

Board of Supervisors

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



COUNTY OF COLUSA

KATHLEEN MORAN, COUNTY CLERK
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Minutes

May 14, 2013

The Board of Supervisors of the County of Colusa, State of California meets in Regular Session this 14th day of May 2013 at the hour of 9:00 a.m., Present: Supervisors, Denise J. Carter, Chair, Gary J. Evans, Thomas A. Indrieri, Kim Dolbow Vann and Mark D. Marshall.

Chair Carter calls to order the Regular meeting of May 14, 2013 at 9:03 a.m., with all Supervisors present.

Present: John Ketelsen, Matt Bentley, County Counsel's Office.
Mike Azevedo, Clay Castleberry, Public Works.
Peggy Scroggins, Auditor-Controller.
Mary Winter, Colusa Citizen.
Cindy Lovelace, Personnel Director.
Joe Damiano, Renee McCormick, Ag Department.
Steven Jeet, Grand Jury.
Gene Beauchamp, VFW Post 2441.
Gerry Munoz, Jeanne Broderman, Probation Department.
Greg DeYoung, Westervelt Ecological Services.
Kaline Moore, Angela Gross, Central Services.
Yvonne Henderson, Assemblyman Dan Logue.
Steve Hackney, Director, Planning & Building.
Elizabeth Kelley, Director, Health & Human Services.
Yolanda Tirado, Ann Nordyke, Board Clerks.

Prayer by Chair Carter. Pledge of Allegiance.

ADMINISTRATION: It is moved by Supervisor Indrieri, seconded by Supervisor Evans to approve the Minutes of April 30, 2013 Regular Session and May 7, 2013 Special Session. Motion carried: All yes. Absent: None.

Chair Carter makes time for a period of Public Comment. Hearing none, Chair Carter closes the period of Public Comment.

Mr. Ketelsen announces the Board will consider Closed Session matters at 10:45 a.m., as follows:

A. PUBLIC EMPLOYEE APPOINTMENT OR EMPLOYMENT – California

Government Code Section 54954.4:

Title: County Counsel

~~Director of Public Works (possible second interview)~~

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to California Government Code § 54956.9, Three (3) Cases.

9:05 a.m. STAFF REPORTS

Mr. Azevedo updates the Board members on items as they pertain to County Roads.

Ms. Kelley updates the Board members on items as they pertain to her Department.

9:10 a.m. PERSONNEL/HEALTH AND HUMAN SERVICES/HUMAN SERVICES – 5011: It is moved by Supervisor Vann, seconded by Supervisor Indrieri to delete the position of Social Services Supervisor/Deputy Public Guardian, PFT, PF Range 33, \$3,441.00 – \$4,183.00 per month, effective March 31, 2013. Motion carried: All yes. Absent: None.

PERSONNEL/HEALTH AND HUMAN SERVICES/HUMAN SERVICES – 5011: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to create the position of Welfare Investigator I/II, PFT (40 hour/week), DSA Range 34/36, \$3,687.00 – \$4,484.00/ \$3,932.00 - \$4,781.00 per month, effective June 1, 2013 and authorize Merit Systems to recruit to fill the flexibly staffed position of Welfare Fraud Investigator I/II. Motion carried: All yes. Absent: None.

PERSONNEL/HEALTH AND HUMAN SERVICES/HUMAN SERVICES – 5011: It is moved by Supervisor Marshall, seconded by Supervisor Evans to add an additional position of Staff Services Analyst II, PFT, PF Range 35, \$4,127.00 - \$5,016.00 per month, effective June 1, 2013 and authorize Merit Systems to recruit to fill the position. Motion carried: All yes. Absent: None.

PERSONNEL/HEALTH – 4012: It is moved by Supervisor Evans, seconded by Supervisor Indrieri to delete the vacant position of Registered Nurse (RN), PFT, PF Range 35, \$4,127.00 - \$5,016.00 per month, effective April 30, 2013 **and** add a flexibly staffed Public Health Nurse (PHN) I/II/III, PFT, PF Range 35/39/43, \$4,127-\$5,016.00/\$4,550.00-\$5,530.00/ \$5,016.00-\$6,097.00 per month, effective May 1, 2013 and authorize to fill. Motion carried: All yes. Absent: None.

