

STATE OF CALIFORNIA, COUNTY OF NEVADA BOARD OF SUPERVISORS SUMMARY MINUTES, AUGUST 26, 2014

Meeting held in the Board Chambers, Eric Rood Admin. Center, 950 Maidu Ave., Nevada City, CA

REGULAR MEETING: 9:00 A.M.

STANDING ORDERS:

Chairman Beason called the meeting to order at 9:00 a.m.

The following Supervisors present:

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

Pledge of Allegiance led by Mr. Gregory Diaz, Clerk-Recorder/Registrar of Voters.

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. Resolution proclaiming September 5th, 6th, and 7th, 2014 as the "Roamin Angels-Cruisin' the Pines Car Show Weekend." (Terry Edwards, President, Roamin Angels Car Club, Inc.)

ACTION TAKEN: Chairman Beason introduced the agenda item.

Mr. Terry Edwards, President, Roamin Angels Car Club, thanked the Board for proclaiming September 5, 6, and 7, 2014 as "Roamin Angels-Cruisin' the Pines Car Show Weekend," and submitted complimentary tickets for the Board members to the Clerk of the Board.

Chairman Beason read the proclamation into the record.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Lamphier, to adopt [Resolution 14-398](#). On a roll call vote, the motion passed unanimously.

The Board presented the proclamation to Mr. Edwards.

2. Resolution proclaiming September 2014 as "Prostate Cancer Awareness Month" in Nevada County. (Mr. George Mueller)

ACTION TAKEN: Chairman Beason introduced the agenda item.

Mr. George Mueller, Nevada County resident, encouraged every male 40 years or older to be tested for prostate cancer.

Chairman Beason read the proclamation into the record.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Scofield, to adopt [Resolution 14-399](#). On a roll call vote, the motion passed unanimously.

The Board presented the proclamation to Mr. Mueller.

3. Resolution honoring the California Library Literacy Service, Nevada County Library's Read Up Literacy Program, and International Literacy Day by declaring September 2014 as "Adult Literacy Awareness Month." (Laura Pappani, County Librarian)

ACTION TAKEN: Chairman Beason introduced the agenda item.

Ms. Laura Pappani, County Librarian, spoke in support of the Nevada County Library's literacy services.

Chairman Beason thanked Ms. Pappani for bringing the item forward and read the proposed resolution into the record.

MOTION: Motion made by Supervisor Lamphier, seconded by Supervisor Weston, to adopt [Resolution 14-400](#). On a roll call vote, the motion passed unanimously.

The Board presented the proclamation to Ms. Pappani.

CONSENT CALENDAR: Chairman Beason introduced the consent calendar.

Health and Human Services Agency Director: Stewart Knox

4. Resolution authorizing execution of the renewal Memorandum of Understanding (MOU) with the County of Placer pertaining to Nevada County providing consultative/program management services for the development of collaborative and regional health and human services in the Eastern County Region, for a maximum payable amount of \$95,019, for the period July 1, 2014 through June 30, 2015. ([Resolution 14-401](#) adopted.)

Director of Social Services: Mike Dent

5. Resolution authorizing execution of Amendment 1 to Agreement with the Regents of the University of California, UC Davis Extension, for the provision of consultation and technical assistance for the Nevada County Child Protective Services Department, increasing the maximum obligation from \$24,500 to \$86,500, and extending the contract termination date from June 30, 2014 to December 31, 2014. ([Resolution 14-402](#) adopted.)

Director of Health: (Behavioral Health) Michael Heggarty

6. Resolution authorizing execution of a renewal contract with Victor Treatment Centers, Inc. for specialized mental health residential treatment services for emotionally disturbed youth as referred by Nevada County, in the maximum amount of \$50,000, for the period July 1, 2014 through June 30, 2015. ([Resolution 14-403](#) adopted.)

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Director of Health: (Public Health) Michael Heggarty

7. Resolution authorizing execution of renewal Agreement 14-10525 with the California Department of Public Health (CDPH) pertaining to funding local Public Health Emergency Preparedness (PHEP), Pandemic Influenza (Pan Fu), and Hospital Preparedness Program (HPP) activities, in the annual amount of \$350,073 per fiscal year for a total maximum amount of \$1,050,219, for the period July 1, 2014 through June 30, 2017. ([Resolution 14-404](#) adopted.)
8. Resolution authorizing execution of Amendment 1 to a renewal contract with Wendy Van Wagner for Nutrition Education Consultant Services for the County's Nutrition Education and Obesity Prevention (NEOP) Program, increasing the contract maximum from \$26,600 to \$30,140, for the period October 1, 2013 through September 30, 2014. ([Resolution 14-405](#) adopted.)

