSTAIN: Supervisor Vann.

ABSENT: None.

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

Chairman Evans states no Closed Session items have been considered or discussed at this time and announcement of Closed Session will be held after the 2:00 p.m. Closed Session matters are considered.

9:05 a.m. STAFF REPORTS

Ms. Kelly updates the Board members on items that pertain to her Department.

CONSENT AGENDA: It is moved by Supervisor Carter, seconded by Supervisor Vann to approve Consent Agenda Items 1 through 11 as follows:

**C12-247** 1. PLANNING & BUILDING: Approve an agreement between the County of Colusa and **ThyssenKrupp Elevator** for the installation of electronic door edge and battery lowering hydraulics for the Criminal Justice Facility, effective October 9, 2012, in the amount of \$5,170.00, with a fifteen (15) day written termination clause by either party and authorize the Chairman to sign.

**C12-248** 2. PLANNING & BUILDING: Approve an agreement between the County of Colusa and **ThyssenKrupp Elevator** for the installation of electronic door edge and battery lowering hydraulics for the Historical Courthouse, effective October 9, 2012, in the amount of \$7,050.00, with a fifteen (15) day written termination clause by either party and authorize the Chairman to sign.

3. ADMINISTRATION/PROCLAMATION/CASA DE ESPERANZA: Adopt A Proclamation of the Board of Supervisors of the County of Colusa, State of California Honoring October 2012 as Domestic Violence Month and authorize the Chairman to sign.

4. COLUSA COUNTY MENTAL HEALTH BOARD/RESIGNATIONS: Accept the recommendation of the Mental Health Board to withdraw Lazaro Hernandez and James Fomin's appointments from the Mental Health Board, due to lack of attendance and direct the Clerk to publish and post Notice of Vacancies.

5. AUDITOR-CONTROLLER- IT DEPARTMENT: Rescind **Contract No. C12-242**, between the County of Colusa and **Comcast** for internet access and telephone service for staff and clients at 320 5<sup>th</sup> Street, Colusa, CA, approved on September 25, 2012 due to timing issues the County will not be utilizing Comcast's services.

6. CLERK-RECORDER-ELECTIONS: Set October 23, 2012 for appointment to fill vacancy on the Maxwell Public Utility District Board of Directors. Further, direct the Clerk to publish and post Notice of Vacancy.

**C12-249** 7. HEALTH AND HUMAN SERVICES: Approve Modification to Agreement C12-198, between the County of Colusa Health and Human Services and the **Department of Social Services** for adoption services and modifying the agreement to add "Confidentiality" language as set forth in the Modification, with all other terms and conditions to remain in full force and effect and authorize the Chairman to sign.

**C12-250** 8. AG COMMISSIONER: Approve Extension to Lease Agreement C09-291, between the County of Colusa Ag Commissioner and **Colusa Industrial Properties, Inc.**, for Lease of property located at the 100 Sunrise Blvd., Suites E and F, extending the Term of the Lease to be effective through June 30, 2015, with all other terms and conditions to remain in full force and effect and authorize the Chairman to sign.

9. APPOINTMENTS/DEVELOPMENT DISABILITIES AREA BOARD 3: Re-appoint Amber Kesterson to the Developmental Disabilities Area Board 3, effective October 9, 2012 through October 8, 2015. (**Applications received:** Amber Kesterson)
10. APPOINTMENTS AIR POLLUTION CONTROL DISTRICT HEARING BOARD: Re-appoint Ed Hulbert to the Air Pollution Control District Hearing Board, effective July 3, 2012 through July 4, 2015. (**Applications received:** Ed Hulbert)
- C12-251** 11. BEHAVIORAL HEALTH SERVICES: Approve Modification to Agreement C09-169, between the County of Colusa Behavioral Health Services and **Colusa County Office of Education** providing outreach and education to children, youth, families, school staff and communities, modifying Page 1, Item 3 "Time of Performance" to be effective through June 30, 2013, with all other terms and conditions to remain in full force and effect and authorize the Chairman to sign. **Consent motion carried: All yes. Absent: None.**

SUPERVISORS' REPORTS OR COMMENTS

Supervisor Indrieri

Meetings/Functions attended:  
Central Valley Gas Grand opening.  
Various constituent calls.

Supervisor Carter

Meetings/functions attended:  
CSAC-EIA Board meeting.  
Central Valley Gas Grand opening.

Supervisor Marshall

Meetings/functions attended:  
CSAC-EIA Annual meeting.  
Met with Recology re: solid waste.

