

Board of Supervisors

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



COUNTY OF COLUSA

KATHLEEN MORAN, COUNTY CLERK
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Minutes

April 2, 2013

The Board of Supervisors of the County of Colusa, State of California meets in Regular Session this 2nd day of April 2013 at the hour of 9:00 a.m., Present: Supervisors, Denise J. Carter, Chair, Gary J. Evans, Thomas A. Indrieri, Kim Dolbow Vann and Mark D. Marshall.

Chair Carter calls to order the Regular meeting of April 2, 2013 at 9:00 a.m., with all Supervisors present.

Present: John Ketelsen, Interim County Counsel.
Jim Bell, Mike Azevedo, Public Works.
Jerry White, ECE.
Michelle Ortega, Sherri Swartz, Betty Parriet, Andrea Smith,
Trudy Couch, Nancy Gordon, Teresa Caples, CUHW.
Orin Zebest, Todd Edelman, Rich Humphrey, John Rinaldi,
Camp Topsy.
Scott Marshall, Shane Maxey, Neil Cotter, Sheriff's Office.
Mary Winters, Colusa Citizen.
Elizabeth Kelly, Director, Health & Human Services.
Joe Damiano, Renee McCormick, Ag Department.
Chuck Bergson, City of Williams.
Jon Wrynski, Colusa County Fish And Game Commission.
Yolanda Tirado, Ann Nordyke, Board Clerks.

Prayer by Chair Carter. Pledge of Allegiance.

ADMINISTRATION: It is moved by Supervisor Vann, seconded by Supervisor Evans to approve the Minutes of the March 12, 2013 Regular Session, March 13, 2013 Special Session and March 19, 2013 Regular Session. Motion carried: All yes. Absent: None.

Chair Carter makes time for a period of Public Comment.

Ms. Swartz states she is an IHSS Provider and as the Board members are aware wages for IHSS Providers in Colusa County are \$8.00 per hour. She speaks to the various positions within the County that are paid more and/or less than an IHSS Provider and require "no experience" and wages paid to Providers in surrounding counties.

She states to acquire a position as an IHSS Provider one must have fingerprints, background checks, a TB test and attend guidelines classes all at their expense and time. She also states IHSS Providers must show current drivers' license, auto tags/registration and adequate insurance when transporting clients. She states IHSS Providers require multiple skills and pre-testing approval before being hired and warrant wages above those she previously mentioned.

She further requests the Board members consider an increase in their wages comparable to surrounding counties.

Mr. Peters announces Recology has chosen the Colusa Scout Cabin as Recology's first community project and speaks to what the project entails. Discussion is held, with no action taken.

Hearing no further comment, Chair Carter closes the period of Public Comment.

9:12 a.m. Mr. Ketelsen announces the Board will consider Closed Session matters at 10:45 a.m. as follows:

- A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
Government Code Section 54956.9(d)(1) – Elaine Rominger and Gerald Rominger, Petitioners v. County of Colusa, Respondents, Adams Group, Inc., Real Parties in Interest, Case No. CV 23899 Superior Court of the State of California, County of Colusa.

Mr. Ketelsen states Closes Session matters as follows have been continued to the April 16, 2013 Board meeting:

- B. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6
Agency Negotiator Bob Muszar
Employee Organizations-
CCEA – Miscellaneous, Professional Admin, and Confidential
DSA
Management Coalition
Appointed Department Heads
Unrepresented
County Counsel, Personnel Director and Senior Deputy
County Counsel
- C. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6 - **(Sitting as the IHSS Public Authority)**
Agency Negotiator Bob Muszar – IHSS

Mr. Ketelsen further states a matter arose after the posting of the April 2, 2013 Agenda regarding Conference with Legal Counsel – Significant Exposure to Litigation – Colusa Basin Drainage District – Conflict of Interest - pursuant to California Government Code Sec 54956.9(d)(2) and requests the matter be brought on for Board consideration.

ADMINISTRATION: It is moved by Supervisor Evans, seconded by Supervisor Marshall that a matter arose after the posting of the April 2, 2013 Agenda regarding Conference with Legal Counsel – Significant Exposure to Litigation – Colusa Basin Drainage District – Conflict of Interest - pursuant to California Government Code Section 54956.9(d)(2). Motion carried: All yes. Absent: None.

9:14 a.m. (9:05 a.m. item on Agenda) STAFF REPORTS

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

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

9:16 a.m. (9:10 a.m. item on Agenda) PERSONNEL/AG COMMISSION - 2060/AIRPORT – 468: It is moved by Supervisor Marshall, seconded by Supervisor Vann to authorize PERS retirement benefits (employer share only) for the following temporary part time employee: Curtis Gardner, Extra Help Agricultural Aide/Building Maintenance Worker I, effective upon working over 1000 hours. Motion carried: All yes. Absent: None.

