

Cortina Community Services District
P.O. Box 43
Arbuckle, CA 95912

DIRECTORS
Amy Gibbons, Chair
Rod Bradford, Vice-chair
Terry Wilderman, Treasurer
Karen Gage, Secretary
Victor Grice, Director

Regular Meeting of the Board of Directors

NOTE MEETING LOCATION

Arbuckle Golf Course
5918 Hillgate Rd, Arbuckle, CA 95912
January 28, 2019 at 6 pm

Agenda

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. CHANGES TO ORDER OF AGENDA

5. **PUBLIC COMMENT** (Each speaker is limited to two minutes)

Members of the public are appreciated for taking the time to attend this meeting and provide comments on matters of District business. Any member of the public may address the Board relating to any matter within the Board's jurisdiction. This need not be related to any item on the agenda; however, the Board with cannot act on an item unless it was noticed on the agenda

6. **CONSENT CALENDAR**

Consent Calendar items are considered routine and will be acted upon by one motion. There will be no separate discussion on these items unless a member of the Board, Staff or a member of the Public requests specific items be set aside for separate discussion.

- a) Approval of bills and claims received through January 28, 2019
- b) Receipt and filing of the financial/budget reports through December 2018.
- c) Approval of the minutes of the Special Board Meeting of December 17, 2018.

7. **DISCUSSION AND ACTION ITEMS**

The Board of Directors intends to consider each of the following items and may take action at this meeting. Public comment is allowed on each individual agenda item listed below, and such comment will be considered in advance of each Board action.

- a) Adoption of a Resolution Consolidating Board elections with the Statewide General Election Held in Even-Numbered years
- b) Approve the Engagement of a Qualified Accountancy Firm to Conduct an Independent Audit of the District's Financial Statements for the 2017/18 Fiscal Year
- c) Adoption of a Resolution Approving Agreement with McMurchie Law Office to Serve as General Counsel for the District
- d) Consideration of Adoption of the Uniform Construction Cost Accounting Act Procedures, Relating to the Contracting for Public Works Projects

8. **STAFF AND DIRECTORS REPORTS**

Brief reports may be provided by District staff and/or Board members as information on matters of general interest. No action will be taken by the Board during Reports, however items discussed may be recommended for discussion and action on a future meeting agenda.

9. **ADJOURNMENT**

Meeting agendas and written materials supporting agenda items, if produced, can be received by the public for free in advance of the meeting by any of the following options:

- A paper copy mailed pursuant to a written request and payment of associated mailing fees
- An electronic copy received by email. Note – if you would like electronic copies please email the board at ArbuckleCCSD@gmail.com prior to the Board meeting
- On the CSD Website on the Tuesday proceeding each regular meeting date

A limited amount of meeting materials will also be available at the meeting.

Americans with Disabilities Act Compliance: If you require special assistance to participate in Board Meetings, please contact the board at ArbuckleCCSD@gmail.com. Advance notification will enable the District to make reasonable arrangements to insure accessibility.

SPI
DATE: 01/23/2019
TIME: 16:26:57

COLUSA COUNTY, CA
REVENUE STATUS REPORT

PAGE NUMBER: 1
REVSTA11

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT
TOTALED ON: FUND
PAGE BREAKS ON: FUND

FUND-03511 CRTINA CSD RED RNCH ZN2

ACCOUNT - - - - -	TITLE - - - - -	BUDGET	PERIOD RECEIPTS	RECEIVABLES	YEAR TO DATE RECEIPTS	AVAILABLE BALANCE	YTD/ BUD
410510	PROPERTY ASSMT	129,048.00	.00	.00	.00	129,048.00	.00
441900	INTEREST	3,000.00	.00	.00	4,034.81	-1,034.81	134.49
4419001	INTEREST ADJ TO MKT VALU	-850.00	.00	.00	.00	-850.00	.00
TOTAL	CRTINA CSD RED RNCH ZN2	131,198.00	.00	.00	4,034.81	127,163.19	3.08

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COLUSA COUNTY, CA
REVENUE STATUS REPORT

PAGE NUMBER: 2
REVSTA11

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FUND-03512 CRTINA CSD RVR GLN ZN3

ACCOUNT - - - - -	TITLE - - - - -	BUDGET	PERIOD RECEIPTS	RECEIVABLES	YEAR TO DATE RECEIPTS	AVAILABLE BALANCE	YTD/ BUD
410510	PROPERTY ASSMT	40,517.00	.00	.00	.00	40,517.00	.00
441900	INTEREST	2,500.00	.00	.00	2,470.22	29.78	98.81
TOTAL	CRTINA CSD RVR GLN ZN3	43,017.00	.00	.00	2,470.22	40,546.78	5.74

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COLUSA COUNTY, CA
 REVENUE STATUS REPORT

PAGE NUMBER: 3
 REVSTAll

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
 ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT
 TOTALED ON: FUND
 PAGE BREAKS ON: FUND

FUND-03513 CRTINA CSD WILDWD ES ZN4

ACCOUNT - - - - -	TITLE - - - - -	BUDGET	PERIOD RECEIPTS	RECEIVABLES	YEAR TO DATE RECEIPTS	AVAILABLE BALANCE	YTD/ BUD
410510	PROPERTY ASSMT	4,606.00	.00	.00	.00	4,606.00	.00
441900	INTEREST	200.00	.00	.00	272.77	-72.77	136.39
TOTAL CRTINA CSD WILDWD ES ZN		4,806.00	.00	.00	272.77	4,533.23	5.68
TOTAL REPORT		179,021.00	.00	.00	6,777.80	172,243.20	3.79

SPI
DATE: 01/23/2019
TIME: 16:25:41

COLUSA COUNTY, CA
REVENUE AUDIT TRAIL

PAGE NUMBER: 1
AUDIT41

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
ACCOUNTING PERIOD: 6/19

(INACTIVE ACCOUNTS INCLUDED)

SORTED BY: FUND,ACCOUNT,ACCOUNT,PERIOD

TOTALED ON: FUND,ACCOUNT

PAGE BREAKS ON: FUND

ACCOUNT DATE	T/C	RECEIVE REFERENCE	PAYER/VENDOR	BUDGET	RECEIPTS	RECEIVABLES DESCRIPTION	CUMULATIVE BALANCE
410510	PROPERTY ASSMT						
03511-06	- CRTINA CSD RED RNCH ZN2						
410510	PROPERTY ASSMT			129,048.00	.00	.00 BEGINNING BALANCE	
TOTAL	PROPERTY ASSMT			129,048.00	.00	.00	129,048.00
441900	INTEREST			3,000.00	4,034.81	.00 BEGINNING BALANCE	
TOTAL	INTEREST			3,000.00	4,034.81	.00	-1,034.81
4419001	INTEREST ADJ TO MKT VALUE			-850.00	.00	.00 BEGINNING BALANCE	
TOTAL	INTEREST ADJ TO MKT VALUE			-850.00	.00	.00	-850.00
TOTAL FUND - CRTINA CSD RED RNCH ZN2				131,198.00	4,034.81	.00	127,163.19

* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

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COLUSA COUNTY, CA
 REVENUE AUDIT TRAIL

PAGE NUMBER: 2
 AUDIT41

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 ACCOUNTING PERIOD: 6/19

(INACTIVE ACCOUNTS INCLUDED)

SORTED BY: FUND,ACCOUNT,ACCOUNT,PERIOD

TOTALED ON: FUND,ACCOUNT

PAGE BREAKS ON: FUND

ACCOUNT DATE	T/C	RECEIVE REFERENCE	PAYER/VENDOR	BUDGET	RECEIPTS	RECEIVABLES DESCRIPTION	CUMULATIVE BALANCE
410510		PROPERTY ASSMT					
03512-06 - CRTINA CSD RVR GLN ZN3							
410510		PROPERTY ASSMT		40,517.00	.00	.00 BEGINNING BALANCE	
TOTAL		PROPERTY ASSMT		40,517.00	.00	.00	40,517.00
441900		INTEREST		2,500.00	2,470.22	.00 BEGINNING BALANCE	
TOTAL		INTEREST		2,500.00	2,470.22	.00	29.78
4419001		INTEREST ADJ TO MKT VALUE		.00	.00	.00 BEGINNING BALANCE	
TOTAL		INTEREST ADJ TO MKT VALUE		.00	.00	.00	.00
TOTAL FUND - CRTINA CSD RVR GLN ZN3				43,017.00	2,470.22	.00	40,546.78

