

Board of Supervisors

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



COUNTY OF COLUSA

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Minutes

December 20, 2011

The Board of Supervisors of the County of Colusa, State of California meets in Regular Session this 20th day of December 2011 at the hour of 8:00 a.m., Present: Supervisors Mark D. Marshall, Chairman, Denise J. Carter, Thomas A. Indrieri, Gary J. Evans and Kim Dolbow Vann. Absent: None.

Chairman Marshall calls to order the Regular meeting of December 20, 2011 at 8:05 a.m., with all Supervisors present.

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

Ms. Berry informs the Board members that a matter arose after the posting of the December 20, 2011 Agenda regarding a Closed Session matter and requests the matter be brought on for Board consideration. Brief discussion is held.

ADMINISTRATION/PERSONNEL: It is moved by Supervisor Evans, seconded by Supervisor Indrieri that the Board finds that a matter arose after the posting of the December 20, 2011 Agenda under the provisions of Government Code Sections 54957 and 54957.6 regarding a confidential personnel matter. Further, this matter will be heard under the 8:05 a.m. Closed Session matters as "Item G". Motion carried: All yes. Absent: None.

8:06 a.m. Chairman Marshall announces the Board will consider Closed Session items as follows:

- A. Under the provisions of Government Code Section 54957, a Public Employee Performance Evaluation will be conducted for the position of Personnel Director and this matter will be continued to January 10, 2012.
- B. Under the provisions of Government Code Section 54957 the Board of Supervisors will meet with Senior Deputy County Counsel and the Personnel Director to discuss a pending personnel matter, obtain instructions and take action as appropriate.

- C. Under the provisions of Government Code Section 54956.9(c) the Board of Supervisors will meet with Senior Deputy County Counsel regarding pending litigation to receive, advise, and provide instruction and take action as appropriate.
- D. Under the provisions of Government Code Section 54957, the Board will meet with the Personnel Director and Legal Counsel to discuss an employee's performance, provide direction and, if determined take appropriate action.
- E. Under the provisions of Government Code Section 54956.9, the Board will discuss with Legal Counsel and the Personnel Director potential litigation.
- F. Under the provisions of Government Code Section 54956.9(a) the Board will meet with County Counsel to discuss pending case Daniel D. Claxton, Petitioner vs. County of Colusa et al., Respondents, United States District Court for the Eastern District of California Case No. 2:08-cv-01058.
- G. Under the provisions of Government Code Section 54957 and 54957.6, the Board of Supervisors will meet with the Personnel Director to discuss a confidential personnel matter and with the designated negotiators, Margaret Kemp-Williams and Nikki Berry, provide direction and take action as necessary.

Chairman Marshall declares a recess at 8:08 a.m. to convene in Closed Session and reconvenes in Regular Session at 9:20 a.m., with all Supervisors present.

Present: Thomas R. Parker, County Counsel.
 Nikki Berry, Personnel Director.
 Peggy Scroggins, Auditor-Controller.
 Elizabeth Kelley, Interim Director, Health and Human Services.
 Jim Bell, Michael Azevedo, Public Works Department.
 Joe Damiano, T.J. Gomez, Ag Commissioner's Office.
 Greg Pankey, IT Director.
 Holly Gallagher, Payroll Division.
 Bill Cornelius, Interim Director, Behavioral Health Services.
 Mary Winters, Bonnie Davies, Michael Davies, Colusa citizens.
 Mary Anderson, Director, Child Support Services.
 Yolanda Tirado, Board Clerk.

Prayer by Chairman Marshall. Pledge of Allegiance.

ADMINISTRATION: It is moved by Supervisor Evans, seconded by Supervisor Carter to approve the Minutes of the November 22, 2011 Regular Session and the December 6, 2011 Special Closed Session. Motion carried by the following vote:

AYES: Supervisors Carter, Indrieri, Evans and Marshall.

NOES: None.

ABSTAIN: Supervisor Vann.

ABSENT: None.

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

Mr. Parker states the following Closed Session matter was continued to the January 10, 2012 Board meeting:

Under the provisions of Government Code Section 54957, a Public Employee Performance Evaluation will be conducted for the position of Personnel Director.

He announces the Board considered the following Closed Session matters:

Under the provisions of Government Code Section 54957, met with Senior Deputy County Counsel and the Personnel Director to discuss a pending personnel matter, obtain instructions and take action as appropriate and there was nothing to report.

Under the provisions of Government Code Section 54956.9(c), met with Senior Deputy County Counsel regarding pending litigation to receive advice and provide instruction and take action as appropriate and there was nothing to report.

Under the provisions of Government Code Section 54957, met with the Personnel Director and Legal Counsel to discuss an employee's performance, provide direction and, if determined take appropriate action and there was nothing to report.

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

Under the provisions of Government Code Section 54956.9(a), met with County Counsel to discuss pending case Daniel D. Claxton, Petitioner vs. County of Colusa et al., Respondents, United States District Court for the Eastern District of California Case No. 2:08-cv-01058 and requests that a settlement agreement be approved at this time.