PERSONNEL/DISTRICT ATTORNEY – 2016: It is moved by Supervisor Indrieri, seconded by Supervisor Evans to add a limited term position of Fiscal Program Analyst, FT-LT, effective March 20, 2013 - May 24~~45~~, 2013 and authorize to fill. Motion carried: All yes. Absent: None.

PERSONNEL/COUNTY COUNSEL – 1031: It is moved by Supervisor Evans, seconded by Supervisor Indrieri to add an extra help Clerical position, TPT, \$12.00 per hour, effective April 5, 2013. Motion carried: All yes. Absent: None.

9:23 a.m. (9:15 a.m. Item on the Agenda) DISTRICT ATTORNEY: It is moved by Supervisor Indrieri, seconded by Supervisor Vann to approve and authorize the Colusa County District Attorney to apply annually for Victim/Witness Assistance Program Grant Funding through the California Emergency Management Agency and authorizing the District Attorney or his designee to sign and submit the Grant Application for same. Further, authorize the Chief Executive Officer (District Attorney) to sign the Grant Award Agreement and return with the Agreement at a later date for approval/ratification. Motion carried: All yes. Absent: None.

9:25 a.m. (9:20 a.m. item on Agenda) Chair Carter makes time to accept the bids received and opened on February 22, 2013 for Inmate Commissary Services at the Colusa County Jail.

Lt. Villasenor requests that the bid submitted by Swanson Services at 28% commission of net sales be amended to 28.50% of commission of net sales. Brief discussion is held.

SHERIFF/BIDS: It is moved by Supervisor Vann, seconded by Supervisor Marshall to accept bids for Inmate Commissary Services at the Colusa County Jail as received and opened on February 22, 2013 as follows:

- | | | |
|----|------------------|--|
| 1. | Aramark | 20% commission of net sales |
| 2. | Keefe Group | 16.5% commission of net sales |
| 3. | Swanson Services | 28.50 % 28% commission of net sales |

Motion carried: All yes. Absent: None.

SHERIFF/BIDS: It is moved by Supervisor Marshall, seconded by Supervisor Vann to award contract for Inmate Commissary Services to Swanson Services at 28.50% commission of net sales and direct the Sheriff to return at a later date with a contract for same. Motion carried: All yes. Absent: None.

9:28 a.m. (9:25 a.m. item on Agenda) PUBLIC WORKS/RESOLUTION: It is moved by Supervisor Evans, seconded by Supervisor Vann to adopt **Resolution No. 13-014**, a Resolution of the Colusa County Board of Supervisors Appointing Jerry White, LS 3653, as Colusa County Surveyor and authorize the Chair to sign. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

9:30 a.m. Chair Carter makes time for a Public Hearing to consider the qualifications of the candidate(s) for the position of Colusa County Road Commissioner, pursuant to the requirement of the Street and Highways Code Section 2006(a). Candidate: Clay Castleberry.

Mr. Bell speaks in support of the appointment of Mr. Castleberry as the County Road Commissioner, noting Mr. Castleberry's experience in the field.

9:31 a.m. Chair Carter opens the Public Hearing and calls for public comment.

9:32 a.m. Hearing none, Chair Carter closes the Public Hearing.

PUBLIC WORKS/ROAD COMMISSIONER: It is moved by Supervisor Vann, seconded by Supervisor Marshall to appoint Clay Castleberry as the Colusa County Road Commissioner, effective April 2, 2013. Motion carried: All yes. Absent: None.

9:33 a.m. Chair Carter makes time for a Public Hearing to consider issuance of a permit for an outdoor recreation (boating) event, known as Camp Topsy, to be held at the East Park Reservoir on June 20, 2013 through June 23, 2013.

Mr. Azevedo states this is the first time the County has exercised Chapter 26 of the County Code which requires a permit if an event will have 2000 or more event goers/attendees.

9:34 a.m. Chair Carter opens the Public Hearing and calls for public comment.

Lt. Maxey states this event has been going on at East Park for several years and there have never been any problems in the past. He expresses concern as to the noise levels as there is an ordinance that limits noise and inquires as to plans for same.

Discussion is held regarding waiving the ordinance regarding noise, dealing with problems as they arise, if any, from surrounding/neighborhood houses, and the County being named as an additional insured.

SAN FRANCISCO INSTITUTE FOR POSSIBILITY/CAMP TIPSY: It is moved by Supervisor Vann, seconded by Supervisor Evans to issue a permit to San Francisco Institute For Possibility for an outdoor recreation (boating) event, known as Camp Topsy to be held at East park Reservoir from June 20, 2013 through June 23, 2013, with the caveat the County be named as an additional insured. Motion carried: All yes. Absent: None.

