

**TRINITY COUNTY
BOARD OF SUPERVISORS**
Trinity County Library
Conference Room
Weaverville, CA

MEETING MINUTES

2016-09-20

Chairman

Supervisor Karl Fisher - District 3

Vice Chairman

Supervisor John Fenley - District 5

Supervisor Keith Groves - District 1

Supervisor Judy Morris - District 2

Supervisor Bill Burton - District 4

VACANT - County Administrative Officer

Margaret Long - County Counsel/Clerk of the Board

Naomi Merwin - Deputy Clerk of the Board

Meeting called to order in open session at 9:00 AM.

Pledge of Allegiance - Supervisor Burton

Public Comment - Received comments from Everett Harvey and Alec Hurst.

Presentations

Clerk of the Board

1.01 Adopted a proclamation recognizing the Trinity County Auditor's Office for their receipt of a Certificate of Achievement for Excellence in Financial Reporting Award.

Received comments from County Counsel Margaret Long and Auditor/Controller Angie Bickle.

Motion: Groves **Second:** Morris **Carried Vote:** 5-0

Personnel

1.02 Received a presentation from Marilyn Jones with Nyhart regarding the actuarial valuation report.

Received comments from Personnel Analyst Monica Stygar.

Consent

Auditor/Controller

Auditor/Controller

- 2.01** Approved amendment number 1 to the agreement with Koa Hills, changing the terms to auto renew, adding cyber liability insurance and increasing the max cost by \$6,000 annually for on-call software support services.

Received comments from Auditor/Controller Angie Bickle.

Motion: Groves **Second:** Burton **Carried Vote:** 5-0

- 2.02** Approved amendment number 1 to the agreement with Larry Olsen, Attorney increasing the monthly cost by \$2,000 dollars for providing defense services of indigent persons in Trinity County.

Received comments from Everett Harvey and Auditor/Controller Angie Bickle.

Motion: Morris **Second:** Burton **Carried Vote:** 5-0

- 2.03** Approved amendment number 1 to the agreement with Laura S. Woods, Attorney increasing the monthly cost by \$2,000 dollars for providing defense services of indigent persons in Trinity County.

Motion: Morris **Second:** Fenley **Carried Vote:** 5-0

Behavioral Health Services

- 2.04** Approved an agreement with Kings View Corporation to provide computerized Management Information Services, Electronic Health Records information services and all Pay Sources billing services.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

- 2.05** Approved an agreement with the Trinity County Sheriff's Office for escort services for Trinity County Behavioral Health Services consumers.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

Clerk of the Board

- 2.06** Adopted Resolution No. 2016-072 confirming the continuance of a Local Emergency due to drought conditions.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

- 2.07** Adopted Resolution No. 2016-073 supporting the Hayfork High School 2016 Homecoming Parade.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

- 2.08** Considered approving the regular meeting minutes from September 6, 2016 and the budget hearings minutes from September 7, 2016, as submitted by the Clerk.

Received comments from Deputy Clerk of the Board Naomi Goulette (Attachment A).

Motion to approve the regular meeting minutes from September 6, 2016, as modified by the Clerk.

Motion: Groves **Second:** Burton **Vote:** 4-0
Morris - ABSTAIN

Motion to approve the budget hearings minutes from September 7, 2016, as submitted by the Clerk.

Motion: Groves **Second:** Morris **Carried Vote:** 5-0

Health & Human Services

- 2.09** Approved a budget adjustment for FY 2016 /17 for the Welfare Department (Dept. 5000) increasing Fixed Assets and decreasing Services & Supplies by \$8,000.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

Library

- 2.10** Ratified amendment number 3 to the agreement with Online Computer Library Center (OCLC) updating the Group Services Pricing Schedule to provide access to WorldShare bibliographic database for interlibrary loan and CatExpress cataloging subscription services.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

Personnel

- 2.11** Ratified County Counsel's signature on an agreement with the City of Foster City/Estero Municipal Improvement District, a Municipal Corporation for a thirty (30) day recruitment ad placement with CalOPPS for the open position of Senior Planner.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