C11-286 ADMINISTRATION: It is moved by Supervisor Vann, seconded by Supervisor Evans to approve a Settlement Agreement between the County of Colusa and **Daniel D. Claxton**, in the matter of Daniel D. Claxton, Petitioner vs. County of Colusa et al., Respondents, United States Court for the Eastern District of California Case No. 2:08-cv-01058, effective December 20, 2011, with terms and conditions as set forth in the Settlement Agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

Supervisor Vann congratulates County Counsel and everyone who worked so hard to resolve this matter.

Mr. Parker states this Closed Session matter was brought on earlier this morning for Board consideration and announces as follows:

Under the provisions of Government Code Sections 54957 and 54957.6, the Board met with the Personnel Director to discuss a confidential personnel matter and with the designated negotiators, Margaret Kemp-Williams and Nikki Berry, provide direction and take action as necessary and there was nothing to report at this time.

9:28 a.m. (9:05 a.m. item on Agenda) STAFF REPORTS

Ms. Kelley speaks to matters that pertain to her department. She also speaks to a request to implement "smoke free parks" and states that she will be placing this request on a future Board agenda.

Mr. Bell speaks to matters that pertain to his department.

Ms. Gallagher briefly speaks to an email that was sent to all county employees regarding "The Employee Access Center" and states the employees will be able to do the following:

- View/update Demographic Information
- View/print paycheck history
- View leave Balances
- View/print W-2s
- View/update Tax Withholding Information
- View Deduction Information

She states should employees have any questions, they may contact her. Brief discussion is held.

Ms. Scroggins updates the Board members on the Cal Card training. She also speaks briefly to the CalPers' Office Audit report.

9:39 a.m. (9:10 a.m. item on Agenda) Chairman Marshall makes time to consider the addition of a new position of Child Support Supervisor.

Ms. Berry requests additional language be allowed regarding the new Child Support Supervisor position.

Chairman Marshall questions whether this would be allowable.

County Counsel replies in the negative.

Chairman Marshall instructs Ms. Berry to place her request of the additional language for the Child Support Supervisor position on the next Board of Supervisors Meeting.

PERSONNEL/CHILD SUPPORT – 2017: It is moved by Supervisor Vann, seconded by Supervisor Indrieri to add a new position of Child Support Supervisor, PFT, MSC Range 32, \$3,325.00 - \$4,041.00 per month, effective January 1, 2012 and authorize to fill by Merit Systems. Motion carried: All yes. Absent: None.

PERSONNEL/AUDITOR CONTROLLER – 1021: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to fill the position of Payroll/Employee Benefits Coordinator, CNF Range 32, \$3,325.00 - \$4,041.00, effective January 1, 2012. Motion carried: All yes. Absent: None.

Present: Katherine Ferreira, Central Services.

PERSONNEL/PUBLIC WORKS – 3010: It is moved by Supervisor Evans, seconded by Supervisor Vann to fill the vacant position of Road Maintenance Lead Worker, MSC Range 25, \$2,802.00 - \$3,405.00 per month, effective January 1, 2012 by promotion from within the department and authorize filling the position vacated by the promotion. Motion carried: All yes. Absent: None.

PERSONNEL/PUBLIC WORKS – 3010: It is moved by Supervisor Vann, seconded by Supervisor Evans to add the position of Water Systems Operator, TPT, PF Range 35, \$3,613.00 - \$4,392.00 per month, effective January 1, 2012. Motion carried: All yes. Absent: None.

PERSONNEL/AG COMMISSION – 2060: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to authorize a position of extra help Clerical, TPT, \$12.00 per hour, effective January 1, 2012, limited to 800 hours. Motion carried: All yes. Absent: None.

PERSONNEL/COUNTY COUNSEL- 1031: It is moved by Supervisor Indrieri, seconded by Supervisor Evans to authorize a Step 3 appointment for Amy Williams, PFT, Legal Administrative Assistant, CNF Range 32, Step 3, \$3,666.00 per month, effective December 26, 2011. Motion carried: All yes. Absent: None.

9:50 a.m. (9:20 a.m. item on Agenda) SHERIFF: It is moved by Supervisor Vann, seconded by Supervisor Carter to accept the State of California Department of Boating and Waterways 2011/2012 Equipment Grant and the Spending Plan for the Boating and Waterways 2011/2012 Equipment Grant. Further, approve purchase of listed items in the Spending Plan. Motion carried: All yes. Absent: None.

C11-287 SHERIFF: It is moved by Supervisor Evans, seconded by Supervisor Vann to approve Agreement Number 11-204-760, between the County of Colusa Sheriff's Department and **the Department of Boating and Waterways**, for 2011/2012 Equipment Grant, effective October 15, 2011, in the maximum amount of \$47,000.00, with a ninety (90) day written termination clause by either party and authorize the Sheriff, Scott D. Marshall to sign on behalf of the Board of Supervisors. Motion carried: All yes. Absent: None.

Chairman Marshall declares a recess at 9:52 a.m. and convenes as the Colusa County Air Pollution Control Board, with all Directors present.

Present: Thomas R. Parker, County Counsel.
Nikki Berry, Personnel Director.
Peggy Scroggins, Auditor-Controller.
Elizabeth Kelley, Interim Director, Health and Human Services.
Katherine Ferreira, Central Services.
Jim Bell, Michael Azevedo, Public Works Department.