PERSONNEL/SHERIFF-JAIL – 2031: It is moved by Supervisor Vann, seconded by Supervisor Indrieri to authorize bilingual pay of \$50.00/month for the following Correctional Officers, effective May 14, 2013:

David Alvarado
Mayra Lucatero

Motion carried by the following vote:

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

NOES: Supervisor Evans.

ABSENT: None.

PERSONNEL/PUBLIC WORKS – 3010: It is moved by Supervisor Evans, seconded by Supervisor Vann to appoint Clay Castleberry, Interim Public Works Director, effective May 13, 2013. Motion carried: All yes. Absent: None.

C13-072 9:18 a.m. (9:15 a.m. item on the Agenda) PROBATION: It is moved by Supervisor Vann, seconded by Supervisor Indrieri to approve an Equipment Lease Agreement between the County of Colusa Probation Department and **Wells Fargo Financial** (Advanced Document Concepts) for one (1) Kyocera TASKalfa 4550ci copier, effective May 14, 2013, with terms and conditions as set forth in the Lease Agreement and authorize the Chair to sign all related documents. Motion carried: All yes. Absent: None.

9:20 a.m. Chair Carter makes time for a Proclamation of the Board of Supervisors of the County of Colusa, State of California Proclaiming the County of Colusa as a Purple Heart County.

Ms. Kelley states this organization has been in place since 1932 and to be a part of it and a part of history is a big acknowledgement for Colusa County on behalf of its Veterans. She states as the Veterans Service Officer for the County she has been working on moving toward obtaining Purple Heart designation for Colusa County. She states further she wants to acknowledge those Veterans that are here today from Maxwell and Colusa in support of this effort.

Supervisor Vann thanks all Veterans, noting this is something very close to her heart, as she, like many others have had family members who have served our Nation.

Supervisor Vann reads the following Proclamation into the record:

“A Proclamation of the Board of Supervisors of the County of Colusa, State of California Proclaiming the County of Colusa as a Purple Heart County

WHEREAS, General George Washington, on August 7, 1782, by General Order, established the Badge of Military Merit, an award for exemplary services in the Continental Army during the War of Independence; and

WHEREAS, the Badge of Military Merit was the first military award of the independent colonies and the first award in western civilization designated specifically for the common soldier, and

WHEREAS, in 1932, with the assistance of General Douglas McArthur, the Badge of Military Merit was revived and re-designated as the Purple Heart, a valor award for United States Army personnel, and

WHEREAS, in 1942 President Franklin D. Roosevelt by Executive Order 9277, retroactive to December 6, 1941, expanded the awarding of the Purple Heart to members of all branches of the Armed Forces of the United States and established a uniform application of standards for the award in the Army and Navy, and

WHEREAS, President Harry S. Truman, in Executive Order 10409 of November 1952, retroactively extended Navy, Marine Corps, and Coast Guard eligibility for the Purple heart to April 5, 1917, to cover World War I, and

WHEREAS, President John F. Kennedy, on April 25, 1962, in Executive Order 11016 extended eligibility as well to any civilian national of the United States, who while serving under competent authority in any capacity with an armed force has been wounded, and

WHEREAS, the Purple Heart has come to stand as a symbol of dedication to service and selfless sacrifice without which the freedom and liberty we so cherish could not endure, and

WHEREAS, the Colusa County Board of Supervisors wish to specifically recognize the service and sacrifice of the veterans of Colusa County on May 14, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, proclaim, henceforth, the County of Colusa shall be known as a Purple Heart County”.

HEALTH AND HUMAN SERVICES/PROCLAMATION: It is moved by Supervisor Indrieri, seconded by Supervisor Vann to adopt a Proclamation of the Board of Supervisors of the County of Colusa, State of California Proclaiming the County of Colusa as a Purple Heart County and authorize the Chair to sign. Proclamation passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

Mr. Logan, on behalf of the Veterans, gratefully accepts the proclamation and thanks the Board member for the recognition.

