

Board of Supervisors

Kim Dolbow Vann, District I,
Vice-chair
John D. Loudon, District II
Kent S. Boes, District III,
Gary J. Evans, District IV,
Chair
Denise J. Carter, District V



County of Colusa

Wendy G. Tyler, CAO/Clerk to the
Board of Supervisors/Risk Manager
Ann Nordyke, Chief Deputy Clerk to
the Board of Supervisors
Patricia Rodriguez, Deputy Clerk
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Board Chambers
546 Jay Street Suite 108
Colusa, CA 95932

Minutes May 16, 2017

The Board of Supervisors of the County of Colusa, State of California meets in Regular Session this 16th day of May 2017 at the hour of 9:00 a.m. Present: Denise J. Carter, John D. Loudon, Kim Dolbow Vann, Kent S. Boes, and Gary J. Evans.

Present:

- Marcos Kropf, County Counsel.
- Wendy Tyler, CAO/Clerk of the Board/Risk Manager.
- Robert Zunino, Auditor's Office.
- Elizabeth Kelly, Director, Health and Human Services.
- Scott Lanphier, Mike Azevedo, Public Works.
- Greg Hinton, Ag Commissioner.
- Devin Kelley, District Attorney's Office.
- Todd Manouse, Safety Officer.
- Debbie Hickel, Purchasing and Procurement.
- Rose Gallo-Vasquez, County Clerk-Recorder.
- Greg Plucker, Mary Fahey, Development Services.
- Dave Markss, City of Colusa.
- Luke Steidlmayer, Suellen Witham, Westside Spreading, LLC.
- Shirley McCaustland, Terry McCaustland, Karen Gage, Arbuckle Citizens.
- Mary Winters, Radene Cross, Linda Howard, Lloyd Locvich, Richard Charles Huerta, Colusa Citizens.
- Kayla Webber, Colusa Sun-Herald.
- Ann Nordyke, Melissa Kitts, Board Clerks.

Opening Prayer - Pledge of Allegiance

MINUTES APPROVAL

1. Board of Supervisors – Regular Meeting – May 2, 2017.

RESULT:	APPROVED [4 TO 0]
MOVER:	Kim Dolbow Vann, Supervisor
SECONDER:	Kent S. Boes, Supervisor
AYES:	John D. Loudon, Kim Dolbow Vann, Kent S. Boes, Gary J. Evans
ABSTAIN:	Denise J. Carter

PERIOD OF PUBLIC COMMENT

Mr. Huerta speaks to an incident regarding his dog and distributes a letter to all Supervisors that he had written to the Sheriff's Department and states that a satisfactory resolution was not reached, and that the Sheriff's Departments reply to him was that his claims were "unfounded". He states further he was arrested and put in jail because he was walking a dog without a leash and was charged with resisting arrest, noting the District Attorney has dropped the charges. Additionally, he states that he was issued a license with Animal Control without having to provide proof of a rabies vaccination, which is required for licensure. He believes that Animal Control is regularly distributing licenses without proper vaccinations.

Chairman Evans requests Mr. Huerta to give his contact information to the Chief Clerk as well as copies of the documentation that he brought and someone will be in contact with him.

I. STAFF REPORTS

Ms. Kelly states a notice was sent out by the Maxwell and Arbuckle schools, regarding a Norovirus outbreak. She states the notice was sent to parents indicating the information was provided by the Colusa County Public Health Department, noting this was not the case. She states there currently is no outbreak in Colusa County and that there have only been two reported cases of the Norovirus within the County.

Ms. Kelly further updates the Board members on items as they pertain to IHSS and the Governor's May revise. Discussion is held, with no action taken.

Mr. Lanphier speaks to an upcoming Community Open House Meeting regarding the Safe Routes to School Plan, to be held Thursday, May 25, 2017, from 2:00 p.m. – 6:00 p.m. located at the Williams Community Center, 860 C Street, Williams, CA. He states they are working with each school to develop the program, noting this is an informational meeting only.

Mr. Plucker speaks to the Compost odor issue, noting the operator was unable to meet the requirements that were previously agreed upon. He states a meeting was held with the operator of the facility in which the regulatory requirements were discussed and at the conclusion of the discussion, the operator determined to develop an exit strategy. The majority of the material that has been causing the odor issue will be off hauled in the next few weeks.

Mr. Hinton speaks to the fuel pump at the airport, which is not charging accurately for fuel. He states the faulty pump has caused a \$900.00 shortage.