Joe Damiano, T.J. Gomez, Ag Commissioner's Office.
 Greg Pankey, IT Director.
 Holly Gallagher, Payroll Division.
 Bill Cornelius, Interim Director, Behavioral Health Services.
 Mary Winters, Bonnie Davies, Michael Davies, Colusa citizens.
 Mary Anderson, Director, Child Support Services.
 Yolanda Tirado, Board Clerk.

9:52 a.m. Director Carter recuses herself due to a possible conflict of interest and leaves the Board's chamber.

9:52 a.m. (9:25 a.m. item on Agenda) AG COMMISSIONER/RESOLUTION: It is moved by Director Indrieri, seconded by Director Evans to adopt **Resolution No. 11-042**, a Resolution of the Governing Board of the Colusa County Air Pollution Control District Approving and Authorizing the Application to Administer the Carl Moyer Program and the Rural Assistance Program and authorize the Chairman to sign the Resolution. Motion carried by the following vote:

AYES: Directors Indrieri, Evans, Vann and Marshall.

NOES: None.

ABSENT: Director Carter.

AG COMMISSIONER: It is moved by Director Indrieri, seconded by Director Vann to approve Fiscal Year 2011/2012 Application for the Carl Moyer Program and the Rural Assistance Program for the maximum amount of funds for which the District is eligible and authorize the Director of Air Quality Standards to sign the application on behalf of the Board of Supervisors. Motion carried by the following vote:

AYES: Directors Indrieri, Evans, Vann and Marshall.

NOES: None.

ABSENT: Director Carter.

Chairman Marshall adjourns as the as the Colusa County Air Pollution Control Board at 9:55 a.m. to reconvene as the Board of Supervisors, with all Supervisors present.

Present: Thomas R. Parker, County Counsel.
 Nikki Berry, Personnel Director.
 Peggy Scroggins, Auditor-Controller.
 Elizabeth Kelley, Interim Director, Health and Human Services.
 Katherine Ferreira, Central Services.
 Jim Bell, Michael Azevedo, Public Works Department.
 Joe Damiano, T.J. Gomez, Ag Commissioner's Office.
 Greg Pankey, IT Director.
 Holly Gallagher, Payroll Division.
 Bill Cornelius, Interim Director, Behavioral Health Services.

Mary Winters, Bonnie Davies, Michael Davies, Colusa citizens.
Mary Anderson, Director, Child Support Services.
Yolanda Tirado, Board Clerk.

C11-288 9:55 a.m. (9:30 a.m. item on Agenda) BEHAVIORAL HEALTH SERVICES: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve Modification to agreement C07-129 between the County of Colusa Behavioral Health Services and **Safe Side Security, Inc.**, for the purchase and installation of indoor and outdoor cameras, effective December 20, 2011, in the amount of 10,675.00, with terms and conditions as set forth in the Modification and all other terms and conditions to remain in full force and effect and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

Chairman Marshall makes time to consider the purchase of budgeted fixed assets for the Behavioral Health Services Department as follows:

Three (3) Dell desktop computers.

Discussion is held.

BEHAVIORAL HEALTH SERVICES/FIXED ASSETS: It is moved by Supervisor Carter, seconded by Supervisor Vann to approve purchase of budgeted fixed assets for the Behavioral Health Services Department from Dell Incorporated as follows:

Three (3) Dell Desktop computers, in the amount of \$2,374.77

Ms. Scroggins states that the fixed assets are unbudgeted not budgeted. Further discussion is held.

Following discussion, Supervisor Vann withdraws her second, stating she thought the items were budgeted.

Supervisor Carter states her motion stands. Chairman Marshall calls for a second to the motion.

BEHAVIORAL HEALTH SERVICES/FIXED ASSETS: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve purchase of unbudgeted fixed assets for the Behavioral Health Services Department from Dell Incorporated as follows:

Three (3) Dell Desktop computers, in the amount of \$2,374.77

utilizing the State contracted pricing (WSCA Agreement #B27160), to be funded with MHSA IT Fund #02942. Motion carried by the following vote:

AYES: Supervisors Carter, Indrieri and Marshall.

NOES: Supervisors Evans and Vann.

ABSENT: None.

Chairman Marshall makes time to consider an agreement with Keith Bear for guest artist services working in the public schools. Discussion is held regarding sale of cd's on school grounds and pictures taken of the school children.

Following discussion, the consensus of the Board members is that pictures of the school children should not be allowed and the agreement be amended regarding the sale of his products on school grounds. Mr. Cornelius is instructed to make appropriate changes to the agreement.

C11-289 BEHAVIORAL HEALTH SERVICES: It is moved by Supervisor Carter, seconded by Supervisor Vann to approve an agreement, as amended, between the County of Colusa Behavioral Health Services and **Keith Bear** for guest artist services working in the public schools on issues of cultural diversity and mental health (May 7-11, 2012), effective December 20, 2011, with terms and conditions as set forth in the agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

Chairman Marshall makes time to consider an agreement with John A. Rogers, Catherine A. Abel and S. William Abel for lease of premises located at 131 5th Street, Colusa, CA.