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COLUSA COUNTY, CA
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(INACTIVE ACCOUNTS INCLUDED)

SORTED BY: FUND,ACCOUNT,ACCOUNT,PERIOD

TOTALED ON: FUND,ACCOUNT

PAGE BREAKS ON: FUND

ACCOUNT DATE	T/C	RECEIVE REFERENCE	PAYER/VENDOR	BUDGET	RECEIPTS	RECEIVABLES DESCRIPTION	CUMULATIVE BALANCE
410510		PROPERTY ASSMT					
03513-06 - CRTINA CSD WILDWD ES ZN4							
410510		PROPERTY ASSMT		4,606.00	.00	.00 BEGINNING BALANCE	
TOTAL		PROPERTY ASSMT		4,606.00	.00	.00	4,606.00
441900		INTEREST		200.00	272.77	.00 BEGINNING BALANCE	
TOTAL		INTEREST		200.00	272.77	.00	-72.77
4419001		INTEREST ADJ TO MKT VALUE		.00	.00	.00 BEGINNING BALANCE	
TOTAL		INTEREST ADJ TO MKT VALUE		.00	.00	.00	.00
TOTAL FUND - CRTINA CSD WILDWD ES ZN4				4,806.00	272.77	.00	4,533.23
TOTAL REPORT				179,021.00	6,777.80	.00	172,243.20

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COLUSA COUNTY, CA
 EXPENDITURE STATUS REPORT

PAGE NUMBER: 1
 EXPSTAll

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
 ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT
 TOTALED ON: FUND
 PAGE BREAKS ON: FUND

FUND-03511 CRTINA CSD RED RNCH ZN2

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE EXP	AVAILABLE BALANCE	YTD/ BUD
53100	INSURANCE	.00	.00	.00	1,465.59	-1,465.59	.00
53130	MAINTENANCE-STRU,IMP,GRN	37,000.00	891.25	.00	891.25	36,108.75	2.41
53170	OFFICE EXPENSE	531.00	.00	.00	48.13	482.87	9.06
53171	POSTAGE	113.00	.00	.00	.00	113.00	.00
53180	PROF/SPECIALIZED SERVICE	15,242.00	4,926.49	.00	25,119.01	-9,877.01	164.80
53190	PUBLICAT & LEGAL NOTICES	150.00	.00	.00	11.68	138.32	7.79
53260	UTILITIES	10,098.00	1,007.90	.00	5,566.06	4,531.94	55.12
	TOTAL CRTINA CSD RED RNCH ZN2	63,134.00	6,825.64	.00	33,101.72	30,032.28	52.43

SPI
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COLUSA COUNTY, CA
 EXPENDITURE STATUS REPORT

PAGE NUMBER: 2
 EXPSTAll

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
 ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT
 TOTALED ON: FUND
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FUND-03512 CRTINA CSD RVR GLN ZN3

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE EXP	AVAILABLE BALANCE	YTD/ BUD
53100	INSURANCE	.00	.00	.00	414.19	-414.19	.00
53130	MAINTENANCE-STRU,IMP,GRN	14,000.00	.00	.00	.00	14,000.00	.00
53170	OFFICE EXPENSE	150.00	.00	.00	16.15	133.85	10.77
53171	POSTAGE	32.00	.00	.00	.00	32.00	.00
53180	PROF/SPECIALIZED SERVICE	4,325.00	1,663.39	.00	7,496.12	-3,171.12	173.32
53190	PUBLICAT & LEGAL NOTICES	38.00	.00	.00	11.66	26.34	30.68
53260	UTILITIES	4,226.00	359.43	.00	2,812.51	1,413.49	66.55
	TOTAL CRTINA CSD RVR GLN ZN3	22,771.00	2,022.82	.00	10,750.63	12,020.37	47.21

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COLUSA COUNTY, CA
 EXPENDITURE STATUS REPORT

PAGE NUMBER: 3
 EXPSTAll

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
 ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT
 TOTALED ON: FUND
 PAGE BREAKS ON: FUND

FUND-03513 CRTINA CSD WILDWD ES ZN4

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE EXP	AVAILABLE BALANCE	YTD/ BUD
53100	INSURANCE	.00	.00	.00	329.23	-329.23	.00
53130	MAINTENANCE-STRU,IMP,GRN	250.00	.00	.00	.00	250.00	.00
53170	OFFICE EXPENSE	119.00	.00	.00	11.80	107.20	9.92
53171	POSTAGE	25.00	.00	.00	.00	25.00	.00
53180	PROF/SPECIALIZED SERVICE	3,433.00	396.00	.00	2,525.16	907.84	73.56
53190	PUBLICAT & LEGAL NOTICES	30.00	.00	.00	11.66	18.34	38.87
53260	UTILITIES	1,693.00	118.88	.00	484.87	1,208.13	28.64
	TOTAL CRTINA CSD WILDWD ES ZN	5,550.00	514.88	.00	3,362.72	2,187.28	60.59
TOTAL REPORT		91,455.00	9,363.34	.00	47,215.07	44,239.93	51.63

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COLUSA COUNTY, CA
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 1
 AUDIT21

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
 ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT

TOTALED ON: FUND

PAGE BREAKS ON: FUND

FUND - 03511 - CRTINA CSD RED RNCH ZN2
 DEPARTMENT - 03511 - CRTINA CSD RED RNCH ZN2

ACCOUNT	DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
03511-06 - CRTINA CSD RED RNCH ZN2										
53100						.00	1,465.59	.00	BEGINNING BALANCE	
TOTAL						.00	1,465.59	.00		-1,465.59
53130						37,000.00	.00	.00	BEGINNING BALANCE	
	12/31/18	21-6		388014	1017838		435.00	.00	435108 11/15/18	
	12/31/18	21-6		388014	1017838		456.25	.00	435107 11/15/18	
TOTAL						37,000.00	891.25	.00		36,108.75
53170						531.00	48.13	.00	BEGINNING BALANCE	
TOTAL						531.00	48.13	.00		482.87
53171						113.00	.00	.00	BEGINNING BALANCE	
TOTAL						113.00	.00	.00		113.00
53180						15,242.00	20,192.52	.00	BEGINNING BALANCE	
	12/06/18	21-6		387356	1023191		33.00	.00	98794 11/22	
	12/06/18	21-6		387329	1017838		478.56	.00	435110 11/25/18	
	12/06/18	21-6		387329	1017838		578.43	.00	435113 11/25/18	
	12/06/18	21-6		387347	1023113		1,600.50	.00	112618 11/26/18	
	12/31/18	21-6		388014	1017838		2,236.00	.00	435187 11/25/18	
TOTAL						15,242.00	25,119.01	.00		-9,877.01
53190						150.00	11.68	.00	BEGINNING BALANCE	
TOTAL						150.00	11.68	.00		138.32
53230						.00	.00	.00	BEGINNING BALANCE	
TOTAL						.00	.00	.00		.00
53260						10,098.00	4,558.16	.00	BEGINNING BALANCE	

* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SPI
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COLUSA COUNTY, CA
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 2
 AUDIT21

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
 ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT

TOTALED ON: FUND

PAGE BREAKS ON: FUND

FUND - 03511 - CRTINA CSD RED RNCH ZN2
 DEPARTMENT - 03511 - CRTINA CSD RED RNCH ZN2

ACCOUNT	DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
53260										
					(cont'd)					
	12/06/18	21-6		387325	2655 ARBUCKLE PUBLIC		332.77	.00	102652 11/1/18	
	12/27/18	21-6		387876	2655 ARBUCKLE PUBLIC		248.20	.00	103262 12/3/18	
	12/28/18	21-6		387976	47035 P G & E		426.93	.00	0567425016-1 11/27/18	
TOTAL		UTILITIES				10,098.00	5,566.06	.00		4,531.94
55500						.00	.00	.00	BEGINNING BALANCE	
TOTAL		AGENCY EXPENSES				.00	.00	.00		.00
TOTAL FUND - CRTINA CSD RED RNCH ZN2						63,134.00	33,101.72	.00		30,032.28