9:05 a.m. CORTINA COMMUNITY SERVICE DISTRICT (CSD)

1. Pursuant to Elections Code 10551 (b). Chairman Evans makes time to determine by lot the successful candidate in the Cortina Community

Services District tie between Amanda Gibbons and Shirley McCaustland.

Chairman Evans requests confirmation candidates are present.

Ms. McCaustland states she is present.

Ms. Cross states Ms. Gibbons is unable to attend and pursuant to California elections Code Section 1055(b) she is here in her stead.

Chairman Evans places both candidates' names in a hat.

Supervisor Vann pulls Ms. Gibbons name from the hat and Chairman Evans declares Ms. Gibbons the winner of the fifth seat on the Cortina Community Services District Board.

II. HUMAN RESOURCES/ DISTRICT ATTORNEY - VICTIM WITNESS - 2036, VICTIM WITNESS XC GRANT - 20364

1. Authorize two extra help clerical positions, not to exceed 15 hours per week each position at \$11.36 per hour effective June 1, 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John D. Loudon, Supervisor
SECONDER:	Kim Dolbow Vann, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

HUMAN RESOURCES

2. Increase the current 50% Sheriffs Technician position, PPT (50%), DSA Range 22, \$1,661.00 - \$2,129.00 per month, to a 100% full time position, DSA Range 22, \$3,323.00 \$4,258.00 per month, effective May 1, 2017; and amend the position allocation chart for the Sheriff's Office to reflect the increased position.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kim Dolbow Vann, Supervisor
SECONDER:	Denise J. Carter, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

Chairman Evans makes time to consider modification of Memorandum of Understanding (MOU) C16-036 with the Colusa County Employee Association (CCEA) - Miscellaneous Unit, correcting Appendix A, effective January 1, 2016 to September 30, 2019.

Supervisor Boes inquires if Item No.'s 3 through 5 are the same and if so can they be done in one motion.

Mr. Kropf replies in the positive.

Supervisor Boes makes a motion to approve Item No.'s 3 through 5 in one motion.

HUMAN RESOURCES

3. Approve Contract No. **C17-080**, second modification of Memorandum of Understanding (MOU) C16-036 with the **Colusa County Employee Association (CCEA) - Miscellaneous Unit**, correcting Appendix A, effective January 1, 2016 to September 30, 2019 and authorize the Chair to sign.

HUMAN RESOURCES

4. Approve Contract No. **C17-081**, modification to Memorandum of Understanding (MOU) C16-038 with the **Colusa County Employee Association (CCEA) - Professional Administrative Unit**, modifying Appendix A, effective January 1, 2016 through September 30, 2019 and authorize the Chair to sign.

HUMAN RESOURCES

5. Approve Contract No. **C17-082**, modification to Memorandum of Understanding (MOU) C16-037 with the **Colusa County Employee Association (CCEA) - Confidential Unit**, modifying Appendix A, effective January 1, 2016 to September 30, 2019 and authorize the Chair to sign.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kent S. Boes, Supervisor
SECONDER:	John D. Loudon, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

9:30 a.m. PUBLIC HEARING

Chairman Evans makes time for a public hearing to consider the Adoption of a Resolution amending the General Plan Land Use Designation from Agriculture General (AG) to Resource Conservation (RC) for a 52 acre portion of Assessor Parcel Number 015-130-018 and contingent upon this action, a concurrent hearing, introduction, by title only, adoption, and passage of a proposed ordinance amending the Countywide Zoning Map for the Same property from Exclusive Agriculture (E-A) to Resource Management (R-M).

Mr. Plucker states this is three parcels which will be reconfigured into three reconfigured parcels, with potentially new owners.

Supervisor Carter inquires about the change in habitat and if there are protections or buffers in place for neighboring properties.

Mr. Plucker states that he is not aware of any protections to prevent the intrusion of wildlife on the habitat from crossing property lines. Discussion is held.

9:41 a.m. Chairman Evans opens the Public Hearing and calls for public comment.

Ms. Howard states that there's a large portion of habitat that is not farmed and that it has not caused problems on her property.

9:44 a.m. Chairman Evans calls for any further public comment. Hearing none, Chairman Evans closes the Public Hearing.

