

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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Minutes

March 17, 2009

The Board of Supervisors of the County of Colusa, State of California meet in Regular Session this 17th day of March 2009 at the hour of 8:00 a.m., with Closed Session scheduled for 8:05 a.m. Present: Supervisors Gary J. Evans, Chairman, Denise J. Carter, Thomas A. Indrieri, Kim Dolbow-Vann, and Mark D. Marshall. Absent: None.

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

Chairman Evans calls to order the Regular meeting of March 17, 2009 at 8:00 a.m.

Mr. Rodegerdts announces the Board will consider the following in Closed Session:

- A. Under the Provisions of Government Code Section 54956.9(a), the pending matter being heard by the American Arbitration Association entitled County of Colusa vs. Cortina Integrated Waste Management, Inc.
- B. Under the Provisions of Government Code Section 54957.6, the designated Negotiators, Brian Ring and Marge Kemp-Williams for ongoing labor negotiations will update the Board on matters associated with negotiations and receive instruction.
- C. Under the Provisions of Government Code Sections 54956.9(a), the Board will formulate instructions to be given to its attorney in the pending Colusa County Superior Court Case entitled Sutter Constructors, Inc., v Colusa County. Inst. and instructions will be given to the attorney.
- D. Mr. Rodegerdts further announces under the Provisions of Government Code Section 54956.8, the meeting with the County's Negotiators, Ruben Lopez, County Consultant, Supervisors Thomas A. Indrieri, Mark D. Marshall, and Peggy Scroggins, Auditor-

Controller to discuss the terms related to the transfer of the Court Facilities located at the Colusa County Historic Courthouse and Courthouse Annex, 547 Market Street, Colusa, CA, and the Criminal Justice Facility, 532 Oak Street, Colusa, CA., 95932 to the State of California will not be heard today.

Chairman Evans declares a recess at 8:05 a.m., to convene in Closed Session and reconvenes in Regular Session at 9:20 a.m., with all Supervisors and County Counsel present.

Present: Marge Kemp-Williams, County Counsel's Office.
Robert Zunino, Assistant Auditor-Controller.
John Poyner, Sharon Reische, District Attorney's Office.
Scott Marshall, Shane Maxey, Miguel Villasenor, Russ Jones, Sheriff's Department.
Curtis Boewer, Michael Laffin, Behavioral Health Services.
Ben Felt, EOS.
Mary Winters, David Womble, Mary Womble, Cathy Bliss, Colusa citizens.
Angela Plachek-Fulcher, Jean Tirkildsin, Jean Moore, Ron Simmons, Williams City Council members.
Steve Bordin, Chief Probation Officer.
Beth Robey, Director, Health & Human Services.
Loren Clifton, Wayne Grishaber, Public Works Department.
Harry Krug, Ag Commissioner.
Vernetta Marsh, Myres/Marsh LLC.
Brian Ring, Personnel Director.
Yolanda Tirado, Ann Nordyke, Board Clerks.

Prayer by Chairman Evans. Pledge of Allegiance.

ADMINISTRATION: It is moved by Supervisor Vann, seconded by Supervisor Carter to approve the Minutes of the March 3, 2009 Regular Session. Motion carried: All yes. Absent: None.

Chairman Evans declares time for a period of public comment. None being heard, Chairman Evans closes the period of public comment.

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

❖ Under the Provisions of Government Code Section 54956.9(a), the Board discussed with Legal Counsel the pending matter being heard by the American Arbitration Association entitled County of Colusa vs. Cortina Integrated Waste Management, Inc. and instructions were given.

❖ Under the Provisions of Government Code Section 54957.6, the designated Negotiators, Brian Ring and Marge Kemp-Williams, for ongoing labor negotiations updated the Board on matters associated with negotiations and this item was not concluded and will resume later this day.

❖ Under the Provisions of Government Code Section 54956.8, regarding the Board meeting with it's Negotiators, Ruben Lopez, County Consultant, Supervisors Thomas A. Indrieri, Mark D. Marshall, and Peggy Scroggins, Auditor-Controller to discuss the terms related to the transfer of the Court Facilities was dropped from the agenda.

❖ Under the Provisions of Government Code Sections 54956.9(a), regarding the Board formulating instructions to give to its attorney in the pending Colusa County Superior Court Case entitled Sutter Constructors, Inc., v Colusa County was not concluded and will resume later this day.

9:21 a.m. (9:05 a.m. item on Agenda) STAFF REPORTS

Mr. Bordin reports on matters that pertain to his department noting the County was not awarded the grant for the construction of a juvenile hall within the County. Brief discussion was held with no action taken.