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SPI
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COLUSA COUNTY, CA
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 3
 AUDIT21

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
 ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT

TOTALED ON: FUND

PAGE BREAKS ON: FUND

FUND - 03512 - CRTINA CSD RVR GLN ZN3
 DEPARTMENT - 03512 - CRTINA CSD RVR GLN ZN3

ACCOUNT	DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
03512-06 - CRTINA CSD RVR GLN ZN3										
53100						.00	414.19	.00	BEGINNING BALANCE	
TOTAL						.00	414.19	.00		-414.19
53130						14,000.00	.00	.00	BEGINNING BALANCE	
TOTAL						14,000.00	.00	.00		14,000.00
53170						150.00	16.15	.00	BEGINNING BALANCE	
TOTAL						150.00	16.15	.00		133.85
53171						32.00	.00	.00	BEGINNING BALANCE	
TOTAL						32.00	.00	.00		32.00
53180						4,325.00	5,832.73	.00	BEGINNING BALANCE	
	12/06/18	21-6		387347	1023113 KAMPA COMMUNITY		436.50	.00	112618 11/26/18	
	12/06/18	21-6		387329	1017838 BOTANICA LANDSCA		558.89	.00	435114 11/25/18	
	12/06/18	21-6		387356	1023191 STREAMLINE		9.00	.00	98794 11/22	
	12/31/18	21-6		388014	1017838 BOTANICA LANDSCA		659.00	.00	435188 11/25/18	
TOTAL						4,325.00	7,496.12	.00		-3,171.12
53190						38.00	11.66	.00	BEGINNING BALANCE	
TOTAL						38.00	11.66	.00		26.34
53230						.00	.00	.00	BEGINNING BALANCE	
TOTAL						.00	.00	.00		.00
53260						4,226.00	2,453.08	.00	BEGINNING BALANCE	
	12/06/18	21-6		387325	2655 ARBUCKLE PUBLIC		81.71	.00	102653 11/1/18	
	12/27/18	21-6		387876	2655 ARBUCKLE PUBLIC		58.84	.00	103261 12/3/18	
	12/28/18	21-6		387976	47035 P G & E		10.84	.00	5777187996-2 11/27/18	

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COLUSA COUNTY, CA
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 4
 AUDIT21

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
 ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT

TOTALED ON: FUND

PAGE BREAKS ON: FUND

FUND - 03512 - CRTINA CSD RVR GLN ZN3
 DEPARTMENT - 03512 - CRTINA CSD RVR GLN ZN3

ACCOUNT	DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
53260										
				(cont'd)						
	12/28/18	21-6		387976	47035 P G & E		208.04	.00	0567425016-1 11/27/18	
TOTAL		UTILITIES				4,226.00	2,812.51	.00		1,413.49
55500						.00	.00	.00	BEGINNING BALANCE	
TOTAL		AGENCY EXPENSES				.00	.00	.00		.00
TOTAL FUND - CRTINA CSD RVR GLN ZN3						22,771.00	10,750.63	.00		12,020.37

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COLUSA COUNTY, CA
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 5
 AUDIT21

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
 ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT

TOTALED ON: FUND

PAGE BREAKS ON: FUND

FUND - 03513 - CRTINA CSD WILDWD ES ZN4
 DEPARTMENT - 03513 - CRTINA CSD WILDWD ES ZN4

ACCOUNT	DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
03513-06 - CRTINA CSD WILDWD ES ZN4										
53100						.00	329.23	.00	BEGINNING BALANCE	
TOTAL						.00	329.23	.00		-329.23
53130						250.00	.00	.00	BEGINNING BALANCE	
TOTAL						250.00	.00	.00		250.00
53170						119.00	11.80	.00	BEGINNING BALANCE	
TOTAL						119.00	11.80	.00		107.20
53171						25.00	.00	.00	BEGINNING BALANCE	
TOTAL						25.00	.00	.00		25.00
53180						3,433.00	2,129.16	.00	BEGINNING BALANCE	
	12/06/18	21-6		387347	1023113 KAMPA COMMUNITY		388.00	.00	112618 11/26/18	
	12/06/18	21-6		387356	1023191 STREAMLINE		8.00	.00	98794 11/22	
TOTAL						3,433.00	2,525.16	.00		907.84
53190						30.00	11.66	.00	BEGINNING BALANCE	
TOTAL						30.00	11.66	.00		18.34
53260						1,693.00	365.99	.00	BEGINNING BALANCE	
	12/28/18	21-6		387976	47035 P G & E		118.88	.00	0567425016-1 11/27/18	
TOTAL						1,693.00	484.87	.00		1,208.13
55500						.00	.00	.00	BEGINNING BALANCE	
TOTAL						.00	.00	.00		.00
TOTAL FUND - CRTINA CSD WILDWD ES ZN4						5,550.00	3,362.72	.00		2,187.28

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COLUSA COUNTY, CA
EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 6
AUDIT21

SELECTION CRITERIA: orgn.fund between '03511' and '03513'
ACCOUNTING PERIOD: 6/19

SORTED BY: FUND,ACCOUNT

TOTALED ON: FUND

PAGE BREAKS ON: FUND

FUND - 03513 - CRTINA CSD WILDWD ES ZN4
DEPARTMENT - 03513 - CRTINA CSD WILDWD ES ZN4

ACCOUNT									CUMULATIVE
DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	BALANCE
TOTAL REPORT					91,455.00	47,215.07	.00		44,239.93

* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SPI
DATE: 01/23/2019
TIME: 16:28:17

COLUSA COUNTY, CA
PRINT BALANCE SHEETS BY FUND

PAGE NUMBER: 1
STATMN11

SELECTION CRITERIA: genledgr.fund between '03511' and '03513'
ACCOUNTING PERIOD: 6/19

FUND - 03511 - CRTINA CSD RED RNCH ZN2

ACCOUNT - - - - -	TITLE - - - - -	DEBITS	CREDITS
10100	CASH IN TREASURY	353,793.41	
11109	GAIN/LOSS INVEST-MARKT VL		5,107.59
	TOTAL CASH IN TREASURY	353,793.41	5,107.59
	TOTAL ASSETS	353,793.41	5,107.59
20710	WARRANTS PAYABLE		3,802.38
	TOTAL ACCOUNTS PAYABLE	.00	3,802.38
	TOTAL LIABILITIES	.00	3,802.38
31960	FUND BALANCE-UNRESERVED		373,950.35
	TOTAL FUND BALANCE-UNRESERVED	.00	373,950.35
	TOTAL CONTROL ACCOUNTS	164,299.72	135,232.81
	TOTAL EQUITIES	164,299.72	509,183.16
	TOTAL CRTINA CSD RED RNCH ZN2	518,093.13	518,093.13

SPI
DATE: 01/23/2019
TIME: 16:28:17

COLUSA COUNTY, CA
PRINT BALANCE SHEETS BY FUND

PAGE NUMBER: 2
STATMN11

SELECTION CRITERIA: genledgr.fund between '03511' and '03513'
ACCOUNTING PERIOD: 6/19

FUND - 03512 - CRTINA CSD RVR GLN ZN3

ACCOUNT - - - - -	TITLE - - - - -	DEBITS	CREDITS
10100	CASH IN TREASURY	220,643.70	
11109	GAIN/LOSS INVEST-MARKT VL		3,082.72
TOTAL	CASH IN TREASURY	220,643.70	3,082.72
TOTAL	ASSETS	220,643.70	3,082.72
20710	WARRANTS PAYABLE		936.72
TOTAL	ACCOUNTS PAYABLE	.00	936.72
TOTAL	LIABILITIES	.00	936.72
31960	FUND BALANCE-UNRESERVED		224,904.67
TOTAL	FUND BALANCE-UNRESERVED	.00	224,904.67
TOTAL	CONTROL ACCOUNTS	53,767.63	45,487.22
TOTAL	EQUITIES	53,767.63	270,391.89
TOTAL	CRTINA CSD RVR GLN ZN3	274,411.33	274,411.33