9:46 a.m. Mr. Ketelsen states he did not complete the announcement of the Closed Session matters to be considered and states Under the Provisions of Government Code Section 54957(b)(1) the Board will interview candidates for the position of County Counsel at 1:00 pm. today.

9:46 a.m. (9:40 a.m. item on Agenda) Chair Carter makes time to consider authorizing the Colusa County Fish and Game Commission to take over "Kids Fish Day" from the Flycasters and approve the program be covered under the County's liability insurance.

Mr. Wrynski speaks in support of authorizing the Fish & Game Commission to take over "Kids Fish Day". He further states he has met with Ms. Scroggins regarding insurance and the possibility of Kids Fish Day being covered under the County Insurance with approval from the Board members. Discussion is held.

FISH AND GAME It is moved by Supervisor Marshall, seconded by Supervisor Evans to authorize Colusa County Fish And Game Commission to take over "Kids Fish Day" from the Flycaster and authorize the event be covered under the County's Insurance. Motion carried: All yes. Absent: None.

9:53 a.m. (9:45 a.m. item on Agenda) AG COMMISSION/MIGRANT FARM HOUSING: It is moved by Supervisor Marshall, seconded by Supervisor Vann to approve a letter of support for a CDBG Application for the City of Williams for sewer line development to connect the Migrant Housing Center to the City of Williams' (City) sewer system and authorize the Director of Migrant Farm Housing and the Chair to sign. Motion carried: All yes. Absent: None.

9:55 a.m. (9:50 a.m. item on Agenda) AUDITOR: It is moved by Supervisor Vann, seconded by Supervisor Indrieri to approve changes in Revenue and Appropriations as follows:

DEPARTMENT NAME	FUND #	DEPT #	ACCT#	AMOUNT
<i>Increase Revenue & Appropriations:</i>				
Surveyor	00101	1106	467165	(\$910.94)
Total				(\$910.94)
Surveyor	00101	1106	51010	(\$33,147.13)
Surveyor	00101	1106	51021	(\$10,013.40)
Surveyor	00101	1106	51022	(\$6,448.61)
Surveyor	00101	1106	51023	\$16,632.00
Surveyor	00101	1106	51029	(\$56.25)

Surveyor	00101	1106	51030	(\$1,266.18)
Surveyor	00101	1106	51031	(\$30.92)
Surveyor	00101	1106	51033	(\$225.00)
Surveyor	00101	1106	51036	(\$11.39)
Surveyor	00101	1106	53180	\$14,101.55
Surveyor	00101	1106	53230	\$8,502.00
Surveyor	00101	1106	59397	\$11,052.39
Total				(\$910.94)
Sheriff	00101	2021	454608	\$803.00
Total				\$803.00
Sheriff	00101	2021	51012	\$688.00
Sheriff	00101	2021	51022	\$80.00
Sheriff	00101	2021	53253	\$35.00
Total				\$803.00
Sheriff	00101	2021	454608	\$14,390.00
Total				\$14,390.00
Sheriff	00101	2021	51012	\$13,368.00
Sheriff	00101	2021	51022	\$1,022.00
Total				\$14,390.00
DEPARTMENT NAME	FUND #	DEPT #	ACCT#	AMOUNT

To Increase (Decrease) Appropriations:

Sheriff	00101	2021	51012	\$3,016.56
Sheriff	00101	2021	51022	\$230.77
Total				\$3,247.33
Sheriff	00101	2021	51012	\$476.82
Total				\$476.82
Sheriff	00101	2021	59390	(\$12,338.62)
Sheriff	00101	2021	53190	\$548.66
Sheriff	00101	2021	57164	\$11,789.96
Total				\$0.00

Motion carried: All yes. Absent: None.

Chair Carter makes time for a Presentation and discussion of Revenue and Expenditures Status Reports for the County operating funds for the month ended February 28, 2013.

Ms. Scroggins states expenditures are at 42% and general fund revenue at 43%. She expresses concern regarding Personnel, Public Defender, Burial of Indigents, and Library departments. Discussion is held, with no action taken.

CONSENT AGENDA: It is moved by Supervisor Indrieri, seconded by

Supervisor Marshall to approve Consent Agenda Item Nos. 1 through 8 as follows:

1. ADMINISTRATION/SUPERVISOR VANN/RESOLUTION: Adopt **Resolution No. 13-015**, a Resolution of the Colusa County Board of Supervisors Supporting Nomination of Honorable James D. Healy to the National Freight Advisory Committee and authorize the Chair to sign.

C13-043 2. SHERIFF: Approve FS Agreement No. 11-LE-11051360-208, Mod. 05, Cooperative Law Enforcement Annual Patrol Operations Plan & Financial Plan, between the County of Colusa Sheriff's Department and **USDA, Forest Service Mendocino National Forest**, effective through September 30, 2013, with terms and conditions as set forth in the Agreement and authorize the Chair to sign.