Sheriff-Coroner: Keith Royal

9. Resolution authorizing execution of a renewal agreement with Los Angeles County for reciprocal intrastate prisoner transportation services without charge, specifically for the transportation of prisoners who are arrested and held within the State of California for the period July 1, 2014 through June 30, 2019. ([Resolution 14-406](#) adopted.)
10. Resolution accepting the U.S. Department of Justice, Office of Justice Planning, 2014 Justice Assistance Grant, in the amount of \$12,213, to be used to partially fund the purchase of two capital assets (Cellebrite devices), and directing the Auditor-Controller to amend the Sheriff's Office Fiscal Year 2014/15 budget. (4/5 affirmative vote required.) (Pulled from consent by Supervisor Beason.)

Auditor-Controller: Marcia Salter

11. Resolution setting the allowance for delinquencies and fixing ad valorem tax rates for general obligation bonds, and other voter-approved debt for Fiscal Year 2014-15. ([Resolution 14-407](#) adopted.)

Clerk-Recorder: Gregory Diaz

12. Resolution authorizing execution of a contract with Everyone Counts, Inc., for the purchase of eLect-Poll books for Nevada County, in the amount of \$65,846.65, for the period August 26, 2014 through June 30, 2018, and directing the Auditor-Controller to amend the Elections budget for Fiscal Year 2014-15. (Elections) (4/5 affirmative vote required.) ([Resolution 14-408](#) adopted.)

Treasurer-Tax Collector: Tina Vernon

13. Resolution authorizing the Treasurer and Tax Collector to sell tax-defaulted property by internet auction using Bid4Assets.com. ([Resolution 14-409](#) adopted.)

Agricultural Commissioner: Jeffrey Pylman

14. Resolution authorizing execution of renewal Agreement 14-0359-SF with the California Department of Food and Agriculture (CDFA) pertaining to reimbursement of costs incurred in the enforcement of the Pierce's Disease and Glassy-Winged Sharpshooter Program services, for a total amount not to exceed \$15,458, for the period July 1, 2014 through June 30, 2016. ([Resolution 14-410](#) adopted.)

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Director of Public Works: Steven Castleberry

15. Resolution authorizing execution of the Final Map 04-004 “Cascade Crossing – Phase 3” and the Subdivision Improvement Agreement with HBT of Saddle Ridge, LLC, owners and subdividers of the Cascade Crossing Subdivision, and directing the County Surveyor to deliver the map to the County Recorder’s Office for recording. (Dist. II) ([Resolution 14-411](#) adopted.)

Human Resources Director: Charles Wilson

16. Resolution authorizing execution of a renewal agreement to participate in the California State Association of Counties-Excess Insurance Authority (CSAC-EIA) Memorandum of Understanding for the administration of a dental program through Delta Dental of California for the period January 1, 2014 through December 31, 2015. ([Resolution 14-412](#) adopted.)

Chief Information Officer: Stephen Monaghan

17. Resolution authorizing execution of the first Amendment to the sublease Agreement with the Job Training Center of Tehama County, Inc. to exercise the option to renew the sublease for the Cal WORKS office space at 715 Maltman Drive in Grass Valley for the period July 1, 2014 through June 30, 2017. ([Resolution 14-413](#) adopted.)
18. Resolution approving the License Agreement between the County of Nevada and Christine Foster for access across property located at 415 N. Pine Street, Nevada City, authorizing the Chair to execute the Agreement, and directing the Clerk of the Board to record said Agreement. ([Resolution 14-414](#) adopted.)

Clerk of the Board: Donna Landi

19. Resolution proclaiming September 2014 as “Childhood Cancer Awareness Month” in Nevada County. ([Resolution 14-415](#) adopted.)
20. Reappointment of Mr. Richard Johansen as Truck Farming Industry representative to the Agricultural Advisory Commission, for a four-year term ending July 31, 2018. (Reappointed.)
21. Acceptance of resignation by Mr. Robert Braude from the Citizens’ Oversight Committee of the Nevada County Library. (Accepted.)
22. Acceptance of Board of Supervisors minutes for August 12, 2014.