BEHAVIORAL HEALTH SERVICES: It is moved by Supervisor Carter, seconded by Supervisor Evans to approve an Office Lease between the County of Colusa Behavioral Health Services and **John A. Rogers, Catherine A. Abel and S. William Abel** for lease of premises located at 131 5th Street, Colusa, CA 95392, with access to and use of common parking area at the rear of the building, effective February 1, 2012 through January 31, 2015, with terms and conditions as set forth in the agreement and authorize the Interim Director of Behavioral Health to sign on behalf of the Board of Supervisors.

Supervisor Evans expresses concern regarding extension of the agreement after the three year term has expired. Discussion is held regarding annual extensions and naming the County as additional insured.

Following discussion, Supervisor Carter withdraws her motion and Supervisor Evans withdraws his second.

Mr. Cornelius is instructed to revise the agreement and return on January 10, 2012 for further Board consideration.

BEHAVIORAL HEALTH SERVICES: It is moved by Supervisor Indrieri, seconded by Supervisor Carter that the Board finds that it is in the best interest of the County/ public to waive the County's formal bid process and approve the purchase of a Spacesaver High Density Storage System for the filing area located in the Behavioral Health building, from Systems & Space, Inc., in the amount of \$25,189.17, to be funded between the Health and Human Services Account (5011) and the Behavioral Health Services Account (4013). (Government Bid Contract through NHJPA/sole source). Motion carried: All yes. Absent: None.

BEHAVIORAL HEALTH SERVICES: It is moved by Supervisor Vann, seconded by Supervisor Carter to join litigation against the Department of Mental Health for promulgating regulations without going through the regulatory process in shifting

medical costs for individuals in IMDs from the State of California to the counties. Motion carried: All yes. Absent: None.

Chairman Marshall makes time to consider the purchase of a cell phone by the Behavioral Health Services Department for Ginger Harvey, Patients' Rights Advocate. Discussion is held regarding purchase of a monthly plan, what the cell phone can be used for, the cell phone remaining the property of the County and a possible contract with Ms. Harvey.

BEHAVIORAL HEALTH SERVICES: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to approve purchase of a cell phone and plan by the Behavioral Health Services Department for Ginger Harvey, Patients' Rights Advocate, with department to pay for monthly service plan. Motion carried: All yes. Absent: None.

10:35 a.m. (9:40 a.m. item on Agenda) PUBLIC WORKS/FIXED ASSETS: It is moved by Supervisor Indrieri, seconded by Supervisor Evans that the Board finds that it is in the best interest of the County/public to waive the County's formal bid process and approve the purchase of budgeted fixed assets for the Public Works Department, utilizing Western States Contracting Alliance (WSCA) pricing and National IPA Tech Solutions Contract pricing schedules and funded through the Road Fund as follows:

- (1) Laptop computer in the amount of \$3,817.81, to be purchased from Dell Inc.
- (1) Buffalo TeraStation III 8 TB Network Attached Storage system in the amount of \$1,001.72, to be purchased from CDW-G
- (15) Microsoft Windows 7 Upgrade Open Licenses, in the amount \$2,070.00, to be purchased from CDW-G and
- (1) Open License of Microsoft Windows Small Business Server 2011 Premium, in the amount of \$1,220.00 to be purchased from CDW-G

Motion carried: All yes. Absent: None.

Chairman Marshall declares a recess at 10: 37 a.m. to reconvene at 10:46 a.m., in Regular Session with all Supervisors present.

Present: Jim Bell, Michael Azevedo, Public Works.
Kent Johanns, Planning and Building.
Katherine Ferreira, Central Services.
Mary Winters, Colusa citizen.
Thomas R. Parker, County Counsel.
Peggy Scroggins, Auditor-Controller.
Jeff Land Nicole Tallman, CalPERS.
Yolanda Tirado, Board Clerk.

PUBLIC WORKS/FIXED ASSETS: It is moved by Supervisor Evans, seconded by Supervisor Indrieri to approve the purchase of the following budgeted fixed asset for the Department of Public Works:

- (1) Sage Oil Vac Fluid Recovery System, Model#30070V from the Sage Oil Vac Company, in the amount of \$2,420.00, to be funded from the current budget.

Motion carried: All yes. Absent: None.

PUBLIC WORKS/FIXED ASSETS: It is moved by Supervisor Evans, seconded by Supervisor Vann to approve the purchase of the following budgeted fixed asset for the Department of Public Works from Beeler Tractor Company:

- (2) 300 Gallon Weed Sprayer with hose reel, hose, and hand gun sprayer, in the amount of \$3,137.06, to be funded from the current budget.

Motion carried: All yes. Absent: None.

