

COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District
Ed Scofield, 2nd District (Vice-Chair)
Dan Miller, 3rd District
Wm. "Hank" Weston, 4th District (Chair)
Richard Anderson, 5th District



BOARD OF SUPERVISORS

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Julie Patterson Hunter, Clerk of the Board
Richard A. Haffey, County Executive Officer
Alison Barratt-Green, County Counsel

SUMMARY MINUTES - Final

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, November 8, 2016	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

REGULAR MEETING: 9:00 AM

Rollcall

The following Supervisors present:

Nathan H. Beason, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

STANDING ORDERS:

Chairman Miller called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Game Warden Jerry Karnow.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections and/or deletions to the agenda were noted.

SCHEDULED ITEMS: 9:01 A.M.

1. [SR 16-0920](#) Resolution proclaiming 2016 as the 20th anniversary of the opening of Sierra College - Nevada County Campus. (Ms. Stephanie Ortiz, Executive Dean, Nevada County Campus)
Adopted.
Enactment No: RES 16-521

ACTION TAKEN: Ms. Stephanie Ortiz, President, Sierra College-Nevada County Campus, thanked the Board for the resolution and commented on the strength and success of the campus and the exciting initiatives they currently are working on that will benefit the students.

The Board members congratulated Ms. Ortiz on their 20th anniversary.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Beason, to adopt Resolution 16-521. On a roll call vote the motion passed unanimously.

2. [SR 16-0939](#) Certificate of Recognition for Game Warden Jerry Karnow, upon his retirement from the California Department of Fish and Wildlife.

ACTION TAKEN: The Board members thanked Game Warden Jerry Karnow for his years of service and congratulated him on his retirement from the California Department of Fish and Wildlife.

3. [SR 16-0956](#) Nevada County 4-H All Stars 2016 Annual Activities Report. (Ms. Tracy Ivey, Nevada County 4-H All Star Advisor)

ACTION TAKEN: Chairman Miller introduced the Nevada County 4-H All Stars. Nevada County 4-H All Stars; Nathanael Warmuth, Kelsey McFarland, Mekayla Ross, and Elizabeth Enke, form the 2016/17 All Star team. There is an additional All Star, Keith Ward, who could not attend the meeting. The All Stars introduced their newest advisor, Ms. Tracy Ivey, and asked the Board if they were able to see the 4-H decorated windows in downtown Grass Valley the first week of October, which was National 4-H week. They provided a report on their activities during 2016 and presented the Board with certificates of appreciation for their continued support for Nevada County 4-H.

The Board members thanked the All Stars for their presentation and the work they do within the community.

PUBLIC COMMENT: 9:30 A.M.

ACTION TAKEN: Mr. Don Bessee, District 2 resident and SMART (Smart Approaches to Marijuana), Executive Director, provided comments regarding the use of bulk Butane in Marijuana Oil production, he reported on an informational event held by SAMM in San Francisco with diverse Marijuana groups, and provided comments in opposition to Proposition 64.

Ms. Shelley Covert, Nevada County Rancheria Nisenan Tribe, invited the Board and members of the public to attend their 7th Annual Nisenan Heritage Day celebration. This year's theme is the "Return of the Salmon Doctor" to be held on Saturday, November 12, 2016.

CONSENT CALENDAR:

Behavioral Health Director: Rebecca Slade

4. [SR 16-0913](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Charis Youth Center pertaining to the provision of specialized mental health residential treatment services for seriously emotionally disturbed youth and young adults ages 13-21 (PESK3101), increasing the maximum contract price from \$25,000 to \$65,000, for the period July 1, 2016 through June 30, 2017, authorizing the Chair of the Board of Supervisors to execute the Amendment, and authorizing and directing the Auditor-Controller to release fund balance and amend the Behavioral Health Department's Fiscal Year 2016/17 budget. (4/5 affirmative vote required.)

Adopted.

Enactment No: RES 16-522

Public Health Director: Jill Blake

5. [SR 16-0875](#) Resolution approving a renewal Contract for Services between the County of Nevada and the County of Placer for the provision of microbiological, rabies testing and other laboratory tests and consultation services through the Placer County Public Health Laboratory for the Nevada County Public Health Department and the Sheriff's Animal Control Division, for a total aggregate contract maximum amount of \$30,000, for the period July 1, 2016 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the Contract.