ACTION TAKEN: Supervisor Anderson requested Agenda Item #22 be pulled from the consent calendar and Supervisor Beason requested Agenda Item #10 be removed from the consent calendar for discussion.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Lamphier, to approve the consent calendar, less Agenda Items #10 and #22. On a roll call vote, the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

Clerk of the Board: Donna Landi

22. Acceptance of Board of Supervisors minutes for August 12, 2014. (Accepted.)

ACTION TAKEN: Supervisor Anderson requested that the word “if” be added to his comments at the bottom of page 49; “..... that “if” the sphere is expanded, it has been done so in a manner which promotes the public interest.”

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Scofield, to accept the Board of Supervisors minutes for August 12, 2014, as amended. On a roll call vote, the motion passed unanimously.

Sheriff-Coroner: Keith Royal

10. Resolution accepting the U.S. Department of Justice, Office of Justice Planning, 2014 Justice Assistance Grant, in the amount of \$12,213, to be used to partially fund the purchase of two capital assets (Cellebrite devices), and directing the Auditor-Controller to amend the Sheriff’s Office Fiscal Year 2014/15 budget. (4/5 affirmative vote required.) (Pulled from consent by Supervisor Beason.)

ACTION TAKEN: Chairman Beason introduced the agenda item.

Nevada County Sheriff Keith Royal reported that this year his office will use the grant funding to pay for an updated version of Cellebrite technology, which is a device that allows them to download anything that is on another person’s cell phone, including text messages, contact lists, and emails. It is a tool that assists law enforcement with the investigation of crime, and it can acquire information that may help them in an emergency situation. In June 2014, a Supreme Court decision dictated how and when law enforcement could use the technology and established parameters for use in criminal investigations. There is a requirement for acquiring a search warrant, although absent a search warrant, they can still acquire the data if they are given consent from the cell phone owner.

Board questioning ensued.

Chairman Beason opened the meeting for public comment.

Mr. Norman Sauer, District I resident, asked when the download is done from another person’s cell phone, if the record is discoverable, and if it is a hard copy or stored on a hard drive that could crash. Sheriff Royal responded ‘yes’ to Mr. Sauer’s first question, and explained that the information is downloaded to a laptop or personal computer and printed out as a hard copy to be presented to the courts.

There being no further public comment, Chairman Beason closed the public comment period.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Weston, to adopt Resolution 14-416. On a roll call vote, the motion passed unanimously.

DEPARTMENT HEAD MATTERS:

County Counsel: Alison Barratt-Green

23. (Introduce/Waive Further Reading) Ordinance amending Section G-IV 14.A.2 and Subsection I of Section G-IV 14.A.3 of the Nevada County General Code relating to wood stoves and fireplaces.

ACTION TAKEN: Chairman Beason introduced the agenda item and read the title of the Ordinance into the record.

Ms. Gretchen Bennitt, Executive Director, Northern Sierra Air Quality Management District (NSAQMD), provided a PowerPoint presentation. She reported that the proposed Ordinance updates an existing Western Nevada County regulation, by removing an exemption for outdoor residential wood boilers to include the entire County. She explained that the wood boilers have been used in the Eastern portion of the United States for a couple of years. Many complaints have been received because the boilers make a lot more smoke than a wood stove and are used year-round for heating water for residential use. Ms. Bennitt requested the Board approve the modification to the existing regulation.

Chairman Beason asked if Ms. Bennitt was requesting the boilers be prohibited. Ms. Bennitt responded that the proposed Ordinance would not prohibit wood boilers; it would require they be as clean as an Environmental Protection Agency (EPA) certified wood stove.

Board discussion ensued.

Ms. Bennitt explained that currently there are no boilers installed in Nevada County that she is aware of, and added that they are quite expensive to purchase and install. NSAQMD would like to dissuade the investment prior to neighborhood complaints.

Chairman Beason hoped that they were not implementing a solution that was looking for a problem. He asked if the boilers were installed in areas where there were no alternatives. Ms. Bennitt responded not necessarily; she believed that people install them as an alternative to electricity, natural gas or propane to heat their water.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Lamphier, to introduce and waive further reading of the Ordinance. On a roll call vote, the motion passed as follows: Ayes: Supervisors Weston, Lamphier, Anderson, and Scofield. Noes: Supervisor Beason. Abstain: None. Absent: None.

