

Board of Supervisors

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



COUNTY OF COLUSA

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Minutes

March 20, 2012

The Board of Supervisors of the County of Colusa, State of California meets in Regular Session this 20th day of March 2012 at the hour of 8:00 a.m., Present: Supervisors Gary J. Evans, Chairman, Thomas A. Indrieri, Denise J. Carter, and Mark D. Marshall. Absent: Supervisor Kim Dolbow Vann.

Chairman Evans calls to order the Regular meeting of March 20, 2012 at 8:05 a.m., with all Supervisors, except Supervisor Vann present.

Present: Thomas R. Parker, County Counsel.
Cindy Lovelace, Assistant Personnel Director.
Yolanda Tirado, Ann Nordyke, Board Clerks.

Mr. Parker states an item arose after the posting of the March 20, 2012 Agenda regarding a former employee of the county and the potential of significant exposure to litigation and requests the matter be brought on the Closed Session Agenda as Item "F".

ADMINISTRATION: It is moved by Supervisor Marshall, seconded by Supervisor Carter that a matter arose after the posting of the March 20, 2012 Agenda regarding significant exposure to litigation against the County in one case. Further, the matter will be placed on the Closed Session Agenda as item "F". Motion carried: All yes. Absent: Supervisor Vann.

8:05 a.m. (8:03 a.m. item on Agenda) Mr. Parker states the Board of Supervisors will consider the Closed Session Agenda matters as posted.

Chairman Evans declares a recess at 8:06 a.m. to convene in Closed Session and reconvenes in Regular Session at 9:10 a.m., with all Supervisors, except Supervisor Vann present.

Present: Thomas R. Parker, County Counsel.
Peggy Scroggins, Auditor-Controller.
Cindy Lovelace, Assistant Personnel Director.
Elizabeth Kelly, Interim Director, Health & Human Services.
Jim Bell, Director, Public Works Department.
Steve Hackney, Director, Planning & Building.
Gerry Hernandez, UCCE.
Mary Winters, Michael Davies, Colusa citizens.

Bill Cornelius, Interim Director, Behavioral Health Services.
Joe Garofalo, Sheriff's Office.
Gary Pronsolino, Cortina Huling.
Charlie Grimmer, Grimmer Farms.
Jimmy Manhart, Charles Manhart, Arbuckle citizens.
Gerry Munoz, Probation Department.
Yolanda Tirado, Ann Nordyke, Board Clerks.

Prayer by Chairman Evans. Pledge of Allegiance.

ADMINISTRATION: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve the Minutes of March 13, 2012 Regular Session. Motion carried: All yes. Absent: Supervisor Vann.

Chairman Evans makes time for a Period of Public Comment.

Ms. Hernandez distributes the "Colusa County Destination Brochure" and speaks to same. She further speaks to the upcoming State Fair in Sacramento and the theme for this year's County exhibit.

Chairman Evans calls for any further Public Comment. Hearing none, Chairman Evans closes the Public Comment period.

Mr. Parker states the Board considered the following Closed Session matters:

Under the provisions of Government Code Section 54957, a Public Employee Performance Evaluation was conducted for the position of Director of Public Works. He states the matter was not concluded and was continued to later today.

Under the provisions of Government Code Section 54957, a Public Employee Performance Evaluation was conducted for the position of Agricultural Commissioner, Sealer of Weights and Measures, Director of Air Quality Standards, Migrant Housing and Airport Operations. He states the matter was not concluded and was continued to later today.

Mr. Parker further states due to time constraints the following Closed Session matters were not considered and were continued to later today as follows:

Under the provisions of Government Code Section 54957, the Board of Supervisors will meet with the Personnel Director to discuss the employment of public employees.

Under the provisions of Government Code Section 54956.9, the Board will discuss with Legal Counsel and the Personnel Director pending/potential litigation, provide direction and take appropriate action.

Under the provisions of Government Code Section 54957, the Board will discuss with the Personnel Director departmental updates regarding personnel matters and discipline.

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

9:11 a.m. (9:05 a.m. item on Agenda) STAFF REPORTS

Mr. Cornelius updates the Board members on items that pertain to his Department.

Mr. Bell updates the Board members on items that pertain to his Department.