C13-044 3. SHERIFF: Approve an agreement between the County of Colusa Sheriff's Department and **McNary Moore Funeral Service** for the use of services, facilities and coroners cases where autopsies are performed, effective July 1, 2013 through June 30, 2015, with terms and conditions as set forth in the agreement and authorize the Chair to sign.

C13-045 4. SHERIFF: Approve Modification of Agreement to C02-245 between the County of Colusa Sheriff's Department and **ATIMS, formerly, DSSI** for Law Enforcement Software, modifying term of Agreement to be effective January 1, 2013 through December 31, 2013 and increasing Term of Contract from \$18,500.00 to \$19,250.00, with all other terms and conditions to remain in full force and effect and authorize the Chair to sign.

C13-046 5. PUBLIC WORKS: Ratify professional services agreement 1213-12, between the County of Colusa Public Works Department and **Billy Wycoff Construction** to relocate Public Roadway Works Materials Storage Vaults, effective March 14, 2013 through July 1, 2013, with terms and conditions as set forth in the agreement and signed by the Director of Public Works on behalf of the Board of Supervisors.

6. PUBLIC WORKS/PUBLIC HEARING: Approve Notice of Public Hearing to consider Vacation of a Portion of Delevan Road, set April 30, 2013 at 9:30 a.m. for a public hearing on the proposed vacation and direct the Clerk to publish and post notice of hearing and the Department of Public Works to post notice at the location.

C13-047 7. HEALTH AND HUMAN SERVICES: Approve Modification to Agreement C11-164, between the County of Colusa Health and Human Services and **Colusa County One-Stop** adding language to Exhibit A and Exhibit B, as set forth in the Modification, with all other terms and conditions to remain in full force and effect and authorize the Chair to sign.

8. HEALTH AND HUMAN SERVICES/VETERAN SERVICES: Approve out-of-state travel for the Assistant Veterans Service Officer to attend the National Association of County Veterans Service Officers (NACVCO) conference in Reno, Nevada, June 3-7, 2013.

Consent motion carried: All yes. Absent: None.

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

<u>Fund/Department</u>	<u>Vendor</u>	<u>Amount</u>
Board of Supervisors	Liebert Cassidy Whitmore	\$60.00
Public Defender	Calvo Investigations	\$1,309.35
County Counsel	Stoel Rives	\$962.08
Central Services	Chevron & Texaco	\$600.39
DHHS - Ambulance	C & L Home Service	\$45.00

Motion carried: All yes. Absent: None.

AUDITOR: It is moved by Supervisor Evans, seconded by Supervisor Vann to approve Claim Register Sheets for the period of March 12, 2013 through April 1, 2013. Motion carried by the following vote:

AYES: Supervisors Evans, Vann, Marshall and Carter.

NOES: None.

ABSENT: None.

ABSTAIN: Supervisor Indrieri.

ADMINISTRATION: It is moved by Supervisor Evans, seconded by Supervisor Indrieri to authorize Michael Azevedo, Colusa County Public Works, to accept surplus property from Solano County (Fouts Springs) on behalf of the County of Colusa, retroactive to March 1, 2013. Motion carried: All yes. Absent: None.

SUPERVISORS REPORTS/COMMENTS

Supervisor Indrieri states the State Fair Committee is still having trouble finding a place to build the County Exhibit for the upcoming State Fair.

Chair Carter declares a recess at 10:30 a.m. and convenes in Closed Session at 10:45 a.m., and reconvenes in Regular Session at 11:33 a.m. with all Supervisors present.

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

Chair Carter calls the Regular meeting of April 2, 2013 back to order at 1:00 p.m. and declares a recess to reconvene in Closed Session and reconvenes in Regular Session at 4:55 p.m., with all Supervisors present.

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

Chair Carter makes time for announcement of matters considered in Closed Session.

Mr. Ketelsen announces the following Closed Session matters were considered:

10:45 a.m. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Government

Code Section 54956.9(d)(1) – Elaine Rominger and Gerald Rominger, Petitioners v. County of Colusa, Respondents, Adams Group, Inc., Real Parties in Interest, Case No. CV 23899 Superior Court of the State of California, County of Colusa. He states there was no reportable action taken.

CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE TO LITIGATION – Colusa Basin Drainage District – Conflict of Interest - pursuant to California Government Code Section 54956.9(d)(2). He states there was no reportable action taken.

1:00 p.m. Under the Provisions of Government Code Section 54957(b)(1) the Board interviewed candidates for the position of County Counsel. He states there was no reportable action taken.

The Board adjourns at 5:00 p.m. to reconvene in Special Session on April 9, 2013 at the hour of 12:00 p.m.

Denise J. Carter, Chair

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

BY _____
Ann Nordyke, Deputy Board Clerk II