

## Board of Supervisors

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



## COUNTY OF COLUSA

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## Special Meeting

February 11, 2008

The Board of Supervisors of the County of Colusa, State of California meet in Special Meeting this 11<sup>th</sup> day of February 2009 at the hour of 2:30 p.m., with Closed Session scheduled for 3:00 p.m. Present: Present: Supervisors Gary J. Evans, Chairman, Denise J. Carter, Mark D. Marshall, and Kim Dolbow Vann. Absent: Supervisor Thomas A. Indrieri.

Present: Henry Rodegerdts, Marge Kemp-Williams, County Counsel's Office.  
Brian Ring, Personnel Director.  
Peggy Scroggins, Robert Zunino, Auditor-Controller's Office.  
Kent Johanns, CCEA president.  
Greg Pankey, Director, Information Technology.  
Barb Salazar, Transit.  
Beth Robey, Debbie Garofalo, Health & Human Services.  
Curtis Boewer, Michael Laffin, Behavioral Health.  
Cheryl Moss, Treasurer-Tax Collector's Office.  
Mary Anderson, Director, Child Support Services.  
Candy Grimm, Colusa Library.  
Wayne Zoller, Andera Correa, Assessor's Office.  
Jon Wrynski, Assistant Director, Public Works.  
Steve Bordin, Jeanne Broderman, Probation Department.  
Harry Krug, Renee McCormick, Ag Commissioner's Office.  
Yolanda Tirado, Ann Nordyke, Board Clerks.

Mr. Rodegerdts announces the following will be considered in Closed Session later this day:

- ✚ Under the Provisions of Government Code Section 54957, the Board will discuss personnel matters.
- ✚ Under the Provisions of Government Code Section 54956.9(c), the Board will discuss with Legal Counsel joining the litigation being proposed by San Diego and Sacramento Counties to compel the State Controller to release to the counties appropriated funds now being withheld.

Prayer by Chairman Evans. Pledge of Allegiance.

Chairman Evans declares time for a period of public comment.

Mr. Wrynski requests direction regarding a small job order contract and insurance requirements for same. Brief discussion is held.

Chairman Evans directs Mr. Wrynski to place the item placed on the February 17, 2009 Agenda for Board consideration.

No further comment being heard, Chairman Evans closes the period of public comment.

Chairman Evans reads the following proposed resolution into the record:

“Resolution of the Colusa County Board of Supervisors Declaring a Hiring Freeze

**WHEREAS** the threatened delay of state funds has negatively impacted Colusa County's budget; and

**WHEREAS** a means for controlling expenses is presented by not filling current and future vacant positions within the County.

**NOW THEREFORE IT IS RESOLVED THAT**

Hiring of new personnel shall immediately stop; and

The Personnel Director is directed to fill current and future vacant positions within the County only on order of the Board of Supervisors.” **(See Supervisors' Minutes Book 2009, page 63)**

2:42 p.m. (2:30 p.m. item on Agenda) ADMINISTRATION/RESOLUTION: It is moved by Supervisor Marshall, seconded by Supervisor Carter to adopt **Resolution No. 09-012**, a Resolution Of The Colusa County Board Of Supervisors Declaring A Hiring Freeze and authorize the Chairman to sign. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: Supervisor Indrieri.

Mr. Rodegerdts reads the following proposed resolution into the record:

“Resolution/Order of the Colusa County Board of Supervisors Declaring a Fiscal Emergency and Authorizing Furloughs and/or Layoffs as Deemed Necessary in the Departments of Health and Human Services and Behavioral Health

**WHEREAS** the current economic situation has created a fiscal emergency for the Colusa County Departments of Health and Human Services and Behavioral Health necessitating the furlough and/or layoff of employees; and

**WHEREAS** the Department Heads are best able to evaluate their employees and the needs of their departments; and

**WHEREAS** the Board of Supervisors has discretion to order layoffs and/or furloughs; and

**WHEREAS** past layoffs under the existing MOUs have created appeals due to ambiguity in the language which stymied the layoffs going forward with a corresponding negative financial impact; and

**WHEREAS** the County has met and conferred with bargaining units to remedy some of the ambiguities existing in the current MOUs and from those meetings the parties agreed on a layoff procedure, Chapter 45 section 7; and

**WHEREAS** section 7 recognizes the County employs people in Departments and fair play warrants recognition of County-wide seniority when circumstances arise that warrant layoffs; and

**WHEREAS** furloughs within the Departments shall be implemented where feasible to avoid layoffs; and

**WHEREAS** the Colusa County Board of Supervisors has authority under Government Code section 3504.5 to pass a resolution in emergency situations.