Mr. Hackney updates the Board members on items that pertain to his Department. He further states the Probation Department has suspended the Work Crew Program. He states the Work Crew maintained the lawn at the Behavioral Health Building and the Plaza Building.

Ms. Scroggins introduces Ms. Janine Cummings a new employee in the Payroll Department. She states Ms. Cummings is available to provide answers to any payroll and benefit questions employees may have.

9:15 a.m. (9:10 a.m. item on Agenda) PERSONNEL/HEALTH AND HUMAN SERVICES – HUMAN SERVICES – 5011: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to fill the vacancy of one flexibly staffed Social Worker I-IV, PFT, PF Range 19/23/27/29, \$2,445.00 - \$2,972.00/\$2,695.00 - \$3,277.00/\$2,972.00-\$3,613.00/\$3,121.00 - \$3,794.00 per month, effective April 1, 2012 and fill utilizing the Merit System hiring list. Motion carried: All yes. Absent: Supervisor Vann.

C12-045 9:16 a.m. (9:15 a.m. item on Agenda) CLERK-RECORDER-ELECTIONS: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to ratify/approve Standard Agreement 11G27108, between the County of Colusa Clerk-Recorder and the **State of California, Secretary of State** for reimbursement to the County for assisting with research funded through Section 271 (HAVA) of the Help America Vote Act Of 2002, effective April 1, 2012 through December 31, 2012, in an amount not to exceed \$5,000.00, and authorize the Clerk-Recorder to sign on behalf of the Board of Supervisors. Motion carried: All yes. Absent: Supervisor Vann.

9:25 a.m. (9:20 a.m. item on Agenda) Chairman Evans makes time to consider rejecting Request for Proposals for the procurement and installation of one Emergency diesel powered backup generator for the Colusa County Historic Courthouse, as received and opened on September 21, 2011.

Mr. Garofalo states the RFP's received and opened on September 21, 2011 were valid for sixty (60) days. He states the reason for not acting on the RFP's was due to the lack of detail within the RFP and requests the Board reject same. Brief discussion is held.

SHERIFF/RFP's: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to reject Request for Proposals for the procurement and installation of one Emergency diesel powered backup generator for the Colusa County Historic Courthouse, as received and opened on September 21, 2011 as follows:

1.	Charlie's Electric	\$298,768.40
2.	Cross Electric	\$221,160.35

Motion carried: All yes. Absent: Supervisor Vann.

9:30 a.m. (9:25 a.m. item on Agenda) PUBLIC WORKS/BIDS: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to accept bids for the Construction on Evans Road at Cortina Creek Bridge Replacement of Low Water Crossing 400130A for the Department of Public Works as received and opened on March 7, 2012 at 10:00 a.m. as follows:

1.	Dunton Construction Company, Anderson, CA	\$573,573.30 10% bid bond
2.	Franklin Construction, Chico, CA	\$546,481.00 10% bid bond
3.	Andrew L. Lee, Lodi, CA	\$697,100.00 10% bid bon
4.	R.A. Nemetz Construction, Cedar Ridge, CA	\$582,390.00 10% bid bond
5.	Timberworks, Mt. Shasta, CA	\$635,424.11 10% bid bond
6.	R.E. McCollum Construction, Cedar Ridge, CA	\$719,976.00 10% bid bond
7.	Shasta Constructors, Redding, CA	\$697,698.00 10% bid bond

Motion carried: All yes. Absent: Supervisor Vann.

Present: Katherine Ferreira, Central Services.

C12-046 PUBLIC WORKS/BIDS: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to award the bid to Franklin Construction Company, in the bid amount of \$546,481.00. Further, approve a contract between the County of Colusa Public Works Department and **Franklin Construction Company** for the construction on Evans Road at Cortina Creek Bridge Replacement of Low Water Crossing 400130A, effective March 20, 2012, in an amount not to exceed \$546,481.00, with terms and conditions set forth in the agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: Supervisor Vann.

9:33 a.m. (9:30 a.m. item on Agenda) CENTRAL SERVICES/PROBATION DEPARTMENT: It is moved by Supervisor Carter, seconded by Supervisor Indrieri that the Board finds it is in the best interest of the county to waive the formal bid process and approve the purchase of workstations and accessories for the Probation Department, in the amount

of \$6,067.12, utilizing the TCPN Governmental Cooperative Agreement #R4982. Motion carried: All yes. Absent: Supervisor Vann.