INDIVIDUAL BOARD MEMBER ITEMS:

24. Resolution declaring an ongoing emergency due to the actual and perceived threat of wildfire in Nevada County, and urging the Governor to take an active role at the Federal level to demand that the Federal Government take action in California's Federal Wild and Forest Lands to do the prevention and maintenance work required to mitigate the ongoing and increasing risk of catastrophic wildfires. (Supervisor Beason)

ACTION TAKEN: Chairman Beason introduced the agenda item and reviewed the staff report.

Supervisor Lamphier suggested adding to the letter that the Board has had many presentations on this issue related to fire safety. The Board agreed to the addition.

Chairman Beason opened the meeting for public comment.

The following members of the public spoke in opposition to the proposed letter: Ms. Judy Cayler, District I resident; Mr. Chuck Frank, District IV resident; Mr. Norman Sauer, District I resident; and Ms. Jean Gerard, District I resident.

There being no further public comment, Chairman Beason closed the public comment period.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Scofield, to adopt [Resolution 14-417](#), and to send the letter with the additional information. On a roll call vote, the motion passed unanimously.

DEPARTMENT HEAD MATTERS: (Continued)

Planning Director: Brian Foss

25. Resolution extending the suspension of public access to the public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley Subdivisions to August 31, 2016, and directing staff to continue the process of planning and developing a public hiking trail in all three subdivisions. (Dist. II)

ACTION TAKEN: Chairman Beason introduced the agenda item.

Ms. Larkyn Feiler, Assistant Planner, reviewed the staff report and provided a PowerPoint presentation on the status of the Emigrant Trail. Ms. Feiler recommended the Board extend the suspension for an additional two years to August 31, 2016 to protect public health, safety, welfare, and sensitive resources, while staff continues to implement the trail development process, and adopt the proposed resolution extending the suspension of use.

Board questioning ensued.

Supervisor Weston asked if the Board decided to lift the suspension, would the County be liable in the case of an injury to a member of the public. Ms. Alison Barratt-Green, County Counsel, responded no, if it occurred on the trail easement itself. One of staff's concerns is that the trail is not clearly marked at this point, so it is not clear whether or not the injury would have occurred on the trail easement. Much of the easement is not passable due to the location of the easement. She added that the County does have a broad liability with regards to the trail easement.

Supervisor Lamphier asked if a property owner invited guests to ride along the trail easement would they be allowed to do so. Ms. Feiler responded that the concern would be that inviting someone to use the trail easement would remove some of the broad immunity that Ms. Barratt-Green referred to. Additionally, part of the issue with the closure is that you either close it to everyone or open it to everyone. She added that you can't really have a different use for a property owner than for the general public.

Supervisor Lamphier suggested a one-year timeframe and asked why they were requesting two years. Mr. Brian Foss, Planning Director, responded that due to the complexities of the issue, staff would anticipate opening the easements once there is a trail facility constructed and in place. There are a number of steps required before the construction begins and given their past experience, staff felt that two years would keep it in the forefront of their working plan and is a more realistic timeframe.

Chairman Beason suggested the issue be a January Workshop topic, and Mr. Richard Haffey, County Executive Officer, concurred. Chairman Beason expressed his concerns about moving the item two years out.

Supervisor Scofield believed it was a complicated and complex issue, and because of the legal issues, it would take some time to resolve. He was in support of staff's recommendation.

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Supervisor Weston also supported staff's recommendation. He believed that funding was now needed and that it was time for the Bear-Yuba Land Trust to take over.

Chairman Beason opened the meeting for public comment.

Mr. Eduardo Garcia, District II resident, commented that it seemed that a lot of time, effort and money had been spent on this project, and he wondered how many people would actually use the trail easement. He thought it might be of very limited use and interest in the end.

Ms. Linda Chaplin, District I resident, spoke in support of opening the trail easements, and she would like to see the trail become a part of the public recreation district that is in the area. Ms. Chaplin was concerned that members of the public would be excluded from the trail development process and asked that during the continued suspension of public access, a workshop process be incorporated.

Mr. Don Bessee, District II resident, commented that the homeowners have a contractual obligation to the citizens of Nevada County and had purchased their properties knowing full-well of the deed restrictions.