SPI
DATE: 01/23/2019
TIME: 16:28:17

COLUSA COUNTY, CA
PRINT BALANCE SHEETS BY FUND

PAGE NUMBER: 3
STATMN11

SELECTION CRITERIA: genledgr.fund between '03511' and '03513'
ACCOUNTING PERIOD: 6/19

FUND - 03513 - CRTINA CSD WILDWD ES ZN4

ACCOUNT - - - - -	TITLE - - - - -	DEBITS	CREDITS
10100	CASH IN TREASURY	22,571.41	
11109	GAIN/LOSS INVEST-MARKT VL		344.17
	TOTAL CASH IN TREASURY	22,571.41	344.17
	TOTAL ASSETS	22,571.41	344.17
20710	WARRANTS PAYABLE		118.88
	TOTAL ACCOUNTS PAYABLE	.00	118.88
	TOTAL LIABILITIES	.00	118.88
31960	FUND BALANCE-UNRESERVED		25,198.31
	TOTAL FUND BALANCE-UNRESERVED	.00	25,198.31
	TOTAL CONTROL ACCOUNTS	8,912.72	5,822.77
	TOTAL EQUITIES	8,912.72	31,021.08
	TOTAL CRTINA CSD WILDWD ES ZN4	31,484.13	31,484.13
	TOTAL REPORT	823,988.59	823,988.59

RESOLUTION #2019-01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CORTINA COMMUNITY SERVICES DISTRICT CONSOLIDATING BOARD ELECTIONS WITH THE STATEWIDE GENERAL ELECTION HELD IN EVEN-NUMBERED YEARS

WHEREAS, the Cortina Community Services District (District) conducts Board elections in odd numbered years;

WHEREAS, voter participation would likely be greater and election costs lower if Board elections were held on the same day as statewide general elections, in even-numbered years; and

WHEREAS, District elections are conducted under California's Uniform District Election Law, Election Code sections 10500 et. seq.;

WHEREAS, consolidation of District elections are governed by California Elections Code section 10404 which authorizes special districts to adopt a resolution to consolidate their Board elections with the statewide general election, subject to County Board of Supervisors approval;

WHEREAS, the District has provided public notices pursuant to Section 25151 of the Government Code of the proceedings in which this resolution is to be considered for adoption; and

WHEREAS, the District is located solely in Colusa County;

NOW, THEREFORE, BE IT RESOLVED that the elections for the Cortina Community Services District Board which currently occur in odd numbered years, are hereby consolidated to occur regularly on the same date as the statewide general election occurring in even-numbered years;

BE IT FURTHER RESOLVED that all date and other procedures pertaining to such elections shall be consistent with the primary or general election with respect to nominations, notice, canvass of votes, certification of election, and all other procedural requirements of the Elections Code pertaining to the primary or general election, in compliance with Elections Code section 10404(b)(1);

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately, and shall be submitted to the Colusa County Board of Supervisors no later than 240 days prior to the date of the currently scheduled 2019 District election, making the following requests:

- a. That the Colusa County Board of Supervisors notify all districts located in their county of the District's resolution to consolidate and request input from each district on the effect of consolidation;
- b. That the Colusa County Board of Supervisors authorize and direct their elections official to prepare and transmit to them an impact analyses of the proposed consolidation, including reports on the cost-effectiveness of the proposed action;

- c. That the Colusa County Board of Supervisors adopt a resolution approving this Resolution, within 60 days from the date of its submission, and specify that henceforth, the District's Board elections shall occur regularly on the same date as statewide general elections occurring in even-numbered years, with the first such election occurring on November 3, 2020, unless they find that their ballot styles, voting equipment, or computer capacities are such that additional elections or materials cannot be handled;
- d. That Colusa County issue public notices of the proceedings in which their resolution is to be considered for adoption, pursuant to Section 25151 of the Government Code; and
- e. That if they approve this Resolution, the Colusa County Board of Supervisors authorize and direct their elections official to deliver by mail at the District's expense, the payment of which is hereby authorized, notice to all registered voters of the District within their jurisdiction of said approval.

PASSED AND ADOPTED this 28th day January 2019 by the following vote:

AYES:

NOES:

ABSENT:

Amy Gibbons, Board Chair
Cortina Community Services District

ATTEST: _____
Karen Gage, Secretary of the Board of Directors
Cortina Community Services District

RESOLUTION NO. 2019-02

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CORTINA COMMUNITY SERVICES DISTRICT
APPROVING AGREEMENT WITH MCMURCHIE LAW OFFICE
FOR SERVICES AS GENERAL DISTRICT COUNSEL**

WHEREAS, the District requires legal assistance, counsel and guidance on an occasional basis to ensure compliance with law and to protect the District from liability; and

WHEREAS, the District seeks to engage the services of a legal firm qualified and experienced in legal matters associated with special districts in California; and

WHEREAS, the District has received a proposal for legal services from McMurchie Law, a firm with 40 years experience in special districts; and

WHEREAS, the District desires to enter into agreement with McMurchie law to serve as General Legal Counsel for the District.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE CORTINA COMMUNITY SERVICES DISTRICT DOES HEREBY approves and directs the General Manager to execute a professional consulting services Agreement with McMurchie Law.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Cortina Community Services District on January 28, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CERTIFICATE OF SECRETARY

I, Karen Gage, the duly appointed and acting Secretary of the Board of Directors of the Cortina Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Cortina Community Services District, duly called and held on January 28, 2019.

DATED: _____.



101 Parkshore Drive, Suite 100, Folsom, CA 95630 [916] 983-8000

DAVID W. McMURCHIE
dmcurchie@mcmurchie.com

VICKI E. HARTIGAN
vhartigan@mcmurchie.com

LEGAL SERVICES PROPOSAL

CORTINA COMMUNITY SERVICES DISTRICT

January 24, 2019

1. Background in Public Entity Law and Statement of Experience

In January 2006, I formed my own firm specializing in public agency law with an emphasis in special districts, employment issues, insurance issues, and joint powers authorities. Prior to January 2006, I was employed with the firm of McMurchie, Weill, Lenahan, Lee, Slater & Pearse for twenty-eight years, as a partner for twenty-five years and as managing partner for two years. I have represented special districts for thirty-six years.

That firm was formed by my father, Donald W. McMurchie, in 1952 and commenced providing legal services and representation to primarily recreation and park districts in the early 1950s when the firm was actively involved in the initial master planning and bond financing for the formation of several recreation and park districts within Sacramento County. I have continued to represent those recreation and park districts on a wide variety of legal issues both as General Counsel and Special Counsel up to the present time and have steadily expanded the scope of my services and the variety of my public entity clientele since that time.

Currently, I provide legal services for recreation and park districts, community services districts, water districts of various types, fire protection districts, sanitation districts, public utility districts, cemetery districts, mosquito abatement districts, harbor and port districts, and joint powers authorities.

I also represent two non-profit corporations that are associations of member special districts which provide education and legislative advocacy to those member districts. Those two non-profit associations are the California Special Districts Association and the Fire Districts Association of California.

I have served as General Counsel for the California Special Districts Association since 1985, which is a non-profit corporation consisting of over one thousand (1,000) member special districts of various types located throughout the state formed for the purpose of providing legislative advocacy services, financial services and educational programs to member districts. I serve as General Counsel to the California Special Districts Association and provide advice on its corporate operations and membership programs. I also analyze all legislation potentially impacting special districts and advise the California Special District Association's Legislative Advocacy staff on the legal implications of such proposed legislation on the operations of California special districts. As General Counsel, I also provide legal consultation to member districts through the California Special Districts Association Member District Legal Services Program which affords all member districts one hour of free legal consultation per year on a wide variety of legal issues impacting those member districts.

I have also been instrumental in the formation and administration of the California Special Districts Association Finance Corporation. I currently serve as General Counsel to the California Special Districts Association Finance Corporation, which is a non-profit corporation designed to assist special districts in financing of their capital improvement projects at attractive interest rates by means of a lease financing program which markets Certificates of Participation in the municipal bond market. I also assisted in the formation and serve as General Counsel to the WasteReuse Finance Authority which has operated a similar lease financing program targeting projects which promote water reclamation, water recycling and water reuse. I also formed and

serve as General Counsel to the California Transit Finance Corporation which operates lease financing programs for the benefit of transit agencies which are members of the California Transit Association. Through this experience I have developed contacts with bond counsel, underwriters, financial advisers and their respective legal counsel throughout the state, which contacts can be of benefit to your District in analyzing its financial options and planning for the future.