**NOW THEREFORE IT IS RESOLVED THAT**

The Colusa County Departments of Behavioral Health and Health and Human Services are facing a fiscal emergency that requires immediate response; and

**NOW THEREFORE IT IS ORDERED THAT**

The Department Heads in Behavioral Health and Health and Human Services shall evaluate their staff needs and furlough employees as they deem necessary for the sound fiscal operations of their departments; and

In the event cost savings arising from furloughing employees in the Departments cannot or do not meet the projected shortfalls, the Department Heads in Behavioral Health and Health and Human Services may evaluate their staff needs and layoff employees as they deem necessary for the sound fiscal operations of their departments; and

In the event layoffs are deemed necessary, the Personnel Director shall follow the layoff procedure outlined in Chapter 45 which utilizes County seniority in determining bumping rights within the specific class subject to layoff."

Mr. Johanns expresses concern on behalf of CCEA members regarding the proposed resolution and the affect layoffs would have on CCEA members.

ADMINISTRATION/HEALTH & HUMAN SERVICES/BEHAVIORAL

HEALTH/RESOLUTION: It is moved by Supervisor Vann, seconded by Supervisor Marshall to adopt **Resolution No. 09-013**, a Resolution/Order Of The Colusa County Board Of Supervisors Declaring A Fiscal Emergency And Authorizing Furloughs and/or Layoffs As Deemed Necessary In The Department Of Health And Human Services And Behavioral Health and authorize the Chairman to sign. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: Supervisor Indrieri.

Mr. Rodegerdts reads the following proposed resolution into the record:

"Resolution of the Colusa County Board of Supervisors Authorizing the Payment of Holiday Pay

**WHEREAS** the current Memoranda of Understanding (MOUs) with the County Employees, all classes, provide that employees will be paid a premium for working on holidays; and

**WHEREAS** there is a potential conflict between the MOUs and past practice in calculating the amount due an employee who works holidays; and

**WHEREAS** the Meyers-Milias-Brown Act requires that the County meet and confer with employees regarding changes to past practice; and

**WHEREAS** it is the intent of the Colusa County Board of Supervisors at this time to continue to provide payment for work on holidays consistent with past practice.

**NOW THEREFORE IT IS RESOLVED AND ORDERED**

Until new MOUs are negotiated with the various classes of employees, the Payroll Department is directed to continue to pay holiday pay consistent with the practice followed on January 2, 2009."

Chairman Evans expresses concern regarding the last paragraph of the proposed resolution and using the date of January 2, 2009 and requests Ms. Scroggins, clarify how long this practice has been ongoing.

Ms. Scroggins states before 1980 and consistently since that time.

ADMINISTRATION/RESOLUTION: It is moved by Supervisor Marshall, seconded by Supervisor Vann to adopt **Resolution No. 09-014**, a Resolution Of The Colusa County Board Of Supervisors Authorizing The Payment Of Holiday Pay Consistent With Past Practice and authorize the Chairman to sign. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: Supervisor Indrieri.

Chairman Evans declares a recess at 3:14 p.m. to convene in Closed Session and reconvenes in Regular Session at 4:14 p.m. with all Supervisors, except Supervisor Indrieri present.

Present: Henry Rodegerdts, Marge Kemp-Williams, County Counsel's Office.  
Brian Ring, Personnel Director.  
Yolanda Tirado, Ann Nordyke, Board Clerks.

Mr. Rodegerdts announces the Board met in Closed Session regarding the following items:

- ❖ Under the Provisions of Government Code Section 54957, the Board discussed personnel matters and instructions were given.
- ❖ Under the Provisions of Government Code Section 54956.9(c), the Board discussed with Legal Counsel joining the litigation being proposed by San Diego and Sacramento Counties to compel the State Controller to release to the counties appropriated funds now being withheld, with a unanimous vote of the Board members present to join in litigation when and if complaint is filed on behalf of Sacramento and San Diego counties.

The Board adjourns at 4:34 p.m. to reconvene in Regular Session on February 17, 2009 at the hour of 9:00 a.m.

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Gary J. Evans, Chairman

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

BY \_\_\_\_\_  
Ann Nordyke, Board Clerk