PLANNING & BUILDING

1. Adopt Resolution No. **17-023** A Resolution Of The Colusa County Board Of Supervisors Changing The General Plan Land Use Designation From Agriculture General (AG) To Resource Conservation (RC) For A 52 Acre Portion Of Assessor Parcel No. 015-130-018 and authorize the Chair to sign

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kim Dolbow Vann, Supervisor
SECONDER:	Kent S. Boes, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

PLANNING & BUILDING

Consider introduction by title only of an ordinance and adopt Ordinance No. **786**, An Ordinance Of The Colusa County Board Of Supervisors Amending The Countywide Zoning Map In Chapter 44 Of The Colusa County Code, To Rezone A 52 Acre Portion Of Property With Parcel Number 015-130-018 From Exclusive Agriculture (E-A) To Resource Management (R-M) and authorize the Chair to sign.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kim Dolbow Vann, Supervisor
SECONDER:	Kent S. Boes, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

9:48 a.m. (9:30 a.m. on the Agenda) **PUBLIC HEARING**

Chairman Evans makes time for a Public Hearing, introduction by title only, and adoption of a proposed Ordinance Amending the Countywide Zoning Map for the Subject Parcels from Flood Management to Resource Management; and approval of related Mitigation Bank Reservation Agreement with authorization for the Chair to sign.

Mr. Plucker states pursuant to the Board members request at the April 18, 2017 meeting, the plan has been revised and includes language for the floodway conveyance capacity as well as the endowment that will fund the long term maintenance of the mitigation bank.

Supervisor Vann inquires if Butte Creek Farms has managed a mitigation bank and also what types of species the credits are for. Discussion is held.

9:50 a.m. Chairman Evans opens the Public Hearing and calls for public comment. Hearing none, Chairman Evans closes the Public Hearing.

Supervisor Vann expresses concern regarding the assessment values of the property after the credits are applied, and how that will affect the property value. She states that the Board members should be cautious and recognize that as mitigation banks become more popular within the County, that precedence is set carefully.

Mr. Plucker states that he has had multiple discussions with the Assessor about the affect this will have on property values and states that the revenue would be considered a capital gains tax implication. He also states that each habitat could have potentially multiple habitats, which would allow for the layering of credits.

PLANNING & BUILDING

2. Adopt **Ordinance No. 787** An Ordinance Of The Colusa County Board Of Supervisors Amending The Countywide Zoning Map In Chapter 44 of The Colusa County Code, To Rezone Property With Assessor Parcel Numbers 015-100-013, 015-100-025, And 015-100-031 From Flood Management To Resource Management and authorize the Chair to sign. Further, approve Contract No. **C17-083** with **Butte Sink Mitigation Bank Reservation and Discount Agreement**, for sale of approved bank and authorize the Chair to sign.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Denise J. Carter, Supervisor
SECONDER:	John D. Loudon, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

10:06 a.m. Supervisor Carter recuses herself and leaves the Chambers due to a possible conflict.

10:06 a.m. (9:30 a.m. on the Agenda) **PUBLIC HEARING**

Chairman Evans makes time for a hearing on an appeal by Westside Spreading, LLC challenging a Resolution of the County of Colusa's Planning Commission denying a permit (AP #16-10-1) for Westside Spreading, LLC to operate a soil amendment processing and distribution facility.

10:07 a.m. Chairman Evans opens the Public Hearing and calls for public comment.

Mr. Steidlmayer states his clients are challenging the decision made previously by the Planning Commission. He clarifies that his client runs a soil amendment facility, and not a compost company. He states further his client should be able to run this type of business on their property. He further states that his client is willing to comply and to assist in the mitigation of any issues that arise from the business and requests the Board members to reverse the Planning Commission's decision to deny the permit allowing Westside Spreading to perform business.

Mr. Plucker provides a brief background of the analysis given by the Planning Commission, and how they reached their determination to deny the application. He states the Commission's denial was based on the determination that there were potential issues with the operation, and that they didn't feel the proposed mitigations would address the issues.

Chairman Evans inquires if the owner had the opportunity to offer additional mitigation options after the original measures were denied. Lengthy discussion is held.

Mr. Pyle states he lives near Westside Spreading and the operation is located too close to residential areas, and many of the neighbors are concerned. He states that the operation is loud, creates clouds of dirt, and the conditions of the road will not be sufficient for the trucking required for the operation.

Mr. Pyle continues by presenting photos of his property showing the affects that the drainage from Westside Spreading has had on his property and expresses concern regarding the contents containing green waste. He further states he has submitted

samples to a lab where they found heavy metals, which can be considered toxic waste. He states his pond has died due to the drainage from Westside Spreading's property. He also expresses concern regarding the dust which is causing health problems and creating dust and slime on his property, which has affected wildlife in the area as well.