Probation/Collections

- 2.12** Approved an agreement with the Franchise Tax Board - Court Ordered Debt to collect fines, fees, forfeitures and penalties as part of the requirements of the State of California's Comprehensive Collections Program.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

- 2.13** Approved an agreement with Hoopa Valley Tribe to provide correctional treatment programming including board and care of delinquent minors per California Welfare And Institutions Code Section 602.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

- 2.14** Adopted Resolution No. 2016-074 which removes from the Probation Department's Capital Asset Inventory Departmental Listing and sells the assets to Trinity Tactical, a licensed firearm dealer:

Asset ID 12087, Heckler & Koch Model USP 9mm Pistol (Serial #24-26476); and
Asset ID 12088, Heckler & Koch Model USP 9mm Pistol (Serial #24-26788); and
Asset ID 12089, Heckler & Koch Model USP 9mm Pistol (Serial #24-26474); and
Asset ID 12090, Heckler & Koch Model USP 9mm Pistol (Serial #24-26674); and
Asset ID 12091, Heckler & Koch Model USP 9mm Pistol (Serial #24-26493); and
Asset ID 12092, Heckler & Koch Model USP 9mm Pistol (Serial #24-26478); and
Asset ID 12093, Heckler & Koch Model USP Compact 9mm Pistol (Serial #27-012688); and
Asset ID 12781, Heckler & Koch Model USP Compact 9mm Pistol (Serial #27-012647); and
Asset ID 13210, Heckler & Koch Model USP 9mm Pistol (Serial #27-39798); and removes from the Probation Department's Capital Asset Inventory Departmental Listing and turns over to Trinity County Information Technology Department for disposal:
Asset ID 12993, Case Management System Server; and Asset ID 13005, Eye Check Pupilometer.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

Sheriff

- 2.15** Adopted Resolution No. 2016-075 which adopts the Trinity County Hazard Mitigation Plan as approved by FEMA and the California Office of Emergency Services bringing Trinity County into compliance with the Federal Disaster Mitigation Act of 2000.

Motion: Morris **Second:** Fenley **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

Solid Waste

- 2.16** Approved an agreement with West Coast Scales to provide as needed scale repair services at the Weaverville Transfer Station.

Received comments from Deputy Director Diane Rader.

Motion: Burton **Second:** Morris **Carried Vote:** 5-0

Transportation

Transportation

2.17 Awarded to Mission Linen Supply the contract to provide Uniform / Linen services to the Weaverville Maintenance Shop.

Motion: Morris **Second:** Fenley

Vote: Fenley, Morris, Groves, Burton and Fisher - AYE

Reports/Announcements

- 3.01** I. Received reports from Director of Behavioral Health Services Noel O'Neil and Director of Transportation Rick Tippett; and
A. Received a Code Enforcement Update from Director of Transportation Rick Tippett.
- II. Did not receive a report from the County Administrative Officer due to the position being vacant.
- III. Received reports from Members of the Board of Supervisors.

County Matters

Board of Supervisors

4.01 Considered adopting a resolution supporting payments to Trinity County during low Trinity Lake levels as a result of drought or out-of-basin transfer of water.

Received comments from William Koch (Attachment B), Everett Harvey and Martha Wofford.

Motion to continue Item 4.01 to the October 4, 2016 meeting.

Motion: Groves **Second:** Morris **Carried Vote:** 5-0

Clerk of the Board

4.02 Adopted Resolution No. 2016-076 which adopts a final budget for FY 2016/17.

Received comments from County Counsel Margaret Long, Auditor/Controller Angie Bickle and Everett Harvey.

Motion: Morris **Second:** Burton

Vote: Burton, Morris, Groves, Fenley and Fisher - AYE

4.03 Pursuant to Trinity County Fee Waiver Policy and Trinity County Code Section 8.90.170 did not consider Byron Pickle's request to have the Code Enforcement Appeal Fee of \$1,050 waived due to Thomas King, on behalf of Byron Pickle, withdrawing the applicant's fee waiver request.