Supervisor Evans

Meetings/functions attended:  
Met with Mr. Azevedo re: Stony Gorge Recreation.  
Contacted by Mr. Jeff Chang re: PERS actuarial and the possible impact to the County.  
Approached by Century Ranch residents re: drilling a well.

9:10 a.m. PERSONNEL/AUDITOR - RISK MANAGEMENT – 1101: It is moved by Supervisor Vann, seconded by Supervisor Marshall to approve an extra help position of Safety Officer, TFT, PFA Range 34, \$3,499.00 - \$4,254.00 per month, effective November 19-November 30, 2012. Motion carried: All yes. Absent: None.

PERSONNEL/AUDITOR - RISK MANAGEMENT – 1101: It is moved by Supervisor Vann, seconded by Supervisor Marshall to authorize filling the vacancy of Safety Officer, PFT, PFA Range 34, \$3,499.00 - \$4,254.00 per month, effective December 1, 2012. Motion carried: All yes. Absent: None.

PERSONNEL/DEPARTMENT OF HEALTH AND HUMAN SERVICES – 5010: It is moved by Supervisor Marshall, seconded by Supervisor Vann to authorize the following

recommended step increase as a result of the Board of Supervisors completing the performance evaluation held September 11, 2012 for Elizabeth Kelly, Deputy Director – Health and Human Services, PFT, MGT Range 32, from Step 2 to Step 3, \$6,512.00 per month, effective June 1, 2012. Motion carried: All yes. Absent: None.

PERSONNEL/DEPARTMENT OF HEALTH AND HUMAN SERVICES – 5010: It is moved by Supervisor Marshall, seconded by Supervisor Vann to authorize the following formal appointment as a result of the Board of Supervisors Closed Session announcement on September 25, 2012: Elizabeth Kelly, Director – Health and Human Services, PFT, DH Range 44, Step 1, \$7,845.00 per month, effective October 1, 2012. Motion carried: All yes. Absent: None.

PERSONNEL/BEHAVIORAL HEALTH SERVICES – MENTAL HEALTH – 4013: It is moved by Supervisor Carter, seconded by Supervisor Vann to authorize the following:

**Add:** 2- Medical Billing Specialist positions, PFT, MSC Range 20, \$2,481.00 - \$3,016.00 per month, effective November 1, 2012 and authorize to fill, and

**Delete:** 2-Account Clerk II, PFT, MSC Range 10, \$1,944.00 – \$2,363.00 per month, effective October 31, 2012.

Motion carried: All yes. Absent: None.

PERSONNEL/BEHAVIORAL HEALTH SERVICES – MENTAL HEALTH – 4013: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to fill the vacant flexibly staffed position of Therapist I/II/III, PFT, PF Range 29/31/35, \$3,121.00 – \$3,794.00 /\$3,277.00 - \$3,984.00/ \$3,613.00 - \$4,392.00 per month, effective November 1, 2012. Motion carried by the following vote:

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

NOES: Supervisor Vann.

ABSENT: None.

9:22 a.m. (9:15 a.m. item on Agenda) ASSESSOR: It is moved by Supervisor Vann, seconded by Supervisor Carter to declare a 1996 Mercury Sable GS-4-D Sedan, VIN# 1MELM50U25A602798-license number E990600 as surplus and authorize the Assessor or his designee to utilize the county approved list of vendors for disposal and/or sale of said vehicle. Motion carried: All yes. Absent: None.

9:24 a.m. (9:20 a.m. item on Agenda) TREASURER-TAX COLLECTOR/RESOLUTION: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to adopt **Resolution No. 12-041**, a Resolution of the Colusa County Board of Supervisors to Hold a Public Auction of Tax Defaulted Property and authorize the Chairman to sign. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

**C12-252** TREASURER-TAX COLLECTOR: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to approve an agreement between the County of Colusa Treasurer-Tax Collector's Office and **Tax Land Sale Research Services** in association with the sale of tax delinquent properties, effective October 9, 2012, with terms and conditions set forth in the agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

Present: Joe Damiano, Ag Commissioner.  
Donna Critchfield, City of Colusa Councilmember.

9:34 a.m. (9:25 a.m. item on Agenda) SHERIFF: It is moved by Supervisor Vann, seconded by Supervisor Indrieri to approve "Eligibility Renewal Application State & Federal Surplus Property Program" and all related documents and authorize the Sheriff and/or his designee to sign on behalf of the Board of Supervisors for submittal of the Application to the California Department of General Services. Motion carried: All yes. Absent: None.