10:39 a.m. Chairman Evans calls for any further comment. Hearing none, Chairman Evans closes the Public Hearing.

Mr. Steidlmayer states his clients are willing to mitigate any issues that may arise and would like to work with the County.

PLANNING & BUILDING

3. Uphold the County of Colusa's Planning Commission's decision denying a permit (AP #16-10-1) for Westside Spreading, LLC to operate a soil amendment processing and distribution facility.

RESULT:	APPROVED [4 TO 0]
MOVER:	Kim Dolbow Vann, Supervisor
SECONDER:	John D. Loudon, Supervisor
AYES:	John D. Loudon, Kim Dolbow Vann, Kent S. Boes, Gary J. Evans
RECUSED:	Denise J. Carter

10:44 a.m. Supervisor Carter is now present and seated.

10:44 a.m. (9:30 a.m. on the Agenda) **PUBLIC HEARING**

PLANNING & BUILDING

4. Continue to May 30, 2017 the Public Hearing on a proposed Resolution amending the Housing, Land Use, and Implementation Elements of the Colusa County General Plan replacing all references to Second Dwelling Unit with Accessory Dwelling Unit (GPA #17-2-1) and a concurrent hearing on the first reading, by title only, of a proposed Ordinance (ZA #17-2-1) to amend the County Code by: (1) replacing all references to a Second Dwelling Unit with an Accessory Dwelling Unit; (2) adding Section 44-3.10.090 (Fencing Regulations); and (3) amending Section 44-3.50 (Sign Regulations) related to campaign/political signs and highway/freeway oriented advertising signs.

RESULT:	CONTINUED TO May 30, 2017 MEETING
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Chairman Evans makes time to continue with Human Resources Item No. 6 as follows:

RISK MANAGEMENT

6. Receive an update from Todd Manouse, Safety Officer, regarding loss prevention and safety activities within the County.

Mr. Manouse provides a quarterly update to the Board members regarding the following:

- Trindel Safety Meeting.

- Promoting the importance of training in the workplace.
- PASS Fire Extinguisher Training.
- CSAC-EIA training regarding Medical Malpractice Laws.
- Healthy Boundaries Training.
- Trindel Harassment Training
- Trindel's Annual Evaluation on June 15, 2017.
- Promoting health, safety, stretching, and walking during breaks.

Ms. Tyler informs the Board members that Colusa County ranks extremely well for its low cost of insurance premiums and number of claims filed, and thanks Mr. Manouse for his efforts.

III. AUDITOR

1. Approve Intra Budget Adjustments No.'s: 17040 through 17044.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kim Dolbow Vann, Supervisor
SECONDER:	John D. Loudon, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

V. Chairman Evans makes time to discuss adoption of a Resolution of the Colusa County Board of Supervisors Vacating the Current Membership of the Colusa County Groundwater Commission, Adopting Applications to Fill the Vacated Commission Seats in Accordance with the Amended Rules and Bylaws.

Ms. Fahey speaks to the following changes that were made to the Groundwater Commission By-laws:

- Must be a resident of Colusa.
- Must be an agricultural ground water user within their district.
- Will be nominated by a Supervisor.
- Terms of office shall coincide with the supervisors and will change to 4 year terms.
- Must Attend Meetings.
- Members will service without compensation or reimbursement.
- Officers - Clerk will be under Development Services Department.
- Two members will sit on the GSA Board.

Discussion is held.

PLANNING & BUILDING

1. Adopt Resolution No. **17-024**, A Resolution Of The Colusa County Board Of Supervisors Vacating The Current Membership Of The Colusa County Groundwater Commission, Adopting Amendments To The Commission Rules And Bylaws, And Directing Staff To Process Applications To Fill The Vacated Commission Seats In Accordance With The Amended Rules And Bylaws with changes and authorize the Chair to sign.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kim Dolbow Vann, Supervisor
SECONDER:	Denise J. Carter, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

CONSENT AGENDA

Approve Consent Agenda Items No.'s 1 through 8 as follows:

1. SHERIFF

Approve the Colusa County Sheriff's Office Field Services Division and Correctional Services Division (Jail) 2016-2017 Supplemental Law Enforcement Funds Spending Plans (County FY 2017-2018), as submitted.

2. PURCHASING AND PROCUREMENT/DHHS

Approve Contract No. **C17-084**, Third Modification to contract C14-153 with **Colusa County One Stop** for the transitional housing services, extending the term to June 30, 2020, and authorize the Chair to sign.