C12-047 CENTRAL SERVICES/PROBATION DEPARTMENT It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve an agreement between the County of Colusa Probation Department and **Office Depot** for the purchase and installation of workstations and accessories, effective through April 30, 2015, with terms and conditions as set forth in the agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: Supervisor Vann.

Present: Robert Zunino, Margaret Van Warmerdam, Auditor
Controller's Office.

CENTRAL SERVICES/SHERIFF: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to declare vehicles, in the possession of the Sheriff as surplus and authorize the Purchasing Coordinator to move forward with utilizing the County approved list of vendors for disposal and/or sale of said vehicles. Motion carried: All yes. Absent: Supervisor Vann.

CENTRAL SERVICES/BEHAVIORAL HEALTH SERVICES: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to authorize Central Services to obtain quotes for the purchase of two (2) vans and one (1) sedan (budgeted) which will be used to provide services to county residents, to be funded by the Mental Health Services Act (MHSA) and paid out of 00106-4013 (Mental Health). Motion fails by the following vote:

AYES: Supervisors Indrieri and Carter.

NOES: Supervisors Marshall and Evans.

ABSENT: Supervisor Vann.

9:43 a.m. (9:35 a.m. item on Agenda) AUDITOR-CONTROLLER: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to approve Intra-Budget Transfer Nos. 12030 through 12032. Motion carried: All yes. Absent: Supervisor Vann.

AUDITOR-CONTROLLER: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to approve changes in Revenue and Appropriations as follows:

DEPARTMENT NAME	FUND #	DEPT #	ACCT#	AMOUNT
<i>Increase Revenue & Appropriations:</i>				
Road Fund	00110	3010	441900	\$103,319.
Road Fund	00110	3010	479285	\$47,839.
Total				\$151,158.
Road Fund	00110	3010	57144	\$151,158.
Total				\$151,158.
DEPARTMENT NAME	FUND #	DEPT #	ACCT#	AMOUNT

To Increase (Decrease) Appropriations:

Business Loan	02673	002673	53180	\$9,500.00
Total				\$9,500.00

Motion carried: All yes. Absent: Supervisor Vann.

Chairman Evans makes time to consider/direct the deposit of the CSAC-Excess Insurance Authority dividends, premium adjustments, and return of premiums, risk management and loss prevention subsidies to the Trindel Joint Powers Authority to appropriate Colusa County accounts/programs.

Ms. Scroggins states CSAC-Excess Insurance Authority (EIA) periodically declares dividends, premium adjustments, return of premiums, risk management and loss prevention subsidies to its members. She states EIA provides several options to its members for receipt of these funds as follows:

1. Adjustment of the next year's premium.
2. Deposit to various EIA subsidy accounts.
3. Check mailed to the member.
4. Check mailed to the JPA on behalf of the member.

Ms. Scroggins further states Colusa County has selected option #4 in prior years based on the following reasons:

1. In order to show the true cost of insurance, premiums are never adjusted for the next year; this is not the recommended accounting practice. In addition, charging the actual cost of insurance premiums ensures that Federal and State funded Departments pay their appropriate share of all insurance expenses.
2. It is recommended that funds do not remain in EIA accounts, as they are not interest-baring accounts. Further, these funds and their use are subject to change, which recently occurred and was the basis for extensive EIA Board discussion.
3. When EIA funds are distributed to the members, funds must be properly allocated to all County Funds, specifically Federal and State funded Departments, based on historical data. It is preferable to only have one allocation annually, versus the requirement to conduct several different time-consuming allocations.
4. All EIA funds sent to Trindel JPA on behalf of Colusa County are deposited directly into the appropriate Colusa County account/program. The funds increase County equity, earn interest and are only available for Colusa County insurance/risk management purposes. Annually Trindel

declares a return of excess funds based on actuarial valuations, program equity, and high confidence levels.