Mr. Logan states California was the first Purple Heart State in the Country, and in honor of that the Department of California Purple Heart had challenge coins made to commemorate that fact and presents each of the Board members with a coin with the challenge being they continue to care for the needs of Veterans.

9:28 a.m. (9:25 a.m. item on Agenda) CENTRAL SERVICES/CLERK-RECORDER: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri authorize the purchase of an upgraded Laserfiche software program with additional users from ProIT, in the amount of \$6,475.29, to be funded from current Central Services budget. Motion carried: All yes. Absent: None.

9:30 a.m. Chair Carter makes time for a Public Hearing to consider second reading of a proposed Ordinance Of The Board Of Supervisors Of The County Of Colusa Amending Chapter 2 Article VII Of The Colusa County Code: Public Guardian/LPS Conservator And Substituting The Following Amended Chapter 2 Article VII Public Guardian In Its Stead.

Mr. Ketelsen states this will make the ordinance conform to what the County is presently doing.

Supervisor Carter expresses concern regarding paragraph 2-48- Appointment and Compensation. Discussion is held.

9:33 a.m. Chair Carter opens the public hearing and calls for public comment. Hearing none, Chair Carter closes the public hearing.

COUNTY COUNSEL/ORDINANCE: It is moved by Supervisor Indrieri, seconded by Supervisor Marshall to adopt **Ordinance No. 755**, an Ordinance of the Board of Supervisors of the County of Colusa Amending Chapter 2 Article VII of the Colusa County Code: Public Guardian/LPS Conservator and Substituting the Following Amended Chapter 2 Article VII Public Guardian In Its Stead, authorize the Chair to sign and direct the Clerk to publish and post same. Ordinance passed and adopted by the following vote:

AYES: Supervisors Evans, Indrieri and Marshall.

NOES: Supervisors Vann and Carter.

ABSENT: None.

9:34 a.m. Chair Carter makes time for presentation of Airport Certificates of Appreciation for the following individuals:

Mike West
 Bob Kirkman
 Tim Crabtree
 The Colusa High School ROP
 Jesus Bautista
 Jaime Valdes
 Reca Recamier
 John Barron
 Blake Zwald
 Austin Benson
 Leslie Fusaro
 Alexia Fargas
 Morissa Labato
 Ninety Nines

Chair Carter thanks Mr. Mike West for his teaching of Aviation and support of the County Airport Community. She further states Mr. West has been teaching an ROP Introduction to Aerospace class at Colusa High School for the past 4 years. She states in 2013 Mr. West created a project that provided an opportunity for students to give back to our community through the laying out and painting of a 60 foot Compass Rose, as well as painting the segmented circle and taxiway identifier, noting Mr. West has been an innovative, passionate teacher who loves to share his enthusiasm of flying.

Mr. West states it is hard to put together a group of volunteers such as this group of individuals and expresses his appreciation to all that participated.

Chair Carter present the following individuals with Certificates of Appreciation:

Bob Kirkman
 Tim Crabtree
 The Colusa High School ROP
 Jesus Bautista
 Jaime Valdes
 Reca Recamier

John Barron
 Blake Zwald
 Austin Benson
 Leslie Fusaro
 Alexia Fargas
 Morissa Labato
 Ninety Nines

9:44 a.m. (9:35 a.m. item on Agenda) Chair Carter makes time for introduction and first reading, by title only, of an Ordinance of the Board of Supervisors of the County of Colusa Amending Ordinance No. 534 (The Colusa County Zoning Ordinance) Rezoning Certain Property Under Zoning Amendment No. 12-6-1 for Westervelt Ecological Services (Greg DeYoung).

Mr. Hackney states Westervelt has applied for a General Plan amendment and Zoning amendment on approx 215 acres, rezoning certain property from Exclusive Agriculture to Open Space to allow for the creation of a mitigation bank (habitat restoration) for projects in and outside the County.