3. AG COMMISSIONER

Approve Contract No. **C17-085**, Annual Cooperative Agreement No. 17-0030-000-SA with the **California Department of Food and Agriculture (CDFA)** for nursery inspections, effective July 1, 2017 through June 30, 2018 and authorize the Chair to sign.

4. AG COMMISSIONER

Approve Contract No. **C17-086**, Cooperative Agreement No. 16-0682-SF with the **California Department of Food and Agriculture (CDFA)**, for the European Grapevine Moth (EGVM) Program, effective January 1, 2017 through December 31, 2017 and authorize the Chair to sign.

5. AG COMMISSIONER

Approve Contract No. **C17-087**, with **California Rice Commission**, for increased surveillance activities over the use of rice pesticides, effective May 1, 2017 through July 15, 2017 and authorize the County Agricultural Commissioner to sign.

6. HEALTH AND HUMAN SERVICES

Approve Contract No. **C17-088**, State of California Standard Agreement No. 16-5011 with **California Department of Social Services (CDSS)** for services associated with Resource Family Approval (RFA) program, effective January 1, 2017 through June 30, 2019 and authorize the Chair to sign.

7. APPOINTMENT/LOCAL CHILD CARE PLANNING COUNCIL

Re-appoint Pam Niehues to the Local Child Care Planning Council, Discretionary Category (retired day care provider), effective May 16, 2017 through May 15, 2020.

8. LOCAL CHILD CARE PLANNING COUNCIL

Approve the Local Planning Council County Priorities Report form and authorize the Chair to sign.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Denise J. Carter, Supervisor
SECONDER:	John D. Loudon, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

VII. SUPERVISORS' REPORTS OR COMMENTSSupervisor Loudon

Meetings/functions attended:

- Treasury Oversight Committee
- Colusa City Council Meeting
- Chamber of Commerce Board Meeting
- Sac River Fire Protection District Dinner
- LAFCo
- Chamber of Commerce Annual Dinner
- Behavioral Health Board Meeting
- VFW Meeting
- Grand Jury Interview

Supervisor Boes

Meetings/functions attended

- Treasury Oversight Committee
- LAFCo Meeting
- Chamber of Commerce Annual Dinner
- Library Branch Visits
- Canna-Hub Community Meeting
- SSV JPA
- Sac Sierra EMS

Supervisor Vann

Meetings/functions attended:

- Chamber of Commerce Annual Dinner

Supervisor Evans

Meetings/functions attended:

- Stonyford Rodeo

Supervisor Carter

Meetings/functions attended:

- City Council Meeting
- LAFCo Meeting
- GSA Meetings
- May Surprise
- Chamber of Commerce Annual Dinner
- Meeting with Farm Bureau Executive Director
- Meeting with Environmental Health regarding CUPA

VIII. STATE OR FEDERAL LEGISLATION/GENERAL BUDGETARY MATTERS

None.

IX. CLAIMS/AUDITOR

1. Consider approving Special Claims.

<u>Claim #</u>	<u>Fund/Department</u>	<u>Vendor</u>	<u>Amount</u>
597410	Public Defender	Chopra Law Firm	\$607.50
597411	Behavioral Health	Heritage Oaks	\$10,538.54
597412	Public Defender	Patrick Landreth	\$1,950.00
597413	Public Defender	Law Offices of William Conwell	\$3,591.00
597415	Public Defender	Mehr Law Office	\$45.00
597416	Behavioral Health	Milhou's Children's Services	\$5,096.05
597417	Public Defender	Pinnacle Investigations	\$260.00
597418	DHHS	Seneca Family Agencies	\$150.00
597419	Ag Commissioner	Valdez Eazy Tow Trailers	\$1,298.38
FLOOD RELATED SERVICES			
597414	Road	Orchard Solutions LLC	\$3,240.00

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Denise J. Carter, Supervisor
SECONDER:	John D. Loudon, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

2. Approve Claim Register Sheets for period May 2, 2017 through May 15, 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Denise J. Carter, Supervisor
SECONDER:	John D. Loudon, Supervisor
AYES:	Carter, Loudon, Vann, Boes, Evans

Chairman Evans adjourned the meeting at 11:18 a.m. to reconvene in Regular Session on May 30, 2017 at the hour of 9:00 a.m.

Gary J. Evans, Chairman

Attest: Wendy G. Tyler,
Clerk to the Board of Supervisors

BY _____
Melissa Kitts, Deputy Clerk