She states further in order to ensure proper accounting processes, accurate, appropriate Federal and State funding, and streamline the allocation calculations, it is recommended that EIA funds continue to be remitted to Trindel JPA on behalf of Colusa County. Discussion is held.

AUDITOR-CONTROLLER: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to deposit the CSAC-Excess Insurance Authority dividends, premium adjustments, return of premiums, risk management and loss prevention subsidies to the Trindel Joint Powers Authority on behalf of Colusa County for deposit into appropriate Colusa County accounts/programs (workers' compensation, liability and property, loss prevention, medical mal-practice, etc.) Motion carried: All yes. Absent: Supervisor Vann.

9:59 a.m. Supervisor Indrieri vacates his seat and leaves the Board's Chamber.

AUDITOR-CONTROLLER/RISK MANAGEMENT: It is moved by Supervisor Marshall, seconded by Supervisor Carter to deny a Claim against the County filed on February 2, 2012 by the Law Offices of Schurner and Drane on behalf of Kelly Horn. Motion carried: All yes. Absent: Supervisors Indrieri and Vann.

10:00 a.m. (9:45 a.m. item on Agenda) Chairman Evans, at the request of the Planning & Building Director, pulls from the Agenda the following matters:

Discussion regarding possible State CDBG Applications for funds under the NOFA, and,

Setting April 17, 2012 at 9:30 a.m., for a public hearing to consider State CDBG Funds under the NOFA and direct the Clerk to publish and post Notice of Hearing.

PLANNING AND BUILDING: It is moved by Supervisor Marshall, seconded by Supervisor Carter to approve a letter of support to the City of Williams providing a formal endorsement from the County for the City of Williams' CDBG grant application for improvement to a County owned building, the Williams Veterans Hall and authorize the Chairman to sign. Motion carried: All yes. Absent: Supervisors Indrieri and Vann.

Present: Tom Reische, City of Colusa.

Chairman Evans makes time to consider approving Consent Agenda Items 1 through 8.

Supervisor Carter requests Consent Item No. 5 be pulled from the Consent Agenda and considered separately.

Chairman Evans so directs.

CONSENT AGENDA: It is moved by Supervisor Marshall, seconded by Supervisor Carter to approve Consent Agenda Item Nos. 1 through 4 and 6 through 8 as follows:

C12-048 1. SHERIFF: Approve Boating Safety and Enforcement Financial Aid Program Contract between the County of Colusa Sheriff's Office and the **California Department of Boating and Waterways** for conducting boating safety and enforcement activities, effective July 1, 2012 through June 30, 2013, in an amount not to exceed \$107,210.00, with a sixty (60) days written termination clause by either party and authorize the Sheriff to sign on behalf of the Board of Supervisors.

C12-049 2. SHERIFF: Approve Service Agreement between the County of Colusa Sheriff's Department and **Gold Country Copier** for Panasonic, DP-1820 Copier, effective March 2, 2012 through March 2, 2013, with terms and conditions as set forth in the Agreement and authorize the Sheriff or his designee to sign on behalf of the Board of Supervisors.

3. TREASURER-TAX COLLECTOR: Accept the Colusa County Treasurer-Tax Collector's Investment Report for the month of February 2012.

C12-050 4. COUNTY COUNSEL/ADMINISTRATION: Approve a Real Property Agreement between the County of Colusa and the **Williams Community Center Association** for use of the former Williams Justice Court Building, located at 901 E Street, Williams, CA., effective March 13, 2012, with terms and conditions as set forth in the Agreement and authorize the Chairman to sign.

6. AG COMMISSION/MIGRANT HOUSING/PUBLIC HEARING: Set April 3, 2012 at 9:30 a.m., at the Board of Supervisors Chambers, 547 Market Street, Suite 108, Colusa, CA to solicit public input and discuss the submittal of a Community Development Block Grant (CDBG) application in response to the 2012 CDBG Notice of Availability (NOFA). The Colusa County Agricultural Department is applying a CDBG grant of up to \$1.5 million for the following eligible activities:

1. Improvements to the Colusa Migrant Housing Center's wastewater System
2. Improvements to the Colusa Migrant Housing Center's child care Facility
3. General Administration

C12-051 7. PUBLIC WORKS: Ratify Colusa County Public Works Agreement 1112-14, between the County of Colusa Public Works and **Applied Testing Consultants** for construction materials testing for capital construction projects, effective March 1, 2012 through December 31, 2012, 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.