Lengthy discussion is held regarding Williamson Act contracts, change in ownership or description of property requiring a new contract, the Board's previous edict not to issue any new Williamson Act contracts, whether issuance of a new contract will start the term of the contract over, terms and conditions within the contract remaining the same, the need to have further discussions prior to making a decision, and a possible development agreement.

Mr. DeYoung speaks in support of the proposed Ordinance.

Further discussion is held regarding the breakdown of credits, acreage of the project, the exact location of the proposed project, which District the project lies within and a map of the project location with the roads indicated.

Supervisor Evans expresses concern regarding Exhibit B, No. 4 pertaining to the condition requiring installation of wheel washers for all exiting trucks or washing off of all trucks and equipment leaving the site and questions whether the Board is setting precedence by approving this type of condition. Further discussion is held.

PLANNING & BUILDING/ORDINANCE: It is moved by Supervisor Vann, seconded by Supervisor Rindieri to approve introduction and first reading, by title only, of an Ordinance of the Board of Supervisors of the County of Colusa Amending Ordinance No. 534 (The Colusa County Zoning Ordinance) Rezoning Certain Property Under Zoning Amendment No. 12-6-1 for Westervelt Ecological Services (Greg DeYoung). Motion carried: All yes. Absent: None.

PLANNING & BUILDING: It is moved by Supervisor Marshall, seconded by Supervisor Vann to accept bids for the re-lamping of the Williams Library as received and opened by the Department of Planning and Building as follows:

1.	G.M. Electric	\$ 6,200.00
2.	Charlie's Electric	\$ 7,880.00
3.	Cross Electric	\$ 8,739.25
4.	WKD Electric	\$ 8,845.00

5.	Fluoresco Lighting	\$ 9,408.30
6.	Electrical Solutions	\$14,995.00

Motion carried: All yes. Absent: None.

Mr. Hackney states in analyzing the proposal received from G.M. Electric he noticed the size of the replacement lamps has been misquoted. Discussion is held, as to whether G.M. Electric's proposal was a responsive bid.

PLANNING & BUILDING: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to award the bid for the re-lamping of the Williams Library to Charlie's Electric, as most responsive bidder, in the bid amount of \$7,880.00 and direct the Planning and Building Director to return at a later date with a contract for same. Further, exclude G.M. Electric's proposal from consideration due to conditions brought forward by staff. Motion carried: All yes. Absent: None.

PLANNING & BUILDING: It is moved by Supervisor Marshall, seconded by Supervisor Evans to accept the bids for the re-roofing of the Williams Library as received and opened by the Department of Planning and Building as follows:

1.	R&R Enterprises	\$27,600.00
2.	All-Rite Roofing	\$29,610.00
3.	Conley Enterprise-Conley Enterprises	\$29,900.00
4.	MC Roofing Company	\$30,066.00
5.	Wait Roofing	\$34,000.00

Motion carried: All yes. Absent: None. **(See Supervisors Minutes Book, May 28, 2013, page 151)**

Mr. Hackney recommends awarding the bid for the re-roofing of the Williams Library to All-Rite Roofing, stating All-Rite Roofing provided the most responsive/complete bid.

Discussion is held regarding the County's responsibility to choose the lowest bidder, if not choosing the lowest bidder, justification for doing so, bases for rejecting the low bid, and departments needing to know which Bids meet criteria of a "responsive" bid.

Following discussion, Chair Carter directs the Director of Planning & Building to work with Mr. Ketelsen, County Counsel on analyzing the bids and returning at a later date for further consideration.

10:22 a.m. (9:40 a.m. item on Agenda) APPOINTMENTS/FIRST 5 COLUSA CHILDREN & FAMILIES COMMISSION: It is moved by Supervisor Indrieri, seconded by Supervisor Vann to re-appoint of Kimberly Nall to the First 5 Colusa Children and Families Commission, effective May 14, 2013 through May 13, 2017. Motion carried: All yes. Absent: None.