4.04 Pursuant to Trinity County Fee Waiver Policy and Trinity County Code Section 8.90.170 denied Dylan Hunt's request to have the Code Enforcement Appeal Fee of \$1,050 waived.

Motion: Groves **Second:** Morris **Carried Vote:** 5-0

4.05 Pursuant to Trinity County Fee Waiver Policy and Trinity County Code Section 8.90.170 approved Mark Schaeffer's request to have the Code Enforcement Appeal Fee of \$1,050 waived.

Received comments from Mark Schaeffer.

Motion: Fenley **Second:** Burton **Carried Vote:** 5-0

Veterans Services

Veterans Services

4.06 Approved the Trinity County Veterans Service Operations Plan for FY 2016/17.

Received comments from Veteran's Services Officer Patrick Meagher, Mark Feeley, Rick Tippett and Diana Sheen.

Motion: Morris **Second:** Fenley **Carried Vote:** 5-0

Closed Session

5.01 Government Code Section 54954.5(e) - Public Employee Appointment: County Administrative Officer

Direction was given to staff.

5.02 RECESS AS THE BOARD OF SUPERVISORS AND RECONVENE AS THE IN-HOME SUPPORT SERVICES AUTHORITY

Government Code section 54954.5(f) - Labor Negotiations
County's Designated Representatives: Monica Stygar and David Prentice
Employee Organizations: In-Home Supportive Services

Direction was given to negotiators.

5.03 Government Code section 54956.9 - Conference with Legal Counsel - Anticipated Litigation
No. of Cases: One

Item was continued to next meeting.

5.04

Government Code Section 54954.5(c) - Conference with Legal Counsel - Pending Litigation

No. of Cases: Fifty eight

Trinity County v. Ammon, Trinity County Case Number 16 CL 106; Trinity County v. Antongiovanni, Trinity County Case Number 16 CL 107; Trinity County v. Augustine, Trinity County Case Number 16 CL 073; Trinity County v. Bullock, Trinity County Case Number 16 CL 122; Trinity County v. Carlson, Trinity County Case Number 16 CL 065; Trinity County v. Cheng, Trinity County Case Number 16 CL 090; Trinity County v. Cooper, Trinity County Case Number 16 CL 102; Trinity County v. Delange, Trinity County Case Number 16 CL 084; Trinity County v. Edwards, Trinity County Case Number 16 CL 117; Trinity County v. Evans, Trinity County Case Number 16 CL 127; Trinity County v. Felix, Trinity County Case Number 16 CL 120; Trinity County v. Free, Trinity County Case Number 16 CL 121; Trinity County v. G & T Estate Holdings, LLC, Trinity County Case Number 16 CL 063; Trinity County v. Haycox, Trinity County Case Number 16 CL 072; Trinity County v. Hicks, Trinity County Case Number 16 CL 128; Trinity County v. Hicks, Trinity County Case Number 16 CL 109; Trinity County v. Hunt, Trinity County Case Number 16 CL 105; Trinity County v. Hurst, Trinity County Case Number 16 CL 088; Trinity County v. Joseph, Trinity County Case Number 16 CL 099; Trinity County v. King, Trinity County Case Number 16 CL 070; Trinity County v. Lewis, Trinity County Case Number 16 CL 089; Trinity County v. Lewis, Trinity County Case Number 16 CL 080; Trinity County v. Martin, Trinity County Case Number 16 CL 068; Trinity County v. Miller, Trinity County Case Number 16 CL 125; Trinity County v. Mitchell, Trinity County Case Number 16 CL 082; Trinity County v. Moua, Trinity County Case Number 16 CL 114; Trinity County v. Moua, Trinity County Case Number 16 CL 123; Trinity County v. Norman, Trinity County Case Number 16 CL 076; Trinity County v. Nothem, Trinity County Case Number 16 CL 124; Trinity County v. Open Door Capital, LLC, Trinity County Case Number 16 CL 087; Trinity County v. Pentelnik, Trinity County Case Number 16 CL 081; Trinity County v. Plebani, Trinity County Case Number 16 CL 103; Trinity County v. Riggs, Trinity County Case Number 16 CL 104; Trinity County v. Schaffer, Trinity County Case Number 16 CL 101; Trinity County v. Schoelen, Trinity County Case Number 16 CL 077; Trinity County v. Schuster, Trinity County Case Number 16 CL 116; Trinity County v. Stanforth, Trinity County Case Number 16 CL 115; Trinity County v. Stovall, Trinity County Case Number 16 CL 085; Trinity County v. Thao, Trinity County Case Number 16 CL 067; Trinity County v. Thao, Trinity County Case Number 16 CL 110; Trinity County v. Thao, Trinity County Case Number 16 CL 100; Trinity County v. Townsend, Trinity County Case Number 16 CL 066; Trinity County v. Trigonis, Trinity County Case Number 16 CL 075; Trinity County v. Uribe, Trinity County Case Number 16 CL 064; Trinity County v. Vang, Trinity County Case Number 16 CL 113; Trinity County v. Vang, Trinity County Case Number 16 CL 112; Trinity County v. Vang, Trinity County Case Number 16 CL 079; Trinity County v. Vue, Trinity County Case Number 16 CL 060; Trinity County v. Wanty, Trinity County Case Number 16 CL 061; Trinity County v. Werner, Trinity County Case Number 16 CL 71; Trinity County v. West, Trinity County Case Number 16 CL 119; Trinity County v. West, Trinity County Case Number 16 CL 118; Trinity County v. Wofford, Trinity County Case Number 16 CL 062; Trinity County v. Xiong, Trinity County Case Number 16 CL 086; Trinity County v. Xiong, Trinity County Case Number 16 CL 111; Trinity County v. Yang, Trinity County Case Number 16 CL 083; Trinity County v. Yang, Trinity County Case Number 16 CL 108; Trinity County v. Yang, Trinity County Case Number 16 CL 078; and Trinity County v. Yu, Trinity County Case Number 16 CL 126.