I have also been at the forefront in the development and administration of joint powers authorities among special districts by which special districts self-insure their liability for workers' compensation insurance and general liability insurance. In the past, I have served as General Counsel for the California Association for Park and Recreation Insurance (CAPRI), now known as the California Association for Park and Recreation Indemnity. I also served as Legal Counsel and the administrator of the Special Districts Workers' Compensation Authority (SDWCA) for ten years, which is a risk sharing pool for workers' compensation benefits serving members of the California Special Districts Association. SDWCA was consolidated into the Special District Risk Management Authority (SDRMA) in 2001. I currently serve as Special Counsel to Special District Risk Management Authority analyzing the legal implications of all legislation dealing with workers' compensation issues as well as tort liability issues which impact the workers' compensation and general liability coverage programs offered by SDRMA to CSDA member districts.

I also serve as Special Counsel to the Fire Districts Association of California, which is a non-profit association consisting of a number of fire protection districts in the State of California which provides membership programs, education, and legislative advocacy services before the Legislature to fire protection districts. I review case law impacting the operations of fire districts, provide advice to the Fire Districts Association of California as to when they should become involved as Friends of the Court (*amicus curiae*) in such appellate proceedings, and draft all *amicus curiae* briefs and supporting documentation in such appellate litigation in which the Fire Districts Association of California decides to become involved. I perform similar case law analysis and *amicus curiae* representation for the California Special Districts Association.

In addition, I formed and serve as General Counsel to the Fire Districts Association of California Employment Benefits Authority, a California joint powers authority established for the purpose of providing medical insurance together with affiliated insurance programs with respect to life insurance, vision insurance, dental insurance, etc., to fire protection districts that are members of the joint powers authority and the Fire Districts Association of California. The Fire Districts Association Employment Benefits Authority provides medical insurance and affiliated insurance benefits to employees and Board members of California fire protection districts, as well as to retirees. I advise the joint powers authority regarding its operations, develop operational policies which govern its operations and draft all contracts between the joint powers authority and the various consultants required to operate group health and affiliated insurance programs such as brokers, actuaries, insurers, etc.

2. License to Practice in California

The firm consists of David W. McMurchie, SBN 078865, Owner; and Vicki E. Hartigan, SBN 170307, Associate. Both David McMurchie and Vicki Hartigan are licensed to practice law

in the State of California and have no record of any disciplinary proceedings or complaints before the State Bar of California.

3. Independence and Conflicts of Interest

McMurchie Law is a sole proprietorship owned by David W. McMurchie, has no prior business relationship with the District and is independent of the District. A review of the firm's current clients and business interests reveals no potential conflicts of interest that may impair our ability to provide General Counsel services to the District.

4. Insurance Requirements

A. The firm maintains the following insurance coverages:

(1) Workers' Compensation and Employer's Liability Insurance in accordance with the laws of the State of California with a statutory limit for workers' compensation coverage and a policy limit for employer's liability coverage of not less than five hundred thousand dollars (\$500,000) per occurrence with one million dollars (\$1,000,000) aggregate coverage.

(2) Commercial General Liability and Bodily Injury Insurance with a policy limit of one million dollars (\$1,000,000) combined limit for bodily injury and property damage.

(3) Errors and Omissions coverage covering the performance of the work by this firm and the provision of legal services with limits of not less than one million dollars (\$1,000,000) per occurrence combined single limit.

(4) General Liability Policy includes contractual liability. The firm does not anticipate subcontracting any work to be performed pursuant to this Proposal.

(5) Automobile Liability and Property Damage Insurance including hired and non-owned automobiles used in connection with performance of the work with limits of not less than one million dollars (\$1,000,000) per person/per occurrence.

(6) Coverage for loss of customer data or data breach with limits of not less than one million dollars (\$1,000,000).

The firm will provide Certificates of Insurance specifying the above coverages and/or any endorsements required by the District naming the District, its officers, employees and agents as additional insureds under the applicable policies. The firm will also provide either Certificates of Insurance or an attached rider that certifies that the firm's insurance will act as primary insurance for work performed by this firm and that no insurance carried by the District will be called upon to cover any loss covered by this firm's insurance coverages.

B. Indemnification Requirements

The firm will agree to indemnify, hold harmless and defend the District, its Board of Directors, employees, agents and volunteers from any and all liability or financial loss

including legal expenses and costs of expert witnesses and consultants resulting from any suits, claims losses or actions brought by any person or persons by reason of any injury arising directly or indirectly from the activities or operations of this firm, including any agents, employees or subcontractors of this firm in the performance of a legal services agreement with the District. This firm agrees that this covenant shall survive the termination of this agreement.

5. Firm Qualifications and Experience

McMurchie Law is a small firm composed of two individuals, and specializes in providing legal services to special districts in the Northern California region. The owner of the firm, David W. McMurchie, has been engaged in that practice for 41 years. In addition, the firm represents joint powers authorities on a statewide basis. Finally, the firm represents non-profit corporations which are associations of special district members, which representation is also on a statewide basis as the business operations of such associations are on a statewide basis. The firm has one office in Folsom, California from which it services all of its clients. David W. McMurchie will be primarily responsible for providing legal services to the District on a full-time basis. He will be assisted by his associate, Vicki Hartigan, who will be employed on a part-time basis to serve the legal needs of the District. David W. McMurchie is the contact person for this Proposal as the owner of McMurchie Law and is authorized to answer all questions and bind the firm to the promises and covenants contained in this Proposal.

A. Statement of Qualifications and Scope of Work.

More specifically, I and the firm have represented special districts and provided legal advice and consultation on a wide variety of issues:

(1) Advice and consultation regarding open meeting, notice, agenda, and closed session requirements of the Brown Act;

(2) Advice and consultation regarding the provisions of and means of compliance with the requirements of the Public Records Act;

(3) Advice and consultation regarding the requirements of the Political Reform Act of 1974 as it applies to special districts including regulations on conflict of interest and mass mailings, including economic disclosure requirements and Government Code section 1090 contract conflicts of interest;

(4) A wide variety of employment law problems including the hiring, firing, and discipline of personnel; the drafting of complete policy and procedure manuals for personnel matters; conducting employment discrimination and harassment investigations; defense of wrongful termination claims; litigation of complaints of harassment and discrimination in violation of the Fair Employment and Housing Act before the Fair Employment and Housing Commission and the Equal Opportunity Employment Commission; the defense of workers' compensation claims, Labor Code section 132(a) discrimination claims and serious and willful misconduct claims against public entity employers;

(5) The drafting of legal agreements and contracts including operational policy and procedure manuals, financial policies, employment contracts, construction contracts, architectural services contracts, engineering contracts, landscape maintenance contracts, bid instructions and specifications, independent contractor agreements, park, water, and sewer ordinances, fee ordinances, encroachment ordinances, development agreements, annexation agreements, concessionaire agreements, agreements for purchase and sale of real property, easements, licenses, and rights of way;

(6) Construction contract consultation and litigation including issues such as contractor breach, prevailing wage requirements, bid requirements of the Public Contract Code, alternative bid procedures available through the Uniform Public Construction Cost Accounting Act, architect errors and omissions, and liabilities and obligations of bond sureties upon contract abandonment;

(7) Reorganization proceedings including annexations, detachments, and consolidations, including appearances before LAFCO, city councils, and Boards of Supervisors;

(8) Consultation regarding formation and operation of a variety of assessment districts, the implications of Proposition 218 with respect to assessment district administration, and assessment backed public works financing alternatives;

(9) Consultation regarding the implications of Proposition 218 on property related fees such as water, sewer and garbage fees and charges, the process for property owner approval of such fees, and public works financing alternatives secured by a pledge of rate revenue;

(10) Consultation on issues regarding the enactment, scope, and enforcement of developer impact fees, standby and capacity charges, and user fees;