C12-052 8. PUBLIC WORKS: Ratify Colusa County Public works Agreement 1112-15, between the County of Colusa Public Works and **Sycamore Environmental Consultants** for preconstruction surveys for the East Camp Bridge Replacement, effective March 2, 2012 through June 29, 2012, 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. **Consent motion carried: All yes. Absent: Supervisors Indrieri and Vann.**

Chairman Evans makes time to consider approval of Consent Item No. 5; an Unemployment Compensation Services Model Agreement between the County of Colusa Auditor-Controller's Office and TALX Corporation.

Supervisor Carter requests an explanation as to what the contract is for.

Ms. Scroggins states the TALX Corporation provides unemployment claims administration services and other related services to the County. Discussion is held.

Following discussion, Supervisor Carter requests the Unemployment Compensation Services Model Agreement with TALX Corporation be continued to the April 3, 2012 Board meeting for further Board consideration.

SUPERVISOR REPORTS AND/OR COMMENTS

Supervisor Carter

Meetings/Functions attended

Flood Ag Zone conference call.

Princeton Sheriff's Community meeting.

Department of Behavioral Health issues.

ADMINISTRATION/SUPERVISOR MARSHALL: It is moved by Supervisor Marshall, seconded by Supervisor Carter to participate in the California PaintCare Paint Recycling Program. Motion carried: All yes. Absent: Supervisors Indrieri and Vann.

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

<u>Fund/Department</u>	<u>Vendor</u>	<u>Amount</u>
County Counsel	Ison Law Group	\$2,281.95
Public Defender	Bryan L Giles & Associates	\$1,501.50
Building & Grounds	B & J's Concrete	\$950.00
Behavioral Health/DHHS	Systems & Space	\$25,189.17

Motion carried: All yes. Absent: Supervisors Indrieri and Vann.

AUDITOR: It is moved by Supervisor Carter, seconded by Supervisor Marshall to approve Claim Register Sheets for the period of March 13, 2012 through March 19, 2012. Motion carried: All yes. Absent: Supervisors Indrieri and Vann.

Chairman Evans declares a recess at 10:13 a.m. reconvenes in Closed Session and reconvenes in Regular Session at 1:05 p.m. with all Supervisors, except Supervisor Vann present and declares a recess.

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

Chairman Evans reconvenes in Regular Session at 1:40 p.m. with all Supervisors, except Supervisor Vann present, reconvenes in Closed Session and reconvenes in Regular Session at 2:17 p.m.

Present: Thomas R. Parker, County Counsel.

Yolanda Tirado, Ann Nordyke, Board Clerks.

Mr. Parker states Closed Session Item "A" under the provisions of Government Code Section 54957, regarding the employment of public employees was not held today.

Mr. Parker announces the Board of Supervisors considered the following Closed Session matters:

Under the provisions of Government Code Section 54956.9, the Board discussed with Legal Counsel and the Personnel Director pending/potential litigation, provide direction and take appropriate action. He states there was nothing to report.

Under the provisions of Government Code Section 54957, the Board discussed with the Personnel Director departmental updates regarding personnel matters and discipline. He states there was nothing to report.

Under the provisions of Government Code Section 54957, a Public Employee Performance Evaluation was conducted for the position of Director of Public Works. He states the performance evaluation of the employee was found satisfactory by the Board.

Under the provisions of Government Code Section 54957, a Public Employee Performance Evaluation was conducted for the position of Agricultural Commissioner, Sealer of Weights and Measures, Director of Air Quality Standards, Migrant Housing and Airport Operations. He states the performance evaluation of the employee was found satisfactory by the Board.

Under the provisions of Government Code Section 54956.9(b)(1), the Board discussed with County Counsel and the Personnel Department significant exposure to litigation against the County in one case. He states Litigation direction was given to staff and there was nothing else to report at this time.

The Board adjourns at 2:19 p.m. to reconvene in Regular Session on April 3, 2012 at the hour of 9:00 a.m.

Gary J. Evans, Chairman

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

BY _____
Ann Nordyke, Deputy Board Clerk