Received comments from Mai Vue, Alec Hurst, Kay Graves, Martha Wofford, Bobbi Chadwick, Victoria Schoelen and William Lee Fulton.

Trinity County Board of Supervisors reaffirmed authorization to Prentice, Long and Epperson to initiate and litigate cases on behalf of the Trinity County Board of Supervisors for all 58 cases.

5.05

Government Code Section 54954.5(e) - Public Employee Evaluation: Director of Solid Waste

Evaluation was held.

5.06

Government Code section 54954.5(c) - Conference with Legal Counsel - Initiation of Litigation

No. of Cases: Nine

Direction was given to authorized attorney; Prentice, Long and Epperson.

Addendum

Board of Supervisors

A Adopted Resolution No. 2016-077 outlining 4 policy principles on local regulation of cannabis.

Motion: Fenley **Second:** Groves **Vote:** Groves, Fenley, Morris, Burton and Fisher - AYE

Transportation


B Approved Resolution No. 2016-078, as modified by staff, which outlines existing contributions and commits future allocations for cash match toward Board of State and Community Corrections (BSCC) grants to construct the Trinity County Sheriff's Detention Facility (TCSDf).

Received comments from Director of Transportation Rick Tippet, Auditor/Controller Angie Bickle, John Hamilton and Martha Wofford.

Motion: Fenley **Second:** Burton **Vote:** Burton, Fenley, Groves, Morris and Fisher - AYE

ADJOURN

TRINITY COUNTY BOARD OF SUPERVISORS



L. KARL FISHER, CHAIRMAN
Board of Supervisors, County of
Trinity, State of California

Attest:

MARGARET E. LONG
Clerk of the Board of Supervisors

By: Naomi Genette
Deputy

10:00 AM Public Hearings

Solid Waste

3.01 Continued from August 16, 2016: Conducted a public hearing and ~~adopted Resolution No. 2016-070 which confirms the 2016/17 delinquent list.~~ and considered the 2016/17 Delinquent list.

Received comments from Deputy Director of Solid Waste Diane Rader (Attachment B), John Hamilton and County Counsel Margaret Long.