Adopted.

Enactment No: RES 16-523

6. [SR 16-0910](#) Resolution approving the renewal Standard Agreement 16-10303 between the County of Nevada and the California Department of Public Health, Office of AIDS, which provides funding for services related to the Housing Opportunities for Persons with AIDS (HOPWA) Program, in the maximum amount of \$78,735, for the period July 1, 2016 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

Adopted.

Enactment No: RES 16-524

7. [SR 16-0912](#) Resolution approving Amendment A03 to Agreement 14-10525 between the County of Nevada and the California Department of Public Health pertaining to funding local Public Health Emergency Preparedness (PHEP), Pandemic Influenza (Pan Flu), and the Hospital Preparedness Program (HPP) (Res. 14-404), decreasing the maximum amount payable from \$1,107,717 to \$1,097,757, for the period July 1, 2014 through June 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 16-525

Director of Social Services: Mike Dent

8. [SR 16-0774](#) Resolution approving a Software License and Support Agreement between the County of Nevada and JUMP Technology Services, LLC pertaining to the provision of User Software Licenses, Subscription and Support Agreement Services to provide access to the automated elder care and dependent adult services system for Adult Protective Services (APS) known as AACTS, for a total maximum amount of \$38,880, for the period July 1, 2016 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

Adopted.

Enactment No: RES 16-526

9. [SR 16-0928](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Helping Hands Nurturing Center, LLC for the provision of Nurturing Parenting Program (NPP) services as referred to by Child Protective Services (CPS) (Res. 16-266), amending Exhibit "A" Schedule of Services and revising Exhibit "B" Schedule of Charges and Payments, in the maximum amount of \$255,000, the period July 1, 2016 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 16-527

Director of Public Works: Steven Castleberry

10. [SR 16-0929](#) Resolution authorizing the Director of the Department of Public Works to file a Notice of Exemption with the Nevada County Clerk-Recorder's office for Environmental Clearance for the 2017 Microsurface Project.
Adopted.
Enactment No: RES 16-528
11. [SR 16-0930](#) Resolution approving the proposed 2017 Nevada County Annual Striping Project (Phase 1 and Phase 2) and authorizing the Director of the Nevada County Department of Public Works to file a Notice of Exemption with the Nevada County Clerk-Recorder's office for Environmental Clearance for the 2017 Nevada County Annual Striping Project (Phase 1 and Phase 2).
Adopted.
Enactment No: RES 16-529
12. [SR 16-0931](#) Resolution authorizing the Director of the Department of Public Works to file a Notice of Exemption with the Nevada County Clerk-Recorder's office for Environmental Clearance for the Nevada County Sign Update and Roadway Safety Signing Audit (RSSA) Project.
Adopted.
Enactment No: RES 16-530
13. [SR 16-0927](#) Resolution approving an Indemnification Agreement between the County of Nevada and New Verde Mines, LLC relating to the North Star Water Treatment Project located at 12509 Allison Ranch Road, Grass Valley, authorizing the Chair of the Board of Supervisors to execute the Agreement, and authorizing the Director of the Department of Public Works to execute the Certificate Accepting Offer of Dedication. (Dist. III)
Adopted.
Enactment No: RES 16-531
14. [SR 16-0940](#) Resolution awarding and approving the contract between the County of Nevada and Innovative Construction Solutions for the McCourtney Road Landfill Leachate Pump Improvements Project (Res. 16-449), in the amount of \$169,995 plus 10% of base bid contingency in the amount of \$17,000, for a maximum amount not to exceed a grand total of \$186,995, and authorizing the Chair of the Board of Supervisors to execute the contract. (Sanitation)
Adopted.
Enactment No: RES 16-532

Chief Information Officer: Stephen Monaghan

15. [SR 16-0934](#) Resolution accepting the Fiscal Year 2016 Homeland Security Grant from the California Governor's Office of Emergency Services funded through the U.S. Department of Homeland Security to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other catastrophic events, in the amount of \$175,166 for use during the period September 1, 2016 through May 31, 2019, and authorizing the Director of Emergency Services to fulfill the requirements of the Fiscal Year 2016 Homeland Security Grant Program. (Emergency Services)

Adopted.