Mr. Boewer reports on matters that pertain to his department.

Present: Donna Critchfield, Colusa City Council member.

9:27 a.m. (9:10 a.m. item on Agenda) PERSONNEL/SHERIFF – JAIL 2031: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to hire one extra help Correctional Officer, TFT, Range 28 (Schedule 08D), effective March 18, 2009. Motion carried: All yes. Absent: None.

PERSONNEL/COUNTY COUNSEL – 1031: It is moved by Supervisor Vann, seconded by Supervisor Indrieri to approve hiring an extra help Legal Secretary, TPT, \$13.57 per hour, effective March 17, 2009. Motion carried: All yes. Absent: None.

PERSONNEL/AG COMMISSIONER – 2060: It is moved by Supervisor Carter, seconded by Supervisor Indrieri to approve hiring an extra help Agricultural Aide, TPT, \$9.00 per hour, effective April 1, 2009. Motion carried: All yes. Absent: None.

PERSONNEL/DISTRICT ATTORNEY: It is moved by Supervisor Marshall, seconded by Supervisor Vann to authorize the following budget changes, with corrections as noted:

Delete the following positions:

District Attorney – 2016 (80%)/SRVP – 2008 (20%) Chief Deputy District Attorney, PFT, Range 26 (Schedule 08M), effective February 28, 2009.

District Attorney – 2016 (5%)/Welfare Fraud – 20161 (84%/DA Indian Gaming – 02258 (11%) District Attorney Chief Investigator, PFT, Range 40 (Schedule 08D), effective February 28, 2009.

District Attorney – 2016 (65%)/SRVP – 2008(25%)/Victim Witness – 2036 (10%) Fiscal Program Analyst, PFT, Range 30 (Schedule 08C), effective February 28, 2009.

District Attorney – 2016 (45%)/~~Victim Witness-2036 SRVP-2008 (55%)~~
District Attorney Investigator, PFT, Range 39 (Schedule 08D),
effective February 28, 2009.

Add the following positions:

District Attorney – 2016 (100%) Chief Deputy District Attorney, PFT,
Range 26 (Schedule 08M), effective March 1, 2009.

DA Indian Gaming – 002258 (50%)/DA – 2016 (50%) District Attorney
Chief Investigator, PFT, Range 40 (Schedule 08D), effective March
1, 2009.

District Attorney – 2016 (90%)/Victim Witness – 2036 (10%) Fiscal
Program Analyst, PFT, Range 30 (Schedule 08C), effective March 1,
2009.

District Attorney – 2016 (90%)/~~Victim Witness-2036 SRVP-2008 (10%)~~
District Attorney Investigator, PFT, Range 39 (Schedule 08D),
effective March 1, 2009. Motion carried: All yes. Absent: None.

9:32 a.m. (9:25 a.m. item on Agenda) Chairman Evans makes time for re-appointments to the Colusa County Agricultural/Air Pollution Control Affairs Advisory Committee as follows:

- Richard Selover, District V, effective March 25, 2009 – March 24, 2013
- Joe Carrancho, District IV, effective March 19, 2009 – March 18, 2013
- Bud Harman, District III, effective March 6, 2009 – March 4, 2013
- Dick Armocido, District II, effective March 17, 2009 – March 18, 2013

APPOINTMENTS/COLUSA COUNTY AGRICULTURAL/AIR POLLUTION

CONTROL AFFAIRS ADVISORY COMMITTEE: It is moved by Supervisor Carter, seconded by Supervisor Vann to approve the re-appointments to the Colusa County Agricultural/Air Pollution Control Affairs Advisory Committee of the following:

- Richard Selover, District V, effective March 25, 2009 – March 24, 2013
- Joe Carrancho, District IV, effective March 19, 2009 – March 18, 2013
- Bud Harman, District III, effective March 6, 2009 – March 4, 2013
- Dick Armocido, District II, effective March 17, 2009 – March 18, 2013

Brief discussion is held regarding qualifications for appointment.

Following discussion, it is the consensus of the Board members to continue the re-appointments to the Colusa County Agricultural/Air Pollution Control Affairs Advisory Committee to the April 7, 2009 Regular Board meeting for further consideration.

Supervisors Carter withdraws her motion and Supervisor Vann withdraws her second to approve the re-appointments to the Colusa County Agricultural/Air Pollution Control Affairs Advisory Committee.

9:34 a.m. (9:30 a.m. item on Agenda) COLUSA COUNTY TREASURER-TAX COLLECTOR: It is moved by Supervisor Indrieri, seconded by Supervisor Vann to accept the Colusa County Treasurer-Tax Collector's Investment Report for the month of February 2009. Motion carried: All yes. Absent: None.