(11) Consultation regarding the implications of the provisions of Proposition 26 on various types of fees levied by special districts;

(12) Trial, appellate court experience and administrative hearing experience with respect to CEQA issues, employment harassment and discrimination claims, construction contract and architect's errors and omissions issues, workers' compensation, Labor Code section 132a discrimination claims, serious and willful misconduct claims;

(13) Advice regarding eminent domain procedures and litigation;

(14) Formation and administration of assessment districts pursuant to the Landscaping and Lighting Act of 1972 and special tax districts pursuant to the Mello-Roos Community Facilities District Act;

(15) Familiarity with state legislation and budget processes impacting special districts through experience reviewing, analyzing and drafting legislation of interest to the membership of the California Special Districts Association, the Fire District Association of California, and the Special District Risk Management Authority;

(16) Advice regarding the requirements and provisions of the Quimby Act providing for dedication of land or payment of in lieu fees to public agencies providing recreation and park services to new subdivisions;

(17) Advice regarding the application of the Uniform District Election Law to the elections conducted by the District;

(18) Advice and consultation regarding insurance coverage issues and claims procedures applicable to the filing of third party claims against the District including the scope of coverage and defense obligations afforded by the District's general liability and workers' compensation coverage memoranda;

(19) Drafting joint powers agreements and joint use agreements between the District and other public agencies regarding the terms and conditions of providing shared public services; and

(20) Consultation regarding communications with and Notices of Violations from Regional Water Quality Control Boards, including drafting of relevant documents and experience in conducting settlement negotiations with the Regional Boards.

Regarding litigation experience, during the last ten years the firm has been extensively involved in litigation involving construction contract disputes and architect's errors and omissions disputes with respect to the construction of capital improvement projects for special districts. Those cases have been resolved at the trial level or have been resolved through settlement. We have also been involved in CEQA litigation at the trial and appellate level, which litigation has resulted in new legal standards regarding the timing of CEQA analysis in connection with the approval of a development project. My firm concentrates on reducing litigation potential by providing proactive legal advice based on the most current legislative and case law developments.

I have also conducted seminars, trainings, and have addressed various local community groups as well as the membership of the California Special Districts Association, the California Association of Recreation and Park Districts, and the Fire Districts Association of California on recent developments in these areas of the law, most notably the Brown Act, the Public Records Act, and the various statutory provisions regarding conflicts of interest and capital improvement financing alternatives available to special districts.

I also offer specialized intensive training sessions for Board members and staff on these issues as well as issues regarding AB 1234 ethics training, sexual harassment training, Board member liability training, and conflict of interest training.

6. Staff Qualifications and Experience

As indicated above, David W. McMurchie will be the primary contact and will provide the majority of legal services to be provided pursuant to this Proposal. Mr. McMurchie has 41 years experience in providing the variety of services specified in Section 5 to special districts and joint powers authorities throughout the state.

Ms. Hartigan has been an attorney representing local governments in California and Nevada since 1993. She has formerly worked for a firm which provided legal services to the Tahoe Regional Planning Authority. Ms. Hartigan has worked with Mr. McMurchie practicing public agency law with an emphasis on employment issues since 1997. Ms. Hartigan's experience involves working with the same clients as those to whom Mr. McMurchie has provided services.

7. **Operational Policies**

My working relationship with my special district and public agency clients consists of the following essential requirements: (a) telephonic or email response to all inquiries within 24 hours of receipt; (b) designation of contact person at the district who is authorized to contact District General Counsel so as to avoid response to communications from individual board members or staff who are not authorized to contact District General Counsel; (c) monthly status reports on all projects assigned by the district; (d) monthly status reports on all litigation conducted on behalf of the district; (e) monthly legal counsel status report at each regular meeting of the Board of Directors regarding non-confidential matters such as new legislative developments and new case law potentially impacting the district's operations; (f) establishment of a computerized calendar system to ensure that all legal inquiries are responded to within 24 hours and that all continuing legal matters receive status reports from this firm on not less than a 30-day periodic basis; and (g) periodic meetings with general manager and department heads to accumulate factual evidence to support the analysis of legal issues assigned by the district to General Counsel for review and opinion.

8. **References**

As business references, the firm provides the following contact information for three (3) special district clients for which the firm has provided general legal services for an extended period of time.

Southgate Recreation and Park District
Ward Winchell, General Manager
6000 Orange Avenue
Sacramento, CA 95823
916.428.1171 ext. 11
wwinchell@southgaterecandpark.net

Orangevale Recreation and Park District
Greg Foell, District Administrator
6826 Hazel Avenue
Orangevale, CA 95662
916.988.4373
foellorpd@ovparks.com

9. Delegation or Subcontracting of Legal Responsibilities

The firm does not anticipate delegating or subcontracting any legal responsibilities specified in the RFP. However, if such delegation or subcontracting becomes necessary, the firm commits to obtain the District's prior written consent before any such delegation.

10. Value-Added Services

The firm will provide free periodic legislative updates to the District detailing the specific provisions of the legislation which may impact the District's operations, explaining the potential impact of the proposed legislation on District operations, and provide an analysis of legislative efforts under way to either support or oppose the legislation. In addition, the firm provides free periodic updates on appellate cases that raise legal issues that may affect District operations and facilities. Such periodic legislative and appellate court analyses and reports are provided when these issues first arise, in order to permit the District to take proactive action in response to such developments.

11. Cost Proposal and Additional Services

A. Compensation and Reimbursements.

My firm is willing to provide all legal services required by the District on a time and expense basis which includes routine "General Counsel" work consisting of advice, consultation and opinions to the District Board of Directors and staff, preparation and review of contracts, resolutions, ordinances, and other required documents; attendance at District Board meetings; providing advice and consultation regarding new legislation and court decisions impacting the District and any other legal services specifically requested by the District. The work will be performed primarily by myself. The standard hourly rate for these services is \$270.00 (Two Hundred Seventy Dollars) per hour. The work performed by my associate, Vicki Hartigan, will be billed at the rate of \$250.00 (Two Hundred Fifty Dollars) per hour. This hourly rate includes any extraordinary or special services requested by the District to be provided over and beyond "General Counsel" services. We will advance all expenses including printing, photocopying, postage, Federal Express and facsimile. Charges for photocopying and/or reproduction of documents are \$0.25 cents per page. Larger reproduction projects involving briefs for litigation will be sent to an outside provider and those costs will be billed to the District at cost with no markup. We also charge Federal Express charges incurred at cost with no markup. We do not bill for facsimile or telephone call charges. We do not bill for secretarial/word processing time.

The firm uses the computerized eBillity Time Tracker Program for billing of legal services rendered. Time is billed in one-tenth hour increments for each attorney working on the file in accordance with the hourly rates specified above. If you wish the firm to prepare separate invoices for each subject matter provided by the firm, the program is capable of providing separate invoices.

The firm's only office is located in Folsom, California, approximately 20 miles east of Sacramento. My standard of practice has always been to respond to client inquiries within 24 hours and I am available by phone or email at any time should the District find it necessary to contact me outside of normal business hours.

12. Conclusion

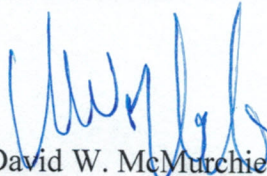
I believe that my experience providing General Counsel and Special Counsel services to a wide variety of special districts throughout the state, as well as my long term involvement with several statewide associations of special districts including the California Special Districts Association, the California Association of Recreation and Park Districts, and the Fire Districts Association of California provides my firm unique expertise with which to provide legal advice, consultation and representation to Cortina Community Services District.

The above "Proposal" contains a Statement of Qualifications and Scope of Work which details the variety of issues with which the firm has experience in representing community services districts and other special districts throughout the state. The Proposal constitutes a commitment on behalf of this firm to perform those services included in the Scope of Legal Services detailed in the RFP as well as the Scope of Work specified in our Proposal's Statement of Qualifications and Scope of Work. Information in the section of our Proposal entitled Cost Proposal and Additional Services constitutes a firm and irrevocable offer by my firm to perform the activities as specified in the Scope of Work for the stated period of the contract for the amount of compensation specified in the Cost Proposal and Additional Services as required by the RFP.