Enactment No: RES 16-533

County Counsel: Alison Barratt-Green

16. [SR 16-0900](#) Resolution approving Amendment 4 to the contract between the County of Nevada and Porter Scott, A Professional Corporation, for legal services (Res. 14-338), increasing the contract amount by \$100,000, for a maximum contract price of \$240,000, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 16-534

County Executive Officer: Richard Haffey

17. [SD16-020](#) Resolution amending various Nevada County budgets through the First Consolidated Budget Amendment for Fiscal Year 2016/17. (4/5 affirmative vote required.)

Adopted.

Enactment No: RES 16-535

Individual Board Member Item:

18. [SR 16-0951](#) Request for letter in support of Sierra Business Council requesting that the Fiscal Agent of record for the portion of the Rural and Regional Consortia grant application covered in Resolution T-17538 on the November 10, 2016 Public Utilities Commission of The State of California agenda be changed from Sierra Economic Development Corporation (SEDCorp) to Sierra Business Council.

Approved.

Clerk of the Board: Julie Patterson Hunter

19. [SR 16-0909](#) Approval of the Penn Valley Fire Protection District's amended Conflict of Interest Code.
Approved.
20. [SR 16-0902](#) Acknowledge Supervisor Miller's reappointment of Mr. Jonathan Keehn as District III representative to the Building and Accessibilities Standards Board of Appeals, for a four year term expiring July 1, 2020.
Acknowledged.
21. [SR 16-0901](#) Acknowledge Supervisor Weston's reappointment of Mr. John Payne as District IV representative to the Building and Accessibilities Standards Board of Appeals, for a four year term expiring July 1, 2020.
Acknowledged.
22. [SR 16-0944](#) Appointment of Ms. Lauren Garrison as a Discretionary member to the Child Care and Development Planning Council, for an unexpired term ending June 30, 2018.
Appointed.
23. [SR 16-0948](#) Reappointment of Mr. James Rees as a regular member, for a three year term ending September 30, 2019, and Mr. Richard Corn as an alternate member, for a one year term ending September 30, 2017, to the Assessment Appeals Board.
Reappointed.
24. [SR 16-0941](#) Appointment of Ms. Jill Blake as Public Health Director representative to the First 5 Nevada County Children and Families First Commission, for a two year term ending October 31, 2018.
Appointed.
25. [SR 16-0918](#) Acceptance of Board of Supervisors Summary Minutes for October 25, 2016.
Accepted.

Approval of the Consent Agenda

Adopted.

ACTION TAKEN: Chairman Miller introduced the consent calendar.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Anderson, to approve the consent calendar. On a roll call vote, the motion passed unanimously.

DEPARTMENT HEAD MATTERS:**Environmental Health Director: Amy Irani**

26. [SR 16-0949](#) Resolution approving a Memorandum of Agreement (MOA) between the Nevada County Environmental Health Department, the County of Placer, the Town of Truckee, the Truckee Donner Public Utility District, the Placer County Water Agency and the Northstar Community Services District (collectively referred to as the Martis Valley Groundwater Basin Group Parties) for the development and implementation of the Martis Valley Groundwater Basin Alternative Plan, and authorizing the Chair of the Board of Supervisors to execute the MOA. (Dist. V)

Adopted.

Enactment No: RES 16-536

ACTION TAKEN: Chairman Miller introduced the item. Ms. Amy Irani, Environmental Health Director, reviewed the staff report and provided a PowerPoint Presentation regarding the Memorandum of Agreement (MOA), a collaboration between the Nevada County Environmental Health Department and five agencies in the submittal of a sustainable management plan for the Martis Valley Groundwater Basin.

She explained the purpose of entering into the MOA, the associated costs and financial commitments of each participating agency, the required schedule, and future actions that will be taken to be able to submit the Alternative Plan to the State Department of Water Resources (DWR) by January 1, 2017. Ms. Irani clarified the duties of the Martis Valley Groundwater Basin Group and the responsibilities of each jurisdiction, including Nevada County, Truckee and Placer County. She reviewed the provisions and requirements of the MOA for each member of the Martis Valley Groundwater Basin Group.

Board questioning and discussion ensued.

Supervisor Anderson thanked staff for the excellent job they have done crafting an MOA that takes into consideration the differing ideas from all of the agencies.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Anderson, to adopt Resolution 16-536. On a roll call vote the motion passed unanimously.