C09-045 9:38 a.m. (9:35 a.m. item on Agenda) HEALTH AND HUMAN SERVICES: It is moved by Supervisor Vann, Seconded by Supervisor Indrieri to approve "Amendment 2 of the Memorandum of Understanding (MOU) between the **California Statewide Automated Welfare System Consortium IV** and the County of Colusa" C07-070, effective March 17, 2009, with terms and conditions as set forth in the Amendment 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.

Present: Kay Hosmer, Colusa City Council member.

C09-046 HEALTH AND HUMAN SERVICES: It is moved by Supervisor Carter, seconded by Supervisor Vann to approve Agreement for Professional Services between the County of Colusa Health and Human Services and **the California Association of Environmental Health Administrators (CAEHA)**, to fill the position of an interim Environmental Health Director, effective March 17, 2009 through August 16, 2009, with terms and conditions as set forth in the Agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

C09-047 HEALTH AND HUMAN SERVICES: It is moved by Supervisor Indrieri, seconded by Supervisor Vann to approve Second Modification to Agreement No. C08-249 between the County of Colusa Health and Human Services and **Colusa County Community Advocates for Parents and Children (CAPC)** for Child Abuse Prevention, Intervention, and Treatment (CAPIT) funding, modifying "Item III-Compensation" in a maximum amount not to exceed \$43,765.20, with all other terms and conditions to remain in full force and effect and authorize the Director of Health and Human Services to sign on behalf of the Board of Supervisors. Motion carried: All yes. Absent: None.

9:47 a.m. (9:40 a.m. item on Agenda) PUBLIC WORKS: It is moved by Supervisor Indrieri, seconded by Supervisor Vann to approve retiring and/or disposing of the following equipment from the Road Department:

- #50 1969 Peterbuilt TRAC288M Truck VIN. # 288M33255 LIC. # E533165
- #51 1969 Peterbuilt TRAC288M Truck VIN. #288M33256 LIC# E533166
- #98 1972 Peterbuilt Cement Mixer VIN.# 45553P LIC.# 1214094

Motion carried: All yes. Absent: None.

Present: Michelle Dudman, Assessor's Office.

C09-048 PUBLIC WORKS: It is moved by Supervisor Marshall, seconded by Supervisor Vann to ratify Contract # 0809-19, between the County of Colusa Public Works and **Stewart Savage Plumbing**, for installation of sewer system in Colusa Maintenance Yard, effective March 17, 2009 through June 30, 2009, with terms and

conditions as set forth in the contract and authorize the Public Works Director to sign on behalf of the Board of Supervisors. Motion carried: All yes. Absent: None.

10:00 a.m. (9:45 a.m. item on Agenda) SHERIFF: It is moved by Supervisor Indrieri, seconded by Supervisor Vann to approving FY07 Telephone Emergency Notification System Program Application for grant funds in the amount of \$70,000.00, and authorize the Chairman and representatives to sign. Further, waive Colusa County's RFP procedures and approve utilizing Humboldt County's RFP process; and award the RFP to Plant CML for the Telephone Emergency Notification System. Motion carried: All yes. Absent: None.

Present: Dave Womble, Mary Womble, Colusa citizens.
Carol Pearson, Veteran's Officer.

C09-049 SHERIFF: It is moved by Supervisor Vann, seconded by Supervisor Carter to approving Reverse 911 License and Support Agreement between the County of Colusa and **Sigma Communications, LLC, dba Reverse 911**, for the Telephone Emergency Notification System Program, effective March 17, 2009, with terms and conditions as set forth in the Agreement and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

Chairman Evans makes time for a Presentation to Kevin Wheeler of a plaque from CSAC-Excess Insurance Authority in appreciation for his years of services on the Loss Prevention Committee – 2005-2008.

Mr. Zunino presents Mr. Wheeler with a plaque from CSAC.

Chairman Evans reads the following proclamation into the record:

**“A PROCLAMATION HONORING KEVIN BRUCE WHEELER UPON HIS RETIREMENT AS CHIEF DEPUTY
FOR
THE COLUSA COUNTY SHERIFF'S OFFICE**

WHEREAS, Kevin Wheeler began his career as a Relief Deputy Sheriff with the Butte County Sheriff's Department working for Sheriff Larry Gillick; and

WHEREAS, Kevin was hired with the Colusa County Sheriff's Office in April of 1979 as a Deputy Sheriff; and

WHEREAS, Kevin became the first P.O.S.T. Certified Field Training Officer for the Department in 1981; and