C11-290 PUBLIC WORKS: It is moved by Supervisor Indrieri, seconded by Supervisor Evans to approve a contract between the County of Colusa Public Works Department and **Foothill Associates** to provide an Environmental Assessment for the Bridge Replacement on Danley Road to the Glenn Colusa Irrigation District (GCID) Canal, effective December 20, 2011 through June 30, 2012, in an amount not to exceed \$30,960.00, with a fifteen (15) day written termination clause by either party and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

PUBLIC WORKS/NOTICE TO CONTRACTORS: It is moved by Supervisor Evans, seconded by Supervisor Indrieri to approve Notice to Contractors, Special Provision Bid Book for the Evans Road at Cortina Creek Bridge Replacement of Low Water Crossing and authorize the Chairman to sign the Notice to Contractors. Further, delegate authority to the Director of Public Works to advertise the project upon receipt of approval from the Federal Highway Administration (FHWA), authorize the Chairman to sign the Notice to Contractors, Special Provision Bid Book and direct the Clerk to publish and post the Notice to Contractors upon notification from the Department of Public Works that authorization has been received. Motion carried: All yes. Absent: None.

C11-291 10:55 a.m. (9:50 a.m. item on Agenda) CENTRAL SERVICES: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to approve Equipment Lease Agreement between the following County Departments and **Wells Fargo Financial/Advanced Document Concepts**:

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|----|-------------------------|----------------------------|----------------|
| 1. | Library | One Kyocera TASKalfa 255c | \$104.00/month |
| 2. | Child Support Services | One Kyocera TASKalfa 4500i | \$165.00/month |
| 3. | Health & Human Services | One Kyocera TASKalfa 4500i | \$165.00/month |
| 4. | Assessor | One Kyocera TASKalfa 5500i | \$180.00/month |

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|----|---|----------------|
| 5. | Revenue & Recovery
One Kyocera TASKalfa 3050ci | \$130.00/month |
| 6. | Co-operative Extension
One Kyocera TASKalfa 4550ci | \$223.00/month |
| 7. | Agriculture Commission
One Kyocera TASKalfa 5550ci | \$228.00/month |

for renewal/upgrade and maintenance services of copy machine equipment, effective December 20, 2011, in a total monthly cost of \$1,255.00, with all other terms and conditions to remain in full force and effect and authorize the Chairman to sign the Lease Agreement, Schedule A to Equipment Lease Agreement, Delivery & Acceptance Certificate and Non-Appropriation Addendum and all other related documents. Motion carried: All yes. Absent: None.

C11-292 10:59 a.m. (9:55 a.m. item on Agenda) PROBATION DEPARTMENT: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to approve "Data Processing Contract" and "Nonexclusive License Agreement Attachment D to Data Processing Service Agreement" between the County of Colusa Probation Department and **Corrections Software Solution, LP**, effective February 1, 2012 through January 31, 2014, with terms and conditions as set forth in both Documents, authorize the Chairman to sign the Data Processing Contract and the Chief Probation Officer to sign the Nonexclusive License Agreement on behalf of the Board of Supervisors. Motion carried: All yes. Absent: None.

11:00 a.m. (10:00 a.m. item on Agenda) PLANNING & BUILDING/FIXED ASSET: It is moved by Supervisor Vann, seconded by Supervisor Indrieri to approve purchase of an unbudgeted fixed asset from Office Depot as follows:

One (1) Brother Fax Machine \$236.00

to be funded from Planning and Building Fund 2076. Motion carried: All yes. Absent: None.

PLANNING & BUILDING: It is moved by Supervisor Vann, seconded by Supervisor Evans to authorize waiving the Building Permit fees for the Williams Vet's Hall project within the City of Williams, in the amount of \$3,088.19. Motion carried: All yes. Absent: None.

Chairman Marshall makes time to consider approving Contingency Funds in the amount of \$300.00 for the Planning & Building Department #2076, Account 53250 (Transportation & Travel). Brief discussion is held, with the consensus of the Board members being that Department Staff return at years end if funds are still needed.

C11-293 11:03 a.m. (10:10 a.m. item on Agenda) COUNTY COUNSEL/CITY OF COLUSA: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to approve an agreement between the County of Colusa and the **City of Colusa** for the Scout Cabin, located at 901 Parkhill Street, Colusa, CA 95932, effective January 1, 2012

through December 31, 2016, with terms and conditions as set forth in the agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

11:05 a.m. (10:15 a.m. item on agenda) Chairman Marshall makes time for a Presentation from Brandis Tallman LLC, an investment banking firm.

Mr. Land thanks the Board of Supervisors for allowing him to make a presentation and speaks to various options available to the County as follows:

AVAILABLE OPTIONS

- Continue Side Fund Participation
Participants are currently paying into the Side Fund at an interest rate of 7.75%
- Pay Off Side Fund Obligation with Cash
Participants could use cash reserves to pay off their side Fund Obligations
- Pay Off Side Fund Obligation with a New Loan (Refinancing)
Participants could refinance their Side Fund Obligation by accessing the capital marketplace.

ACCESS TO CAPITAL MARKETS

- Local Banks
- Municipal Bond Market
 - Private Placement Method of Sale
 - Direct loan from institutional investor such as a bank
 - Bare bones version of public offering
 - No credit rating required
 - No official statement required
 - No continuing disclosure required
 - Trustee may be required

Mr. Land speaks further to loan payoff amount, cost of issuance, total debt service, savings, net present value savings and average fiscal year savings.