Chief Probation Officer: Michael Ertola

27. [SR 16-0923](#) Resolution approving the Nevada County Community Corrections Partnership Plan for Fiscal Year 2016/2017.

Adopted.

Enactment No: RES 16-537

ACTION TAKEN: Mr. Michael Ertola, Chief Probation Officer, provided a PowerPoint Presentation regarding Public Safety Realignment Assembly Bill (AB)109. He gave a brief summary of AB109 requirements, and provided information regarding the membership of the Community Corrections Partnership Executive Committee (CCP), data regarding the AB109 clients, the agencies who collaborate in Nevada County, the funding for California Counties, and how Nevada County is affected by the program. Mr. Ertola requested the Board approve the Nevada County Community Corrections Partnership Plan for 2016/17.

Board questioning and discussion ensued.

Mr. Richard Haffey, County Executive Officer, responded to questions regarding the impacts of bills being voted on in today's election and the continuance of funding guaranteed by AB109. He also responded to the Board's concerns regarding offenders continuing to return to County jail, commenting that there are a lot of moving parts in our judicial system that effect the time that an offender may stay in jail before they get to the probation division.

Board questioning continued.

Chairman Miller provided an opportunity for public comment.

Mr. Chuck Frank, District IV resident, suggested that offenders would not return to jail if they were expected to work, such as placing them on a fire crew. Mr. Ertola responded that they are provided vocational training and job placement. He also explained that work programs and work furlough programs are under the Sheriff's office.

There being no further public comment, Chairman Miller closed public comment.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Weston, to adopt Resolution 16-537. On a roll call vote the motion passed unanimously.

SCHEDULED ITEM: 10:00 A.M.

28. [SR 16-0908](#) Public hearing to consider an Ordinance amending Chapter V of the Land Use and Development Code of the County of Nevada, adopting the 2016 California Building Standards, and local amendments thereto, and adoption of express findings of reasonable necessity for changes and modifications to the California Building Standards Code based on local climatic, geological, or topographical conditions.

(Introduce/Waive Further Reading) An Ordinance amending Chapter V of the Land Use and Development Code of the County of Nevada, adopting the 2016 California Building Standards, and local amendments thereto: and adoption of express findings of reasonable necessity for changes and modifications to the California Buildings Standards Code based on local climatic, geological, or topographical conditions.

First reading held.

ACTION TAKEN: Mr. Craig Griesbach, Building Director, reviewed the staff report regarding the proposed Ordinance amending Chapter V of the Land Use and Development Code of the County of Nevada adopting the 2016 California Building Standards including Building, Electrical, Plumbing, Mechanical, Residential, Green Building, Energy, Historical Building, Existing Building, Referenced Standards and Fire Codes. He reported that the Nevada County Building and Accessibilities Standards Board of Appeals recommends adoption of the Ordinance. Mr. Griesbach commented that overall the Code changes are not as drastic as previous updates; staff will continue to work with members of the public and professional associations to educate them on the current Codes. He reported that the Contractor's Associations on both sides of the County agree with the changes.

Board questioning ensued.

Supervisor Weston noted a typographical error in the Land Use and Development Code Ordinance and Supervisor Beason noted an additional error. Mr. Griesbach agreed to make those changes.

Chairman Miller opened the public hearing for public comment.

Mr. Chuck Frank, District IV resident, asked how much additional costs would be added to residential building due to the updated standards. Mr. Griesbach responded that depending on the restriction costs may increase, but there are some changes of previous restrictions that provide cost savings. Mr. Frank felt that if the County continued to go in the direction of increased costs of building, it will only allow certain people to be able to afford building houses. He believed that this would create more people in high density housing which he felt was a negative for the County.

Ms. Ricki Heck, District I resident, commented on the prohibition of storage containers on certain parcels. She asked for clarification on why that is added to the Code. Mr. Griesbach responded that the exemption was added to allow placement of containers on certain parcels for construction without requiring a building permit, and is less restrictive. Ms. Heck asked who handles the issue if someone is not in compliance. Mr. Griesbach responded that it would be handled through Code Compliance.

There being no further public comment, Chairman Miller closed public comment.