9:35 a.m. (9:30 a.m. item on Agenda) Chairman Evans makes time for a Public Hearing to consider the adoption of Appropriation Limits for 2012/13 pursuant to Article XIII B of the California Constitution (Proposition 4) and Section 7910 of the Government Code as follows:

1.	Colusa County General Fund	\$25,914,543.00
2.	Walnut Ranch Street Lighting #1	\$ 14,402.00
3.	Maintenance Area #1	\$ 425,970.00

Ms. Van Warmerdam speaks briefly to the budget process.

Chairman Evans calls for public comment.

9:37 a.m. Hearing none, Chairman Evans closes the public hearing.

AUDITOR-CONTROLLER/RESOLUTION: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to adopt **Resolution No. 12-042**, a Resolution of the County Board of Supervisors Adopting General Fund, Walnut Ranch and Maintenance Area #1 Expenditure Levels for Fiscal Year 2012-2013 and authorize the Chairman to sign. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

ADMINISTRATION: It is moved by Supervisor Vann, seconded by Supervisor Carter to approve a letter in opposition to the State Fish and Game Commission regarding Notice of Receipt of Petition from Oceana, Center for Biological Diversity and Shark Stewards to list the white shark (*Carcharodon carcharias*) as threatened or endangered under the California Endangered Species Act, direct Supervisor Marshall to

prepare letter and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

9:40 a.m. Chairman Evans makes time for an update on program activities by USDA Wildlife Trapper.

Mr. Ono states Wildlife Services provides wildlife damage management assistance to protect agriculture, natural resources, property, and health and human safety. He states that Wildlife Services protects resources through implementation of integrated wildlife damage management programs. He speaks further to the following:

- Protecting Agriculture
  - ◆ Protecting Livestock from Predators
  - ◆ Aquaculture
  - ◆ Invasive Species Management
  - ◆ Beaver Damage Management
  - ◆ Managing Wildlife Species to Protect Agriculture
  - ◆ National Rabies Management Program
  - ◆ Wildlife Disease Activities
- Protecting Natural Resources
  - ◆ Threatened and Endangered Species Protection
  - ◆ Managing Wildlife Species to Protect Natural Resources
  - ◆ Invasive Species Management
  - ◆ National Rabies Management Program
- Protecting Property
  - ◆ Invasive Species Management
  - ◆ Beaver Damage Management
  - ◆ Managing Wildlife Species to Protect Property
  - ◆ Airport Wildlife Hazards
- Protecting Health and Human Safety
  - ◆ Airport Wildlife Hazards
  - ◆ Invasive Species Management
  - ◆ Managing Wildlife Species to Protect Health and Safety
  - ◆ National Rabies Management Program
  - ◆ Wildlife Disease Activities

Discussion is held, with no action taken.

Present: Steve Hackney, Director Planning & Building.

9:56 a.m. (9:45 a.m. item on Agenda) PUBLIC WORKS: It is moved by Supervisor Vann, seconded by Supervisor Carter to approve a request from Central Valley Gas Storage to waive the Department of Public Works' Encroachment Permit Fee. Motion carried: All yes. Absent: None.

9:58 a.m. (9:50 a.m. item on Agenda) Chairman Evans makes time for direction on payment of claims for Grand Juror members attending City Council and Board of Supervisor meetings, as observers, and as well as other meetings.

Mr. Ketelsen speaks to an old opinion of the Attorney General regarding payment to Jurors when attending meetings and what is within the County's current Ordinance regarding payments to Jurors. Discussion is held.

Following discussion, it is the consensus of the Board members to continue the matter regarding payment of claims for Grand Jury members until reagendaized.

10:06 a.m. (9:55 a.m. item on Agenda) PLANNING & BUILDING/APPOINTMENTS/ZONING CODE STEERING COMMITTEE: It is moved by Supervisor Marshall, seconded by Supervisor Vann to appoint to the Zoning Code Steering Committee the following individuals:

Jack Baber	Ed Hulbert
Nancy Loudon	Jim Reading
Ben Felt	Ashley Indrieri
Kay Spurgeon	Bryan Stice
Darrin Williams	Charles Bergson
Bill Lovelace	Bob Alvernaz
Kelly Ornbaum	Frank Pendell

Motion carried: All yes. Absent: None.

PLANNING AND BUILDING: It is moved by Supervisor Vann, seconded by Supervisor Marshall to waive fees for the Colusa County Juvenile Rehabilitation Facility project as follows:

1. Planning and Building's Processing fee for an Notice of Exemption in the amount of \$100.00, and
2. Clerk and Recorder's fee for filing and posting a Notice of Exemption in the amount of \$50.00.

Motion carried: All yes. Absent: None.