WHEREAS, in June of 1984 Kevin was promoted to Sergeant; and

WHEREAS, in 1986, Kevin began conducting the Department's pre-employment background investigations. He conducted several hundred such investigations up to his last day with the department; and

WHEREAS, in March of 1986 Kevin was promoted to Lieutenant taking over command of the Field Services Division; and

WHEREAS, in February 1987 he was part of the process to assume Coroner duties into the Sheriff's Department; and

WHEREAS, in October of 1988 Kevin was promoted to Captain; and

WHEREAS, in October of 1997 Kevin became the first officer of the department to ever achieve the rank of Chief Deputy; and

WHEREAS, Kevin has worked on the security details for two U.S. Vice-Presidents; and

WHEREAS, Kevin has worked for five consecutive Colusa County Sheriffs, John J. Troughton Jr., B.D. McWatters, Wayne Oliver, Gerald Shadinger and Scott D. Marshall; and

WHEREAS, Kevin has amassed in excess of 1,900 hours of law enforcement training from the California Peace Officer Standards and Training including supervisory and management courses, plus hundreds of additional hours from other sources. Further, he was one of the first of many department personnel to be qualified as an Emergency Medical Technician; and

WHEREAS, being raised in Gridley, Kevin resides in Colusa with his wife, Margo, and he has a son, Matthew of Chico. He now announces his retirement from the Colusa County Sheriff's Office after twenty-nine years and eight months.

NOW, THEREFORE, the Colusa County Board of Supervisors does hereby honor KEVIN BRUCE WHEELER upon his retirement as Chief Deputy for the Colusa County Sheriff's Office and extends their sincere appreciation for his unwavering dedication and exemplary service to the citizens of Colusa County."

Chairman Evans presents Mr. Wheeler with the proclamation and thanks him for his service to the County.

SHERIFF: It is moved by Supervisor Marshall, seconded by Supervisor Carter to adopt a Proclamation of the Colusa County Board of Supervisors Honoring Kevin Bruce Wheeler Upon His Retirement As Chief Deputy For The Colusa County Sheriff's Office and authorize the Chairman to sign. Proclamation passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

C09-050 10:13 a.m. (9:55 a.m. item on Agenda) BEHAVIORAL HEALTH: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to approve Standard Agreement 07-NNA06, amendment Number 1, between the County of Colusa Behavioral Health and the **Department of Alcohol and Drug Programs (ADP)**, effective July 1, 2007 through June 30, 2010, with terms and conditions as set forth in the Amendment 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.

10:14 a.m. (10:00 a.m. item on Agenda) AUDITOR-CONTROLLER: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to approve Intra-Budget Transfer Nos. 29022 through 29026. Motion carried: All yes. Absent: None.

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

DEPARTMENT NAME	FUND #	DEPT #	ACCT#	AMOUNT
<i>Increase Revenue & Appropriations:</i>				
Registration Fees	00101	1026	466113	\$399.00
Membership Fees	00101	1026	53150	\$75.00
Transportation & Travel	00101	1026	53250	\$200.00
Education & Training	00101	1026	53251	\$124.00
District Attorney	00101	2016	479910	\$216,000.
District Attorney	00101	2016	53230	\$216,000.
DEPARTMENT NAME	FUND #	DEPT #	ACCT#	AMOUNT
<i>Increase (Decrease) Appropriations:</i>				
Consumer Protection-Co	02256	002256	59452	\$195,358.04
Development Fees-DA	02257	002257	59452	\$20,641.96

Motion carried: All yes. Absent: None.

10:18 a.m. (10:05 a.m. item on Agenda) COUNTY COUNSEL: It is moved by Supervisor Marshall, seconded by Supervisor Indrieri to adopt **Resolution No. 09-017**, a Resolution of the Colusa County Board of Supervisors Declaring the Williams Veterans' Hall and Its Associated Land Surplus and to Consider the Public Sale Of Such Property At A Later Date and authorize the Chairman to sign. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

10:22 a.m. (10:10 a.m. item on Agenda) ADMINISTRATION: It is moved by Supervisor Indrieri, seconded by Supervisor Vann to authorize a letter to the State of California Labor Commissioner in support of a local business and authorize the Chairman to sign. Motion carried: All yes. Absent: None.

ADMINISTRATION: It is moved by Supervisor Vann, seconded by Supervisor Carter to approve the Board of Supervisor's calendar for scheduled meetings July 2009 through December 2009. Motion carried: All yes. Absent: None.

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

1. AG COMMISSIONER'S OFFICE/COLUSA COUNTY AIRPORT: Accept Notice of Completion for the Bituminous Seal Coating and Pavement Markings at the Williams Migrant Housing Center at 400 Theater Road, Williams, CA., recorded on February 17,

2009 and signed by the Director of Migrant Housing on behalf of the Board of Supervisors.