CONSENT AGENDA: It is moved by Supervisor Indrieri, seconded by Supervisor Evans to approve Consent Agenda Item Nos. 1 through 10 as follows:

C13-073 1. HEALTH AND HUMAN SERVICES: Approve Rental Agreement No. 13-072-R between the County of Colusa Health and Human Services and **44th District**

Agricultural Association for a car seat check-up event, effective May 18, 2013, with terms and conditions as set forth in the agreement and authorize the Director of Health and Human Services to sign on behalf of the Board of Supervisors.

C13-074 2. HEALTH AND HUMAN SERVICES: Approve Modification 2 to Agreement C12-172 (IHC-025-13) between the County of Colusa Health and Human Services and **Area 3 Agency on Aging** for Senior Nutrition Services, with terms as set forth in the Modification, effective April 8, 2013, and all other terms and conditions to remain in full force and effect and authorize the Area 3 Agency on Aging Director to sign on behalf of the Board of Supervisors.

C13-075 3. PLANNING AND BUILDING: Approve an agreement between the County of Colusa Planning and Building Department and **All Rite Roofing, Inc.**, for the re-roofing of the Arbuckle Library Building, effective May 14, 2013 through June 30, 2013, with terms and conditions as set forth in the agreement and authorize the Chair to sign.

4. PUBLIC WORKS/NOTICE TO BIDDERS: Approve Notice to Bidders and Bid Proposal for the Gasoline and Diesel Fuel Purchase for the County of Colusa Department of Public Works, Transit Agency, Central Services and the Sheriff's Department for Fiscal Year 2013-2014. Further, set June 5, 2013 at 10:00 a.m. to receive and open sealed bids and direct the Clerk to publish and post Notice of same.

C13-076 5. PUBLIC WORKS: Ratify agreement 1213-13, between the County of Colusa Public Works Department and **I-5 Rentals** for equipment rental, effective April 2, 2013 through June 30, 2013, with terms and conditions as set forth in the agreement and signed by the Director of Public Works on behalf of the Board of Supervisors.

C13-077 6. PUBLIC WORKS: Ratify agreement 1213-13b, between the County of Colusa Public Works Department and **Taber Consultants** for Geotechnical Engineering Services, effective April 18, 2013 through August 31, 2013, with terms and conditions as set forth in the agreement and signed by the Director of Public Works on behalf of the Board of Supervisors.

C13-078 7. PUBLIC WORKS: Approve Annual Road Damage Repair Agreement (Gas Well) between the County of Colusa Public Works Department and **Royale Energy, Inc.**, for repair of damage to County Roads arising as a result of their operation under their use permit, effective May 14, 2013 through May 13, 2014, with terms and conditions as set forth in the agreement and authorize the Chair to sign.

C13-079 8. CHILD SUPPORT SERVICES: Approve Memorandum of Understanding between the County of Colusa Child Support Services and **Butte County Department of Child Support Services** for Call Center Services, effective July 1, 2013 through June 30, 2014, with terms and conditions as set forth in the MOU and authorize the Child Support Director to sign on behalf of the Board of Supervisors.

9. AUDITOR: Approve changes in Revenue and Appropriations as follows:

DEPARTMENT NAME	FUND #	DEPT #	ACCT#	AMOUNT
<i>Increase Revenue & Appropriations:</i>				

Sheriff	00101	2021	454608	\$8,137.00
Total				\$8,137.00
Sheriff	00101	2021	51012	\$7,559.00
Sheriff	00101	2021	51022	\$578.00
Total				\$8,137.00

10. AUDITOR: Approve Intra Budget Transfer Nos. 13053 and 13054. **Consent motion carried: All yes. Absent: None.**

SUPERVISORS' REPORTS OR COMMENTS

Supervisor Vann

Meetings/functions attended:

CAO Committee meeting.

CSAC/Ag & Natural Resources Committee meeting Agenda for May.

Library Event.

Carnitas Event/ARC Arbuckle.

County Counsel Interviews.

Westervelt discussions.

Met with Yuba College representatives.

Chamber Annual Dinner.

Met with Tim Taylor, outside Counsel.

Supervisor Marshall

Meetings/functions attended:

Attended Kids Fish Day.