Finally, and perhaps most importantly, the firm is committed to the growth and development of the special district form of government and has been actively involved on a local and statewide basis in promoting the interests of special districts such as yours for many years.

I would be happy to answer any questions regarding this Proposal and would welcome an opportunity to meet personally with the Board of Directors and answer any questions or address any concerns which they may have about my firm, its background and experience, or this Response to Request for Proposal – General Counsel Services for the District.

MCMURCHIE LAW FIRM



David W. McMurchie

BOARD MEETING AGENDA SUBMITTAL

MEETING DATE: January 28, 2019

ITEM SUBMITTED BY: Peter Kampa, General Manager

SUBMITTAL PREPARED BY: Peter Kampa, General Manager

AGENDA ITEM: Consideration of Adoption of the Uniform Construction Cost Accounting Act Procedures, Relating to the Contracting for Public Works Projects
7d

RECOMMENDED ACTION

Motion to proceed with adoption of the Uniform Construction Cost Accounting Act Procedures, Relating to the Contracting for Public Works Projects

BACKGROUND

In the coming years, the District will be contracting for road improvement and maintenance projects, which require compliance with strict and onerous public contracting laws and regulations. Under law, the District must formally bid projects costing over \$25,000; which in today's construction market, does not buy a lot. One might think formal public bidding is the best way to get the least expensive deal on construction work; when in reality public bidding requires up to 30% additional cost is development of engineered plans and specifications, and many times contractors bidding against each other to drive the price up.

Also, in public bidding, the District MUST award the contract to the lowest bidder, which can be a disaster if the low bidder is a lousy contractor. In competitive bidding, there is no option to choose any contractor but the low bidder.

The competitive bid limit for the CSD can be increased to \$60,000 per project through adoption of specified accounting procedures, as developed by the state and called the Uniform Construction Cost Accounting Act or UCCAA. The would allow the district to seek informal bids from contractors, negotiate and award the contract to the lowest qualified and desirable bidder. Projects costing between \$60,000 and \$200,000 are subject to informal competitive bidding and over \$200,000 will be formally bid. It is recommended that the Board adopt the procedures. A FAQ document and procedures for adoption are attached, and the full procedures manual can be downloaded [HERE](#).

If the Board supports adoption of the procedures, a resolution and draft bidding ordinance will be introduced in February 2019.

ATTACHMENTS

1. UCCAA FAQ
2. UCCAA adoption procedures

FINANCIAL IMPACTS

There is no direct cost for adoption of the procedures, other than publication of the bidding ordinance, and their implementation may result in cost savings.

CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT FREQUENTLY ASKED QUESTIONS (FAQs)

These FAQs have been compiled to assist agencies that are participating in the California Uniform Public Construction Cost Accounting Act (the Act), as contained in Public Contract Code (PCC) Section 22000, et seq. All references are to PCC, unless otherwise stated.

1. What is the Uniform Public Construction Cost Accounting Act?

The Act is legislation that was enacted in 1983 to help promote “uniformity of the cost accounting standards and bidding procedures on construction work performed or contracted by public entities in the state” (Section 22001). The Act is a voluntary program available to all public entities in the State, but it only applies to those public agencies that have “opted in” to the provisions set forth by the Act. The entirety of the Act is found at Sections 22000-22045.

2. What are some of the key provisions of the Act?

The Act allows for public project work in the amount of \$60,000 or less to be performed by a public agency’s force account, by negotiated contract, or by purchase order (Section 22032(a)). Public projects in the amount of \$200,000 or less may use the informal bidding procedures set forth in Section 22032(b) of the Act. Public projects at a cost of more than \$200,000 shall use formal bidding procedures to let the contract pursuant PCC Section 22032(c).

3. What are the benefits of the program?

- Increased force account limit;
- Simplified bidding for projects that are \$200,000 or less;
- Reduced number of formal bids; and
- Expedited contracting for small projects.

Many participants appreciate the program because it has given them more leeway in the execution of public works projects; sped up the award process; expedited project delivery; reduced the time, effort and expense associated with bidding small projects; and simplified administration. Few agencies have experienced challenges with the accounting requirements and overhead provisions. Moreover, where adjustment was required, it has been relatively simple; most required procedures were already in place, so there was no noticeable change to existing operations. The Standard Accounting Codes Structure satisfies reporting requirements when used properly.

4. Is the Uniform Public Construction Cost Accounting Act mandatory for public agencies?

No. The Act is a voluntary program

5. How does a public agency become subject to the Act?

The governing body must elect by resolution to become subject to the Act and file a copy of the resolution with the State Controller's Office (Section 22030). Sample documents are available at: http://www.sco.ca.gov/ard_cuccac.html. Once an agency has opted into the Act, it will remain a part of the program.

6. May a public agency withdraw from the Act?

Yes. An agency may withdraw from the Act by filing a resolution with the State Controller's Office of the agency's election to withdraw.

7. Must a participating agency "opt in" to the Act annually?

No. Once a participating agency "opts in" to the Act, the agency remains subject to the Act until it "opts out" of the Act.

8. What is the California Uniform Construction Cost Accounting Commission?

The Commission was created to administer the Act, per Section 22010. It consists of 14 members: 13 members appointed by the State Controller and one designated member of the Contractors' State License Board. Seven members represent the public sector (counties, cities, school districts, and special districts). Six members represent the private sector (public works contractors and unions). The Commission members receive no salary, but are eligible for reimbursement of their direct expenses related to the Commission.

9. What are the Uniform Public Construction Cost Accounting Procedures?

These procedures are to be used for tracking costs for work done by an Agency's own forces on a "project" as defined by the Act (Section 22002(c)). The procedures do not apply to operations or maintenance work, or any work that meets the criteria listed in Section 22002(d).

These procedures are intended to capture and record all direct and indirect labor, materials, and supervision costs as well as the appropriate overhead costs for the public agency associated with each "project" they perform with their own forces. The procedures follow industry-standard accounting methods, and in many cases are not much different from those already in place at the agency. Sample forms are available in the CUCCAC Cost Accounting Policies and Procedures Manual at http://www.sco.ca.gov/Files-ARD-Local/CUCCAC_Manual.pdf

School districts may use the Standard Accounting Code Structure to comply with tracking requirements.

10. Are the cost accounting procedures applicable for agencies whose work forces only perform maintenance tasks as defined in the Act and that contract all of their public projects to third parties?

No. The cost accounting procedures are only applicable for agencies that perform public project work such as construction and alteration by force account. As maintenance does not constitute a "project" under the Act, the cost accounting procedures do not apply.

11. Are agencies required to advertise in November if they choose to maintain a list of qualified contractors?

Yes. At least once per calendar year, each Public Agency that has elected to become subject to the Act and intends to use the notice provisions outlined in Section 22034(a) shall establish a new list or update its existing list of qualified contractors by mailing, faxing, or emailing written notice to all construction trade journals designated for that Agency under Section 22036. The notice shall invite all licensed contractors to submit the name of their firm to the Agency for inclusion on the Agency's list of qualified bidders for the following calendar year.

12. May an agency that chooses to maintain a list add a contractor at any time during the year?

Yes.

13. What is meant by the term “qualified contractors” as used in section 22034(a)(1) of the Act?

Qualified contractors are contractors licensed by the State to perform the subject work. The Commission has determined that nothing in the Act prohibits a participating agency from using an objective pre-qualification process in the formation and maintenance of their Qualified Contractors Lists if they so desire.

14. Can a public agency disqualify or exclude certain contractors from the Qualified Contractors List required in Section 22034(a)(1)?

Agencies may disqualify contractors from Qualified Contractors Lists when the contractors fail to furnish information to meet the minimum criteria as established by the Commission.

15. For agencies that do not maintain an informal bidders list, are they allowed to choose who would get notifications of projects?

No. Section 22034(a)(2) provides for notifications to construction trade journals and exchanges in lieu of sending notifications to contractors on an informal bidders list. An agency may, however, send notices to selected contractors provided it has first met the advertisement requirements of Section 22034(a)

16. What is the difference between “qualifying contractors” under the Act and “prequalification of contractors” by school districts under Section 20101?