Discussion is held regarding the following:

Financing Structure

- General obligation of the agency from any legally available funds.
- Liability that goes on balance sheet
- Collateral required on case by case basis depending on credit quality of the issuer.
- Trust indenture, resolution to approve financing and all related documents, CalPERS payoff letter.

Court Validation

- Debt Limit Entities (cities, counties, school districts) are required to get a court validation.
- Court is not validating legal principles but is validating the transaction itself and all related documents.
- Before validation action is filed, it is necessary for the issuer to adopt a resolution authorizing the transaction and approving all related documents, including the validation action.
- Validation action is filed in the superior court of the county in which the issuer is located. The validation process takes 90 days.
- Non-Debt Limit Entities (authorities, agencies, and special districts other than school districts) do not require validation action.

Private Placement Refunding Timeline with Validation

Week One	Kick-off conference call with financing team to discuss elements of the Side Fund refunding.
Week Three	1 st draft of documents due.
Week Four	Comments on documents due.
Week Five	Documents due for Agenda deadline.
Week Six	Governing Body adopts resolution and authorizes bonds, validation action filed with superior court.
Week Twelve	Validation judgment, 30-day appeal period begins.
Week Sixteen	Appeal period ends, validation complete, close transaction.

Discussion is held.

Following discussion, direction is given to the Auditor-Controller to pursue possible refinancing options for the CalPERS Side Fund Obligations and return January 10, 2012 for further Board consideration/finalization.

AUDITOR CONTROLLER: It is moved by Supervisor Vann, seconded by Supervisor Evans to approve changes in 2011/12 Revenue and Appropriations as follows:

DEPARTMENT NAME	FUND #	DEPT #	ACCT#	AMOUNT
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Increase Revenue & Appropriations:

Road Fund	00110	3010	479321	\$73,221.00
Total				\$73,221.00
Road Fund	00110	3010	53163	\$25.99
Road Fund	00110	3010	57027	\$202.02
Road Fund	00110	3010	57031	\$585.08
Road Fund	00110	3010	57058	\$30.56
Road Fund	00110	3010	53230	\$72,377.35
Total				\$73,221.00

Motion carried: All yes. Absent: None.

AUDITOR CONTROLLER: It is moved by Supervisor Evans, seconded by Supervisor Indrieri to approve Intra Budget Transfer numbers 12002 through 12007.
Motion carried: All yes. Absent: None.

11:30 a.m. Supervisor Vann recuses herself due to a possible conflict of interest and leaves the Board's chamber.

11:31 am. (11:00 a.m. item on Agenda) Chairman Marshall opens the continued Public Hearing to consider an appeal of the Planning Commission's decision on September 12, 2011 to adopt a Mitigated Negative Declaration, a Mitigation Monitoring and Reporting Program and a Tentative Subdivision Map for Mike Adams, (ED #09-38), TSM #09-5-1 to divide 159+acres of partially developed, Industrial designated and zoned land into 16 lots. The 16 proposed lots will range in size from 1.19+acres to 30.80+acres. Five of the resulting lots will consist of less than 5-acres each, six of the lots will be between 5 to 10-acres in size, and five of the lots will be larger than 10-acres in size. The proposed project site is located at the northwest corner of Grevie road and County Line road and approximately 6-miles south of the unincorporated community of Arbuckle, identified as Assessor's Parcel Numbers 022-190-054, 022-190-055, 022-190-056 and 022-190-057 **and** states the Public Hearing is continued to the February 7, 2012 Board meeting at 11:00 a.m.

11:32 a.m. Supervisor Vann is now present.

CONSENT AGENDA: It is moved by Supervisor Evans, seconded by Supervisor Indrieri to approve Consent Agenda Item Nos. 1 through 22 as follows:

C11-294 1. SHERIFF: Approve Agreement No. 11-LE-11051360-208, Modification 03, Cooperative Law Enforcement Annual Patrol Operations Plan & Financial Plan Between the County of Colusa Sheriff's Office and the **USDA, Forest Service, Mendocino National Forest** for FY 2012 Annual Operating Plan and Financial Plan, effective October 1, 2011 through September 30, 2012, with terms and conditions as set forth in the Agreement/Modification and authorize the Chairman to sign.

C11-295 2. HEALTH AND HUMAN SERVICES: Approve Agreement #11-10403 between the County of Colusa health and Human Services and **the California Department of Public Health**, for operation of a three year Childhood Lead Poisoning

Prevention Program, effective July 1, 2011 through June 30, 2014, in an amount not to exceed \$60,000.00, with terms and conditions as set forth in the agreement and authorize the Chairman to sign.

C11-296 3. AG COMMISSIONER/MIGRANT FARM HOUSING: Approve Standard Agreement 11-OMS-933, between the County of Colusa Migrant Farm Housing and **the Department of Housing and Community Development** for the housing of migratory workers and their families, effective through August 31, 2012, in the amount of \$464,183.00 and authorize the Director of Migrant Housing to sign on behalf of the Board of Supervisors.

4. COOPERATIVE EXTENSION: Approve Cooperative Extension county employees' time off and closure of the office during the Holiday season from December 23, 2011 through January 3, 2012.