Insert here: Supervisor Fenley's motion to adopt a resolution confirming the 2016/17 delinquent list failed due to lack of a second.

Motion: Groves **Second:** Burton **Vote:** Burton, Groves, Fenley and Fisher - AYE; Morris - ABSENT

Motion to adopt Resolution No. 2016-070 which confirms the 2016/17 delinquent list, as modified by the Board.

Reports/Announcements

- 4.01** I. Received reports from Director of Transportation Rick Tippett, Director of Behavioral Health Services Noel O'Neil, Treasurer/Tax Collector Terri McBrayer and County Counsel Margaret Long; and A. Did not receive a Code Enforcement Update.
- II. Did not receive a report from the County Administrative Officer due to the position being vacant.
- III. Received reports from Members of the Board of Supervisors.

County Matters

Auditor/Controller

5.01 Approved a budget adjustment for FY 2015/16 in the Public Defender Department (Dept. 2170) increasing Service & Supplies by \$5,398; and approved a budget adjustment for FY 2015/16 in the Contingency General Fund Department (Dept. 9901) decreasing Appropriation for Contingency by \$5,398.

Received comments from Auditor/Controller Angie Bickle.

Motion: Groves **Second:** Morris **Carried Vote:** 5-0

5.02 Approved a budget adjustment for FY 2015/16 decreasing Contingency (Dept. 9901) by \$8,102; approved a budget adjustment in Contributions to Other Funds (Dept. 1990) increasing Transfers Out by \$8,102; approved a budget adjustment in the General Reserve (Dept. 1710) increasing Transfers In by \$4,051; and approved a budget adjustment in Trinity Hospital (Dept. 9100) increasing Transfers In by \$4,051.

Received comments from Auditor/Controller Angie Bickle.

Motion: Groves **Second:** Morris **Carried Vote:** 5-0

Clerk of the Board

9/20/16
item 4.01
William Koch

September 20, 2016

TO: Trinity County Board of Supervisors

FROM: William A. Koch--Lewiston

Subject: Proposed Resolution #2016-XX

I commend and support the Board of Supervisors for placing on Today's agenda the adoption of Resolution No. 2016-XX recommending Senator Feinstein to add to her upcoming legislation, payments to Trinity County for the Diverted Water from Trinity Lake. Several letters were formerly written by the TCBOs requesting such payment for the water while citing that Trinity County as the County of Origin.

I also had written a 'Letter to the Editor' of the Trinity Journal outlining a similar issue about the value of Trinity Lake Water when an Excess Amount was recently released down the river. I believe that Trinity County should receive some payment for either the Excess Water flowing down the Trinity River OR when that water is diverted over the mountains and into the Sacramento River and then sold by the Bureau of Reclamation to municipalities or farmers. At the end of my letter I hoped that the Citizens of Trinity County could "...Become pro-active for Trinity County to re-instate its #1 status of "County of Origin" regarding Trinity Lake water rights, then negotiate with the proper authorities to receive the same payment for the water as the US Government...". I felt that IF Trinity County could establish its County of Origin rights to Trinity Lake water, then that fact would add a great deal of creditability for Resolution 2016-XX.

I've been looking for the document which contains the wording for Trinity County of Origin and finally found that statement in the California State Water Code 78647.4 as follows:

(a) "Eligible project" means a watershed rehabilitation project undertaken on lands owned or operated by the federal, state, or a local government, or a private person or entity within the delta tributary watershed.

(b) For the purposes of this article, "delta tributary watershed" means a watershed which drains into the delta or the Trinity River.

The watershed referenced in the State Water Code is wholly within Trinity County boundaries and therefore the County of Origin fits within the definition of the Water Code. So, I'm wondering if we shouldn't pull Resolution No. 2016-XX from today's agenda and modify it to include the citation from the State Water Code 78647.4 as the authority for requesting payments from the diverted water sent over the mountains to the Sacramento River?

I can assist Supervisors Burton and Groves by sharing my work and generally helping to revise the Resolution to be brought up at the next Supervisors meeting.

Thank you very much