Supervisor Marshall states he has attended Kids Fish Day for a number of years now which was put on by the Fly Casters in the past and this year the County Fish & Game Commission has taken over the responsibilities. He states further this is a wonderful family event and in the near future he will be bringing "Kids Fish Day and Trap Shoot" before the Board members for consideration to funding the events through the County Fish & Game Commission.

Supervisor Carter

Meetings/functions attended:

CAO Ad Hoc Committee.

Regional Flood Plan meetings.

Chamber Dinner.

May Surprise.

SSVEMS meeting.

Stamp Out Stigma Dinner.

Sacramento Bee newspaper interview.

Department Head meeting.

Chair Carter inquires as to any State or Federal Legislation/General Budgetary Matters.

Supervisor Evans speaks to the need to put pressure on the Bureau of Reclamation to allow the hiring of maintenance workers for the care and maintenance

of East Park Reservoir. He states further last Friday staff put together a group of about 30 volunteers to clean up the Stonyford side of East Park Reservoir so it could be opened. Brief discussion held, with no action taken.

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

<u>Fund/Department</u>	<u>Vendor</u>	<u>Amount</u>
Bldg & Grounds	WKD Electric	\$302.50
Bldg & Grounds	Associated Inspection Services	\$400.00
Probation	Gerardo Munoz	\$23.18
Communications	Valley Clinical and Consulting	\$450.00
Personnel	Liebert Cassidy Whitmore	\$427.50
Migrant Housing	John Furry	\$950.00

Motion carried: All yes. Absent: None.

AUDITOR: It is moved by Supervisor Marshall, seconded by Supervisor Evans to approve Claim Register Sheets for the period of April 30, 2013 through May 13, 2013. Motion carried by the following vote:

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

NOES: None.

ABSENT: None

ABSTAIN: Supervisor Indrieri.

Chair Carter makes time for discussion/direction and possible action regarding retaining outside Counsel for the Bay-Delta Plan and approving Contingencies for same.

Supervisor Vann states she has received quotes that range from \$5,000.00 to \$7,000.00 to retain outside Counsel and requests Board authority to move forward with this. Discussion is held.

Following discussion, it is the consensus of the Board members that Supervisor Vann move forward with retaining outside counsel to prepare formal comments as it pertains to the Bay Delta Conservation Plan, in an amount not to exceed \$7000.00.

ADMINISTRATION: It is moved by Supervisor Evans, seconded by Supervisor Indrieri to approve payment in the amount of \$750.00 for membership of the Central Valley Project (CVP) Water Association. Motion carried: All yes. Absent: None.

C13-080 ADMINISTRATION: It is moved by Supervisor Evans, seconded by Supervisor Indrieri to approve Second Amendment to Consulting Contract between the County of Colusa Board of Supervisors and **Robert J. Muszar** to evaluate the re-establishment of the Office of County Administrative Officer in the County of Colusa, effective May 13,

2013, with terms and conditions as set forth in the agreement and authorize the Chair to sign. Motion carried: All yes. Absent: None.

Chair Carter declares a recess at 10:47a.m. to convene in Closed Session and reconvenes Regular Session at 12:21 p.m. with all Supervisors present.

Present: John Ketelsen, Interim County Counsel.
Yolanda Tirado, Ann Nordyke, Board Clerks.

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to California Government, Code § 54956.9, Three (3) Cases. He states in case one (1) action was taken to retain Stoel Rives to represent the County in a collection matter and authorized Counsel to open negotiations with Attorney Moran on the collection matter. He further states there was no reportable action taken in the two (2) remaining cases.

PUBLIC EMPLOYEE APPOINTMENT OR EMPLOYMENT – California Government Code Section 54954.4: Title: County Counsel and Director of Public Works (possible second interview). He states no reportable action was taken.

The Board adjourns at 12:22 p.m. to reconvene in Regular Session on May 28, 2013 at the hour of 9:00 a.m.

Thomas A. Indrieri, Vice-Chair

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

BY _____
Ann Nordyke, Deputy Board Clerk II