5. SHERIFF: Approve purchase of one (1) 2-sided ID Maker Advantage, in the amount of \$2,599.00 and one (a) Siglite Pad-USB, in the amount of \$199.00, plus shipping & handling in the amount of \$99.95, from IDville, for a total amount of \$2,897.95.

C11-297 6. HEALTH AND HUMAN SERVICES: Approve Agreement No. 11-10528, between the County of Colusa Health and Human Services and **the California Department of Public Health** for Federal Center for Disease Control funding, effective July 1, 2011 through June 30, 2013, in an amount not to exceed \$50,000.00, with terms and conditions as set forth in the agreement and authorize the Chairman to sign the agreement and all related documents.

7. AUDITOR/CONTROLLER/PUBLIC HEARING: Set January 24, 2012 at 9:30 a.m. for a Public Hearing to consider use of HR 1424 (Secure Rural Schools and Community Self Determination Act of 2000) fund for projects under Title III by the County of Colusa Board of Supervisors and direct the Clerk to publish and post Notice of Hearing.

8. TREASURER-TAX COLLECTOR: Accept the Colusa County Treasurer's Monthly Investment Report for November 2011.

9. TREASURER-TAX COLLECTOR: Accept the Colusa County Treasurer's 2012 Goals and Statement of Investment Policy.

10. ADMINISTRATION/APPOINTMENTS/COLUSA COUNTY PLANNING COMMISSION: Approve Notice of Vacancy for the Colusa County Planning Commission and direct the Clerk to publish and post Notice for same.

C11-298 11. PUBLIC WORKS: Ratify agreement 1112-08 between the County of Colusa Public Works Department and **Bob's Concrete Pumping** for concrete pumping services, effective October 11, 2011 through December 30, 2011, 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.

C11-299 12. PUBLIC WORKS: Ratify agreement 1112-10 between the County of Colusa Public Works Department and **Central Fence Company, Inc.**, to repair/replace damaged guardrail from a traffic accident on Old Highway 99W at Funks Creek (immediately south of Lenahan Road, approximately 4 miles north of Maxwell),

effective November 18, 2011 through December 9, 2011, in an amount not to exceed \$5,800.00, with fifteen (15) day written termination clause by either party and signed by the Director of Public Works on behalf of the Board of Supervisors.

C11-300 13. PUBLIC WORKS: Ratify agreement 1112-11 between the County of Colusa Public Works Department and **Charlie's Electric** to provide Street Light repair services and other services requiring a "man lift", effective November 18, 2011 through June 30, 2012, in an amount not to exceed \$25,000.00, with a fifteen (15) day written termination clause by either party and signed by the Director of Public Works on behalf of the Board of Supervisors.

C11-301 14. PUBLIC WORKS: Ratify agreement 1112-09 between the County of Colusa Public Works Department and **Neil's Controlled Blasting L.P.**, to demo a large boulder which diverts creek flows toward a public roadway, effective November 21, 2011 through December 16, 2011, in an amount not to exceed \$4,450.00, with a fifteen (15) day written termination clause by either party and signed by the Director of Public Works on behalf of the Board of Supervisors.

C11-302 15. CHILD SUPPORT SERVICES: Approve an Extension of Agreement to C11-008, between the County of Colusa Child Support Services and **Nancy McGie**, to represent the County in all child support prosecution cases brought in Colusa County Superior Court by the County, extending the "Term of Agreement" to be effective January 1, 2012 through December 31, 2013, with all other terms and conditions to remain in full force and effect and authorize Director of Child Support Services to sign on behalf of the Board of Supervisors.

C11-303 16. AG COMMISSIONER: Approve Agreement Number 10-0324, Amendment Number 1, to C10-212, approved on August 24, 2010, between the County of Colusa Ag Commissioner's Office and **the Department of Food and Agriculture** for Pierce's Disease, effective July 1, 2010 through June 30, 2012, and amending funding from \$10,503.44 to \$9,496.81, with all other terms and conditions to remain in full force and effect and authorize the Ag Commissioner to sign on behalf of the Board of Supervisors.

17. APPOINTMENTS/SACRAMENTO RIVER WEST SIDE LEVEE DISTRICT: Appoint individuals to the Sacramento River West Side Levee District as follows:

- Thomas Ellis, effective December 20, 2011 – December 19, 2015
- Roger Cornwell (River Garden Farms) effective December 20, 2011 – December 19, 2015
- Daniel Tibbitts, effective December 20, 2011 – December 19, 2015
- Frederick "Fritz" Durst, effective December 20, 2011 – December 19, 2013
- Paul Sankey, effective December 20, 2011 – December 19, 2013.

C11-304 18. CENTRAL SERVICES/PROBATION: Approve Maintenance Agreement between the County of Colusa Central Services and **Wells Fargo Leasing/Advanced Document Concepts** for the Probation Department's TASKalfa 3500i and TASKalfa 4500i, effective December 1, 2011 through November 30, 2012, with terms and conditions as set forth in the Maintenance Agreement and authorize the Chairman to sign.

