

NCCC  
GOVERNING BOARD

**APPROVED**  
**MINUTES**

Yuba County Government Center  
915 8<sup>th</sup> Street, Marysville, CA  
Thursday, April 29, 2010  
1:00 p.m.

**ROLL CALL**

**Governing Board Members Present**

Roger Abe  
Carol Huchingson

Tom Indrieri  
Larry Munger

Tracey Quarne

**Governing Board Members Absent**

None

**PUBLIC COMMENT**

There were no comments from the public.

**APPROVAL OF MINUTES**

*December 10, 2009 & January 27, 2010 Meetings:* On a motion by Tracey Quarne and seconded by Roger Abe, the Governing Board approved the minutes of the December 10, 2009 WIB and Governing Board meeting and the January 27, 2010 Governing Board meeting as submitted. *Motion Carried.* Carol Huchingson abstained.

**WIB APPLICATIONS AND APPOINTMENTS**

The Governing Board considered two applications for a vacant economic development seat on the WIB. Applications were submitted by Brynda Stranix, President of the Yuba-Sutter Economic Development Corporation and John Fleming, Yuba County Economic Development Coordinator. The Board recognized each individual's experience and considered it difficult to appoint only one person.

**Board Action:** On a motion by Tracey Quarne and seconded by Tom Indrieri, the Governing Board appointed John Fleming to the WIB to represent economic development effective July 1, 2010, and requested that Mr. Fleming directly collaborate with Ms. Stranix concerning economic development issues and activities within our consortium's area. *Motion Carried.*

**Board Action:** On a motion by Carol Huchingson and seconded by Roger Abe, the Governing Board appointed the following slate of applicants to the WIB effective July 1, 2010: Gary Lewis, Business-Lake County; Tim Cook, Title V Older Americans Act programs; Chris Paige, Migrant/Seasonal Farmworker programs and Community Based Organizations; Bill Padgett, Veterans Community Based Organization and Business-Yuba County; Henry Sanchez, Vocational Rehabilitation; and Angel Reynoso, Business-Sutter County. *Motion Carried.*

It was noted that recruitment is open for current membership vacancies on the WIB, which include, one seat to represent Veteran's Workforce Investment programs, one Organized Labor seat and two Business seats each from Colusa, Glenn and Lake counties.

### **CONSIDER DECEMBER 10, 2009 MOTION/EFFECT ON CURRENT RFP PROCESS**

NCCC's legal counsel Andrew Compoginis spoke to the boards about potential and actual conflicts of interest in government boards. Mr. Compoginis noted that two areas of the California Government Code address conflict of interest – sections 1090 and 87100 – which say that no public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

If board members find they may have conflicts of interest concerning any issue to be discussed, they should: 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest; 2) Recuse himself or herself from discussing and voting on the matter; and 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded.

Carol Huchingson stated that her agency, Lake County Department of Social Services, submitted a bid in response to the RFP and she did not participate in the discussion or vote on any RFP related matters. However, based on legal counsel's advice, she would recuse herself from discussion. It was noted that a recusal requires the individual to leave the room. Ms. Huchingson said she sought her County Counsel's legal opinion and was advised that she could remain in the room but not participate in the discussion. Mr. Compoginis reiterated that the Government Code requires the individual to leave the room until after the discussion, vote, and any other disposition of the matter is concluded. The Code specifies that members of county boards of supervisors and city councils are excluded. Ms. Huchingson did not agree with counsel's advice but complied and left the room.

NCCC WIA Consultant John Chamberlin referred to the December 10, 2009 minutes of the WIB and Governing Board meeting and stated the motion made by the Governing Board relative to the RFP which read in part, "*The Governing Board concurred with WIB action to accept the 50% goal for participant expenditures.... The Governing Board further insisted that any person who participated in voting on the previous or in the current motion from the WIB or Governing Board not be allowed to participate in the RFP process or submit a proposal to provide services.*" The issue on the table was that the proposal from Lake One Stop Inc. was submitted by Dan Obermeyer and under the language of that motion must be disqualified.

Andrew Compoginis stated that in accepting the terms of this motion as carried, to ratify its enforcement would be to adhere to the plain language of the motion being that anyone that participates or submits an RFP bid that participated in the previous vote which included the guidelines and parameters of submitting a proposal, would be precluded from participating or submitting a bid. The language of the motion is quite clear. The Board's decision is whether or not to enforce the motion carried in the previous board meeting. Tracey Quarne asked if to ratify the motion is more in keeping with the spirit and intent of the previously referenced Code or is rescinding the motion more in keeping with the spirit and intent of the Code. Mr. Compoginis' was of the opinion that ratifying the motion is directly consistent with the spirit of the Code.

Roger Abe asked what were the Board's options today. John Chamberlin said if the Board takes no action today, the Lake One Stop Inc. proposal will be disqualified because of the Board's action on December 10<sup>th</sup>. Another option if the Board chose to take action would be to rescind that motion. If Lake One Stop Inc.'s proposal is disqualified, the two remaining proposals would go forward to the joint WIB and Governing Board meeting for discussion. The WIB and Governing Board could then jointly choose to fund one of the two remaining proposals or throw the process out and start over. The question before the Board was whether to let the December 10<sup>th</sup> motion stand and the effect would be disqualification of the Lake One Stop Inc. proposal or vote to rescind the motion. Tracey Quarne noted that Dan Obermeyer was present at the December 10<sup>th</sup> meeting and was also the moving party on the WIB's action relative to the RFP 50% goal for participant services.