Qualifying contractors is a process that allows contractors to register with a public agency for notification of public works opportunities. The prequalification process under Section 20101 is a more complex process that requires a standardized questionnaire and evaluation of contractors using standard scoring criteria. The prequalification process is applicable under the Local Agency Public Construction Act, and does not apply to the Uniform Public Construction Cost Accounting Act.

17. Must a public agency a) notify contractors about public projects if the contractors are believed to not have the skills, credentials, or experience to perform the work required for the public project; and b) consider bids submitted by contractors that the public agency believes do not have the skills, credentials, or experience to perform the work?

- a) Yes. If a contractor is on the Qualified Contractors List, the contractor must be notified by the agency of public projects for which he or she is licensed to perform (Section 22034(a)(1)).
- b) All bids received must be considered, unless an agency makes appropriate legal findings that a contractor is not legally responsible or their bid is not responsive.

18. Does the Act allow flexibility in cases of emergency and when repair or replacements are necessary to permit the continued conduct of a public agency’s operations or services?

Yes. For the purposes of the Public Contract Code, “emergency” is defined at Section 1102 as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.”

The Act sets forth in Section 22035(a) how a governing body should proceed in case of emergency repairs or replacements. This section states:

In cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two.

Section 22050 et seq., provide the emergency contract procedures to be followed in these cases.

19. Do the alternative bidding procedures apply only to public projects as defined in Section 22002(c)?

The alternative bidding procedures only apply to work that constitutes a “public project” as defined in Section 22002(c) and has a construction cost within the limits described in Section 22032. The alternative bidding procedures are not required for the purchase of goods or materials that are not part of a “public project”.

However, as outlined in Section 22003, a participating agency may also use the alternative bidding procedures when contracting for maintenance or other work that does not fall within the definition of a “public project” if it so chooses.

20. What will membership in the Act cost my agency?

Nothing. There are no membership fees or dues. However, the Commission does accept grants to assist it in carrying out its duties (Section 22015(c)).

21. What are the most common concerns addressed by the Act?

These are:

- Cost accounting policies and procedures;
- Informal bidding procedures; and
- Accounting procedures review.

Cost accounting requirements for the Act follow those common to the construction industry. The informal bidding on public projects up to \$200,000 is seen by agencies as an effective tool to expedite completion of small projects. While an accounting procedures review could potentially hold up a project for a minimum of 45 days pursuant to Section 22043(c)(1), these types of reviews have been rare in the Commission’s history.

22. Does an agency have to calculate an overhead rate to apply the accounting procedures?

No. Cities with populations of less than 75,000 shall assume an overhead rate equal to 20% of the total costs of the public project, including the costs of material, equipment and labor (Section 22017(b)(1)). Cities with a population of more than 75,000, may either calculate an actual overhead or assume an overhead rate of 30% of the total costs of a public project including the costs of materials, equipment, and labor (Section 22017(b)(2)).

23. When a public entity opts into the Act, does the Act supersede other contracting legal requirements such as statutory requirements for performance bonds, prevailing wages, and certificates of insurance, etc.?

No. The Act only supersedes the bidding procedures used once a public agency has opted into the Act and has notified the Controller. All other contracting requirements remain applicable.

24. Can a public agency claim to be to be exempt from following all of the requirements in Public Contract Code by claiming it only has to follow the language and procedures within the Act?

No. The Act is part of the Public Contract Code; therefore, if the Act is silent on a particular matter the rest of the Public Contract Code applies.

25. If public agencies are not following the advertising requirements in the Act, will the Commission address those agencies? Can a complaint be brought to the Commission?

Yes. Recent legislative changes have expanded the Commission’s authority to enforce provisions of the Act. The Commission may review complaints filed by interested parties where evidence is provided that:

- The participating agency performed work after rejecting all bids, claiming it could do the work less expensively (Section 22042(a)).
- The work performed exceeded the force account limits (Section 22042(b)).
- The work was improperly classified as maintenance (Section 22042(c)).
- A public agency did not comply with the informal bidding procedures set forth at Section 22034 (Section 22042.5).

26. Section 20112 specifically requires school districts to advertise twice for a two week period, while Section 22037 requires advertising once, 14 days in advance of the date of opening of bids. How do participating school districts reconcile this conflict?

When the Act is in conflict with any other section in the Public Contract Code, the Act shall supersede. The Act requires advertising once, 14 days in advance of the date of opening of bids. Districts participating in the Act may choose to maximize their outreach by advertising twice.

27. May a public agency contract separately for like work at the same site at the same time using the under \$60,000 Force Account method?

No. Section 22033 states:

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this article requiring work to be done by contract after competitive bidding.

Separating “like work” would only be permitted if the total of all the “like work” is less than \$60,000. If the work is more than \$60,000, it must be advertised and bid according to the provisions of the Act (i.e. bid informally if the total amount is less than \$200,000; bid formally if the total amount exceeds \$200,000).

28. May a public agency bid out two separate projects that occur at the same time and site, but are different types of work?

Yes. There is no violation if the work is competitively bid. If an agency wants to use the negotiated or informal bidding processes, it must apply the appropriate limits to each of the projects. Each project must be separate in scope. Projects may not be separated by trade to avoid bidding. If the total of all jobs is greater than \$60,000, then the informal or formal bid limits apply.

29. Does a value need to be assigned to the volunteer labor when the California Conservation Corps or another volunteer organization provides labor on a public project?

No. Volunteer labor from volunteer organizations does not need to be included as a cost of a public project for bid limit purposes when no costs are associated with the volunteer labor.

30. By opting into the Act, does a public agency automatically bring all of its component divisions or departments into the Act?

Yes. When a public agency elects to become subject to the uniform construction cost accounting procedures, the entire legal entity is considered subject to the Act and no divisions or departments are exempt.

31. When a public agency opts into the Act, does it automatically bring all districts under control of its governing Board into the Act?

No. Special Districts, which are governed by a board of supervisors or city council, are only subject if a separate election is made for each special district.

32. PCC 22034 requires that participating agencies adopt an Informal Bidding Ordinance. What do schools and special districts that cannot adopt Ordinances do to comply?

Agencies that do not have the ability to adopt Ordinances should discuss Section 22034 compliance with their legal counsel.

Additional inquiries and questions can be directed by email to LocalGovPolicy@sco.ca.gov, or by regular mail to:

State Controller's Office
Local Government Programs and Services Division
Local Government Policy Section
P.O. Box 942850
Sacramento, CA 94250

**Instructions for Adoption and Implementation
of the Uniform Construction Cost Accounting Procedures
by Local Agencies**

- (1) The Governing Board must elect by resolution to become subject to the uniform construction cost accounting procedures promulgated by the Controller pursuant to Public Contract Code Section 22019. The resolution shall specify that the local agency will meet the requirements prescribed in the California Uniform Public Construction Cost Accounting Commission's *Cost Accounting Policies and Procedures Manual* and state the effective date the agency will implement the accounting and bidding procedures.
- (2) The Local Agency must notify the Controller in writing of the election to become subject to the uniform construction cost accounting procedures. A copy of the resolution shall also be filed with the Controller. Send it to: Office of State Controller, Division of Accounting and Reporting, Local Government Policies Section, P.O. Box 942850, Sacramento, CA 94250.
- (3) When a local agency elects to become subject to the uniform construction cost accounting procedures, the entire entity is considered subject to the Act and no departments will be exempt. However, Special Districts, which are governed by a board of supervisors or city council, are subject only if a separate election is made.
- (4) An informal bidding ordinance shall be enacted pursuant to Public Contract Code Section 22034.
- (5) Once opting into the Act, participating agencies must always adhere to the terms of the Act until such time the agency formally opts out by resolution of its governing board. Having opted in, selective adherence to the terms of the Act is a violation. Where the Act is silent, existing statutes apply.
- (6) The governing board may discontinue the agency's participation under the uniform public construction cost accounting procedures by adopting a resolution stating this fact. A copy of the resolution shall be filed with the Controller.
- (7) The Controller shall notify the Commission of all local agencies electing to become subject to the uniform public construction cost accounting procedures. In addition, the Commission shall also be notified of local agencies electing to discontinue participation under these procedures.