C11-305 19. CENTRAL SERVICES/SHERIFF/PROBATION: Approve Non-Appropriation Addendum between the County of Colusa and **Wells Fargo Leasing/Advanced Document Concepts** for the following County Departments:

- Probation Department (TASKalfa 4500i (lease previously approved November 8, 2011)
- Sheriff (TASKalfa 6500i (lease previously approved on November 22, 2011)

with terms and conditions as set forth in the Non-Appropriation Addendum and authorize the Chairman to sign.

C11-306 20. AG COMMISSIONER: Approve Agreement No. 11-0104, between the County of Colusa Ag Commissioner's Office and the **State Department of Food and Agriculture** for Pest Exclusion High-risk Inspections and Enforcement activities, effective July 1, 2011 through June 30, 2012, in the maximum amount of \$10,065.00, and authorize the Ag Commissioner to sign on behalf of the Board of Supervisors.

21. COUNTY COUNSEL/ADMINISTRATION: Approve Quitclaim Deed whereby the County accepts the offer by The Robert Cecil Melton 2006 Living Trust Dated March 14, 2006, Donna J. Kraft, Trustee of donated real property located in the unincorporated area of the County of Colusa, APN 012-170-044-000, authorize the Chairman to sign the Certificate of Acceptance and direct the Clerk to record the Quitclaim.

C11-307 22. PERSONNEL: Approve a Professional Services Agreement between the County of Colusa Personnel Department and **L. Katrina Meek**, to provide employment investigative services, effective December 20, 2011, with terms and conditions as set forth in the Agreement and authorize the Personnel Director to sign on behalf of the Board of Supervisors. **Consent Motion carried: All yes. Absent: None.**

SUPERVISORS' REPORTS OR COMMENTS.

Supervisor Marshall

Meetings/Functions attended:

Attended the Yuba Community College District (YCCD)

Redistricting Forum, December 14, 2011.

Chairman Marshall makes time to consider approval of the Claim Register Sheets for the period of November 22, 2011 through December 19, 2011.

Supervisors Evans speaks to a claim in the amount of \$980.00 due and payable to ACE Environmental Management and paying same. Brief discussion is held as to which department and fund payment should be paid from.

Following discussion, Ms. Scroggins states she will handle this matter.

AUDITOR: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve Claim Register Sheets for the period of November 22, 2011 through December 19, 2011. Motion carried: All yes. Absent: None

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

<u>Fund/Department</u>	<u>Vendor</u>	<u>Amount</u>
Central Services	Chevron & Texaco	\$175.88
Ag Commissioner	Maryanne Azevedo	\$67.76
Ag Admin	Asa's Cabinetry Trinity County	\$1,300.00
Probation	Probation	\$1,575.00
DHHS	George Hills Company	\$1,712.00
Public Defender	Mehr Law Office	\$74.70
Public Defender	Clark & Nelson	\$873.00
Coroner	Valley Toxicology	\$500.00
Behavioral Health	Judicate West	\$12,600.00
DHHS-Ambulance	C & L Home Service	\$45.00
Behavioral Health	Mercy Medical Center	\$418.33
Behavioral Health	Mercy Medical Center	\$58.17
Public Defender	Albert Smith	\$9,692.02

Motion carried: All yes. Absent: None.

ADMINISTRATION/FLOOD CONTROL DEPARTMENT FUND-2050: It is moved by Supervisor Evans, seconded by Supervisor Carter to transfer \$30,000.00 from Contingencies into the Flood Control Department Fund 2050 for FEMA related activities. Motion carried: All yes. Absent: None.

Chairman Marshall makes time to discuss and possibly take action on County Policies. Discussion is held regarding activating the Policy Committee, amending the policy as it pertains to Meals, corrections to Policies adopted and issued incorrect policy numbers, and department responsible for assigning numbers to policies adopted and distribution of same to all departments.

ADMINISTRATION/BOARD CLERKS: It is moved by Supervisor Vann, seconded by Supervisor Carter to designate the responsibility of adopted Policy and Procedures to the Board Clerks Office staff. Motion carried: All yes. Absent: None.

Chairman Marshall makes time to consider appointment of a Liaison Committee to negotiate with the Wintun Indian Tribe on County-Tribe matters. Brief discussion is held.

Following discussion, Chairman Marshall appoints Supervisors Evans and Carter to the Liaison Committee to negotiate with the Wintun Indian Tribe on County-Tribe matters.

Chairman Marshall makes time for discussion and possible action regarding Constitutional Amendment Proposals.

Supervisor Vann speaks to the Governor's proposed ballot measure and the proposed CSAC ballot measure and requests Board support of CSAC's proposed ballot measure. Discussion is held.

Following discussion, the Board concurs to support Supervisor Vann in her support of CSAC's proposed ballot measure.

Chairman Marshall makes time to consider appointment to the Sacramento River Conservation Area Forum (SRCAF). Discussion is held.

Following discussion, Supervisor Evans states he is not interested in being reappointed to the SRCAF.

Ms. Tirado apprises the Board members of item set for the January 10, 2012 Agenda.

The Board adjourns at 12:40 p.m. to reconvene in Regular Session on January 10, 2012 at the hour of 9:00 a.m.

Mark D. Marshall, Chairman

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

BY _____
Ann Nordyke, Board Clerk