Board discussion ensued regarding the costs of building throughout the State. Mr. Griesbach commented that the County can make more restrictive regulations than the State regulations, but the State sets the minimum requirements for building.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Anderson, to waive further reading of the Ordinance amending Chapter V of the Land Use and Development Code of the County of Nevada, adopting the 2016 California Building Standards. On a roll call vote the motion passed unanimously.

DEPARTMENT HEAD MATTERS: (Continued)**Chief Information Officer: Stephen Monaghan**

29. [SR 16-0935](#) Resolution approving a contract between the County of Nevada and LDA Partners, LLP, for professional architectural design services for the Nevada County Operations Center located at 12350 La Barr Meadows Road, Grass Valley, in the maximum contract price of \$1,044,900, for the period November 1, 2016 through December 31, 2018, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Capital Facilities budget. (Facilities) (4/5 affirmative vote required.)

Adopted.

Enactment No: RES 16-538

ACTION TAKEN: Mr. Stephen Monaghan, Chief Information Officer, introduced Mr. Tom Coburn, Facilities Manager. Mr. Monaghan reviewed the staff report and provided a PowerPoint Presentation regarding the County Operations Center Project and the award of a contract for Architectural Services to LDA Partners, LLP.

Mr. Monaghan reviewed the scope of services and associated costs, with a maximum contract amount of \$1,044,900. He reviewed the revised Site Plan of the planned construction, reported on the Request for Qualifications (RFQ) process that led to the proposed contract with LDA Partners, LLP, and provided a brief overview of the Project timeline. Staff expects the Project to be completed in November 2018.

Board questioning ensued.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Weston, to adopt Resolution 16-538. On a roll call vote the motion passed unanimously.

***CLOSED SESSION:**

- [SR 16-0961](#) Pursuant to Government Code Section 54956.9(d)(2), County Counsel is requesting a closed session with the Board of Supervisors to discuss one matter in which there is significant threat of litigation against the County.

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the title of the closed session into the record and the Board entered into closed session.

Following the closed session, Ms. Barratt-Green reported that nothing occurred in closed session that is required to be reported out by law.

INDIVIDUAL BOARD MEMBER ITEM:

- 30. [SR 16-0950](#)** Acknowledge the Chair of the Board of Supervisors' dissolution of the Interim Ordinance Subcommittee, formation of a new Marijuana Regulations Subcommittee, and appointment of Supervisors Hank Weston and Richard Anderson to the new Marijuana Regulations Subcommittee.
Acknowledged.

ACTION TAKEN: Chairman Miller reported that he has appointed Supervisors Anderson and Weston to the Marijuana Regulations Subcommittee.

Chairman Miller opened the item for public comment.

Mr. Jonathan Collier, Nevada City resident, and California Growers Association representative, read a letter into the record. He requested the Board change the name of the Subcommittee to Cannabis Regulation Subcommittee. He asked that the Ad Hoc members have expertise within the cannabis industry: including law enforcement, planning, building, and agriculture.

Ms. Diana Gamzon, Nevada City resident, also read a letter into the record and provided comments regarding the goal of having an inclusive and collaborative process moving forward. She also requested that the name of the committee be changed to the Cannabis Regulations Subcommittee, and that people on the committee include public health representatives along with the members mentioned by Mr. Collier. Ms. Gamzon recommended that the Board review the North Coast Collaboration, a six County collaboration regarding cannabis that has been recognized and awarded by California State Association of Counties (CSAC).

There being no further public comment, Chairman Miller closed public comment.

Supervisor Weston provided clarification regarding moving forward with the process. He commented that the County's subcommittee would put together a process that will go to the Board for approval. He did not believe the plan would be ready by January 2017, suggesting it would take longer.

Board discussion ensued.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Weston, to acknowledge the Chair of the Board's dissolution of the Interim Ordinance Subcommittee, formation of a new Marijuana Regulations Subcommittee, and appointment of Supervisors Hank Weston and Richard Anderson to the new Subcommittee. On a voice vote the motion passed unanimously.

***ANNOUNCEMENTS:**

Pursuant to Government Code Section 54954.2, Board members and County Executive Officer may make a brief announcement or brief report on his or her activities. Board members and County Executive Officer may also provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

ACTION TAKEN: Announcements not held.

ADJOURNMENT:

ACTION TAKEN: Chairman Miller adjourned the meeting at 11:21 A.M.

Signature and Attestation

Dan Miller, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk of the Board