**C12-253** PLANNING AND BUILDING: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to approve an agreement between the County of Colusa Planning and Building and **Eco-Analysts** for the CEQA/Initial Study for the General Plan and Zoning Amendment for Westervelt Ecological Services, effective October 9, 2012 through November 1, 2013, in the amount of \$26,395.00, with a fifteen (15) day written termination clause by either party and authorize the Chairman to sign. Motion carried by the following vote:

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

NOES: Supervisor Carter.

ABSENT: None.

Chairman Evans states a matter arose after the posting of the October 9, 2012 Agenda regarding the payment of Invoice # 2012-738 from Cross Electric in the amount of \$45,297.96 and requests the matter be brought on for consideration/ payment.

ADMINISTRATION: It is moved by Supervisor Indrieri, seconded by Supervisor Carter that the Board finds a matter arose after the posting of the October 9,

2012 Agenda regarding the payment of Invoice # 2012-738 from Cross Electric in the amount of \$45,297.96. Motion carried: All yes. Absent: None.

ADMINISTRATION: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to authorize the Auditor-Controller to issue a warrant to pay Invoice # 2012-738 in the amount of \$45,297.96 to Cross Electric, Draw #2 - for Colusa County Historic Courthouse Back Up Generator project – Completion of building and all underground installation of conduits. Motion carried: All yes. Absent: None.

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

<u>Fund/Department</u>	<u>Vendor</u>	<u>Amount</u>
Criminal Justice	Jack's Glass	\$2,281.84
County Counsel	Remcho, Johansen etc	\$1,011.57
Public Defender	Mike Hermann Investigations	\$1,325.00
Public Defender	Drug Detection Laboratories	\$350.00
Public Defender	Charles Henry Lee	\$209.70
Sheriff	Valley Clinical & Consulting	\$450.00
Sheriff	Reading Oil	\$64.21
Probation	Chevron & Texaco	\$179.35
Jail	Security Control Systems	\$1,754.49
Welfare	Microframe Corporation	\$270.98
District Attorney	Affordable Office Furniture	\$652.08
District Attorney	Affordable Office Furniture	\$811.88
District Attorney	Affordable Office Furniture	\$917.32
Behavioral Health	Office Depot	\$482.61

Motion carried: All yes. Absent: None.

AUDITOR: It is moved by Supervisor Vann, seconded by Supervisor Carter to approve Claim Register Sheets for the period of September 25, 2012 through October 8, 2012. Motion carried by the following vote:

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

NOES: None.

ABSENT: None.

ABSTAIN: Supervisor Indrieri.

ADMINISTRATION: It is moved by Supervisor Carter, seconded by Supervisor Marshall to direct staff to proceed with the transfer of water rights from the TC Canal to CSA 1 & 2. Motion carried: All yes. Absent: None.

Chairman Evans declares a recess at 10:24 a.m. to convene in Closed Session, reconvenes in Regular Session at 12:12 p.m. and declares a recess to attend the Employee Picnic located at Will S. Green Park.



Present: Yolanda Tirado, Ann Nordyke Board Clerks.

Chairman Evans reconvenes in Regular Session at 2:00 p.m., to reconvene in Closed Session and reconvenes in Regular Session at 5:25 p.m. with all Supervisors and Counsel present.

Present: Peggy Scroggins, Auditor-Controller.  
Yolanda Tirado, Ann Nordyke, Board Clerks.

Chairman Evans announces the Board considered the following Closed Session matters at 10:30 a.m.:

PUBLIC EMPLOYEE APPOINTMENT – Gov. Code § 54957 Titles: [Director of Child Support Services]. He states the matter was pulled from the Closed Session Agenda.

Mr. Ketelsen announces the Board also considered the following Closed Session matter:

CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation Significant exposure to litigation pursuant to Gov. Code § 54956.9 subdivision (b), Three (3) Cases. He states two (2) cases were discussed and there was no reportable action.

Mr. Ketelsen further announces the Board considered Closed Session matters at 2:00 p.m. as follows:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION – Government Code Section 54956.9(a), Curtis Boewer, Workers' Compensation Claim #TIBM-544368 and Colusa County Superior Court Case No. CV23866. He states direction was given to Counsel.

Chairman Evans announces the Board also considered the following Closed Session matter:

CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6; Agency Negotiator Bob Muszar

Employee Organizations:

Department Heads  
Management Coalition  
DSA  
CCEA  
Unrepresented  
Assistant Personnel Director  
County Counsel  
Personnel Director  
Senior Deputy County Counsel

He states information was presented and instructions received.

The Board adjourns at 5:28 p.m. to reconvene in Regular Session on October 23, 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, Deputy Board Clerk