Dan Obermeyer addressed the Governing Board. Mr. Obermeyer stated that on December 10<sup>th</sup> he had no intention of becoming affiliated with the Lake One Stop. In late February early March the Lake One Stop Inc. board approached Mr. Obermeyer about filling in as One Stop Director and he accepted the position. The proposal had already been largely written and he would be responsible for the day-to-day operations. Mr. Obermeyer stated he did physically deliver the proposal as he was going through Yuba City on vacation. The Lake One Stop drafted the proposal and his only role was delivering it and some editing at the end because it was a few pages too long. He said if the issue is a potential economic conflict of interest that could be rectified by his resignation from the Director position, then he would do so, as he does not want to jeopardize the One Stop's proposal. Andrew Compoginis acknowledged Mr. Obermeyer's comments, however a motion was passed by the Board that was specific to the procedure in that board meeting, in that whoever participated or voted in the previous motion not be able to participate or submit a bid. Tracey Quarne noted the December 10<sup>th</sup> minutes also reflect that as of that date Ms. Teddie Pierce had already resigned as the Director of the Lake One Stop, therefore there was a vacuum in leadership. Mr. Obermeyer has revealed that he served as editor to the proposal, delivered it and is the Director of the One Stop; there was participation as acknowledged. Mr. Quarne said the intent of the motion was to be above board, to be crystal clear as to conflict of interest – the motion speaks for itself. Mr. Quarne's opinion was that the matter was decided on December 10<sup>th</sup> – that the Board uphold their motion of December 10<sup>th</sup>. Roger Abe asked if the matter going back to the WIB and Governing Board would be to decide how they wish to proceed in terms of following the consequence of that decision, either to award the RFP to one of the remaining bidders or to decline to do so and throw out the process and go out for re-bid. John Chamberlin agreed. Mr. Abe asked if Lake County One Stop could prepare and submit a proposal, whether Mr. Obermeyer resigns or not, that does not include participation

by him. Mr. Chamberlin said the motion would still stand. If the RFP was re-issued Mr. Obermeyer could neither participate nor submit that follow-up proposal. That might deal with the language of the motion but it may not address the Code. Mr. Chamberlin deferred to Mr. Compoginis in that regard. Mr. Abe posed the question in terms of Government Code 1090 since Mr. Obermeyer is not the person awarding or voting on an award of that contract. Mr. Compoginis replied that it would be arguable at that time that he wouldn't have any influence on the awarding of that contract. As long as Mr. Obermeyer is not in the position to influence the vote or does not participate or submit a bid then there may not be a problem. Mr. Chamberlin stated the Boards should jointly discuss what to do if this proposal is disqualified. The decision before the Board now was whether to disqualify Lake One Stop Inc.'s bid in accordance with this motion.

The consensus of the Governing Board was not to take action on Agenda Item 6, thereby disqualifying Lake One Stop Inc.'s bid. Mr. Chamberlin noted that in the joint Board meeting that follows only the two remaining Lake County proposals would be considered for funding.

Carol Huchingson rejoined the meeting and Larry Munger reported the Governing Board's decision to take no action on Item 6 thereby disqualifying Lake One Stop Inc.'s bid due to the Governing Board's motion made on December 10<sup>th</sup>. A final decision on the award of the Lake County program would be made in the joint WIB and Governing Board meeting that follows.

### **GOLDEN STATE RISK MANAGEMENT'S UPDATED JPA AGREEMENT/BYLAWS**

Francene Kennedy mentioned that NCCC's insurance carrier, Golden State Risk Management, made changes to their JPA agreement and bylaws. NCCC has agreed to the amendments per Ms. Kennedy's signatory authority to sign on the Board's behalf on NCCC related documents. Golden State Risk Management have already implemented the changes to the JPA and bylaws, however they are being brought to the Governing Board's attention at this time.

### **LAKE COUNTY UPDATE**

Francene Kennedy stated there isn't any additional movement relative to the County of Lake looking for a workforce area to work with to possibly move out of NCCC. An application has not yet been submitted to the State for this purpose.

### **NCCC EMPLOYEE HANDBOOK**

Andrew Compoginis presented the final version of the NCCC employee handbook. No substantive changes have been made since the Board's approval on December 10<sup>th</sup>. The handbook will be presented to NCCC employees in an orientation conducted at the end of May and it should be implemented 30 days thereafter. Mr. Compoginis stated one change was made related to provisions for health insurance to be consistent with the resolution passed by this Board in 2005 capping the benefits at \$13,068 per year per employee. Francene Kennedy explained that over the last few years the Governing Board has made motions that were not incorporated into a personnel policy. All relevant personnel information has been inserted into one policy handbook. The health care provision was clarified, the post retirement language was

inserted and forms mentioned in the policy were also included. It was noted that NCCC's health insurance cost increased by 14%. Effective July 1, 2010, some employees will have to pay into their health care because of the cap. The Board can re-visit the cap at a later date if they so wish. Carol Huchingson asked how many former employees were receiving post retirement benefits. Francene Kennedy stated that a former NCCC Director is currently receiving post retirement benefits. It was noted that this benefit would no longer be available to future NCCC hires.

**Board Action:** On a motion by Tom Indrieri and seconded by Carol Huchingson, the Governing Board accepted the NCCC employee handbook as discussed and presented. *Motion Carried.* Tracey Quarne opposed.

### **OTHER BUSINESS**

The next meeting of the Governing Board will be on Thursday, July 8<sup>th</sup> at 10:00 am at Louis Cairo's in Williams. *(Subsequently cancelled.)*

The next scheduled joint WIB and Governing Board meeting will be on July 29<sup>th</sup> at the Glenn County Board of Supervisors Chambers in Willows.

There were no other matters brought before the Governing Board.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:05 p.m.

**ATTEST:**

**APPROVED ON:**

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Larry Munger, Chairperson  
Governing Board