C09-051 2. AG COMMISSIONER: Approve Standard Agreement No. 08-0760 between the County of Colusa Ag Commissioner's Office and **the Department of Food and Agriculture** for Light Brown Apple Moth Trapping and Survey Activities, effective July 1, 2008 through June 30, 2009, in a maximum amount of \$752.00, with a sixty (60) day written termination clause by either party and authorize the Agricultural Commissioner to sign on behalf of the Board of Supervisors.

3. PLANNING AND BUILDING/PARCEL MAP/RESOLUTION: Adopt **Resolution No. 09-018**, a Resolution of the Colusa County Board of Supervisors Authorizing the Recordation of Parcel Map Number 06-2-2, NPM General Partnership (Jack Pesola), authorize the Chairman to sign and direct the Clerk to record.

C09-052 4. PUBLIC WORKS: Ratify Contract # 0809-18 between the County of Colusa Public Works and **Stohlman Enterprises Inc.**, for electrical installation, repair and maintenance, effective January 29, 2009 through June 30, 2009, with terms and conditions as set forth in the contract and authorize the Public Works Director to sign on behalf of the Board of Supervisors.

C09-053 5. COUNTY COUNSEL: Approve Agreement to Provide Expert Consultation and Related Services between the County of Colusa, Stoel Rives, LLP., and the **Law Offices of Richard L. Crabtree and Richard L. Crabtree**, collectively, effective March 17, 2009, with terms and conditions as set forth in the Agreement and authorize the Chairman to sign.

C09-054 6. COUNTY COUNSEL: Approve Agreement to Provide Expert Consultation and Related Services between the County of Colusa, Stoel Rives, LLP, and **Abbott & Kindermann and William Abbott**, collectively, effective March 17, 2009, with terms and conditions as set forth in the Agreement and authorize the Chairman to sign. **Consent motion carried: All yes. Absent: None.**

Chairman Evans inquires if there is any State, Federal Legislation or General Budgetary matters of interest.

Supervisor Indrieri states the City of Colusa would like to have an idea of the County's stance regarding a Service District being established for the Walnut Ranch residents. Brief discussion is held.

Supervisor Carter states the Rotary Club would like to do a community service project, by putting a clock in the rose garden of the Historical Courthouse. Discussion is held, with no action taken.

SUPERVISORS' REPORTS OR COMMENTS

Supervisor Vann

Meetings/Events attended:

Arbuckle Little League Grand Opening.

Budget Committee meeting.

Sheriffs' Town meeting.

Wild Goose Storage/Gas line meeting with Superior Court.
 Assemblyman Neilsen re: labor issues in Colusa County.
 PG&E/Gemma update meeting.
 Policy Committee meeting.
 NICOR meeting.
 PG&E/Gemma meeting
 Common Treads Event, U.C Davis.
 Calls regarding/or pertaining too:
 State Labor Department, multiple issues.
 PG&E Power Plant, food vending issues.
 Chamber Colusa County.
 Prop 1C.
 Economic Development.

10:50 a.m. Supervisor Vann excuses herself and leaves the Board chamber.

AUDITOR: It is moved by Supervisor Indrieri, seconded by Supervisor Carter to approve Claim Register Sheets for the period March 3, 2009 through March 16, 2009. Motion carried: All yes. Absent: Supervisor Vann.

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

Three B's Toilet Rental	\$ 223.08
Stohlman Enterprise	\$ 261.22
Wendy L Lyle PhD	\$ 350.00
Clark Translations	\$ 193.06
Clark Translations	\$ 150.00

Motion carried: All yes. Absent: Supervisor Vann.

Ms. Tirado apprises the Board of items set for the April 7, 2009 Agenda.

Chairman Evans declares a recess at 10:58 a.m. to reconvene to Closed Session and reconvenes in Regular Session at 11:56 a.m. with all Supervisors, except Supervisor Vann 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 to discuss the following Closed Session items:

❖ Under the Provisions of Government Code Section 54957.6, the designated Negotiators, Brian Ring and Marge Kemp-Williams, for ongoing labor negotiations updated the Board on matters associated with negotiations and received instruction.

❖ Under the Provisions of Government Code Sections 54956.9(a), the Board formulated instructions to give to its attorney in the pending Colusa County Superior Court Case entitled Sutter Constructors, Inc., v Colusa County, and each Supervisor present voted to approve a settlement in the amount of \$90,000.

The Board adjourns at 11:58 a.m. to reconvene in Regular Session on April 7, 2009 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, Board Clerk