Ms. Debbie Porter, President, Golden Oaks Homeowners Association, commented that she owns a piece of property that has the easement on it. She asked if Bear River Land Trust still had interest in the project. She stressed that members of the Golden Oaks Homeowners Association have not changed their stance, and noted the multiple gaps in the trail within Golden Oaks. She believed it was unfair to present to members of the public that there is a trail that can be used. She agreed with the additional two-year suspension, but would like the Planning Department to come back before the Board in six months with an update.

There being no further public comment, Chairman Beason closed the public comment period.

Supervisor Lamphier asked if there has been any new construction on the easements within the last year. Mr. Foss responded that a wire fence has been constructed that staff believes is within the easement. They have been in contact with the property owner a number of times to explain the easement restrictions and location, and staff has requested they either take the fence down or move it out of the easement. Mr. Foss added that the fence is still up and staff continues to communicate with the property owner and his attorney.

Supervisor Lamphier inquired as to the status of encroachments that were previously constructed along the easements. Mr. Foss responded that there are a number of structures within the easements that staff had been aware of, including well-heads and fences, which were constructed over the years. Their approach has been to identify where the easement locations are and address the obstructions within the easements during the time they were completing the trail alignment and final trail development, so that there may be an opportunity to avoid the structures by routing the trail around them. Staff has not taken an active approach to go after property owners that have historic structures within the easements. Board direction was to actively deal with any new obstructions within the easements.

Supervisor Lamphier stressed the need for connectivity where the easement crosses through privately-owned roads, and suggested that the County should agree in some form or fashion to take responsibility for the maintenance.

Responding to Mr. Garcia's concerns, Chairman Beason responded that the trail easements are part of an historical thoroughfare in California, and he presumed a lot of people would use it. He believed that the Board wants to grant the two-year extension, while investigating some ways to achieve the milestones. Staff may be able to find some grant funding for a survey and the California Environmental Quality Act (CEQA) process.

Board discussion ensued.

Supervisor Scofield believed Sunshine Valley subdivision is the key to this for a staging area, even if it is just a pedestrian trail, because there is no where for parking. If the County could come up with a Memorandum of Understanding (MOU) there, perhaps the process could then proceed to the next two subdivisions.

Supervisor Weston stressed that the easement is already there for pedestrian usage in Sunshine Valley, and he wondered why the County could not implement the trail for pedestrian use only. Ms. Feiler was not sure what would happen in the other two subdivisions; because there have been specific concerns raised by Sunshine Valley homeowners, staff is interested in showing good faith by working with them to resolve those concerns before moving forward. It seemed to Supervisor Weston that the biggest issue was with walking horses. Mr. Foss responded that the definition for 'pedestrian-only usage' was a major issue for Sunshine Valley residents, as well as access to the trail. Use of the roads may be addressed within the MOU, as well as the scope of the surveyors and the amount of personnel that would be on site during the surveying process.

Chairman Beason suggested that the Board either talk about funding at the January Workshop or request the Budget Subcommittee and/or staff to look for some funding. Supervisor Weston responded that the Board would have to provide direction to the Budget Subcommittee.

Supervisor Lamphier wondered if it shouldn't be addressed as three different contracts, taking one at a time. If some clarity could be found, it might be easier to find the funding sources.

Supervisor Anderson was curious that there are three subdivisions that have been approved by the County, which specify the need for trail easements for recreational purposes, and the County is now being told that it cannot have access to perform the functions that need to be completed for implementation of the trails. He agreed that an MOU with the homeowners would be nice to have, but if it could not be agreed upon, it was his opinion that the trails still needed to be implemented. Ms. Barratt-Green responded that there are ways to address that, and suggested that it would be a conversation for a later date. Staff remains hopeful that the homeowners will cooperate with the County.

Chairman Beason suggested that in the interest of time, the Board go ahead and act on the item with the understanding that between now and 2016 staff will look at ways to complete a survey and fund the CEQA process.

Supervisor Lamphier added that he is fine with staff's proposal and timeline, along with some measurable cooperation with the homeowners associations. If not, he would like to take a different route.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to adopt [Resolution 14-418](#). On a roll call vote, the motion passed unanimously.

DEPARTMENT HEAD MATTERS: (Continued)

Chief Information Officer: Stephen T. Monaghan

26. Resolution approving and authorizing execution of an amended and restated agreement regarding the Fire Prevention Assistance Program with the Nevada-Yuba-Placer Unit, California Department of Forestry and Fire Protection (CAL FIRE), and amending the Fiscal Year 2014/15 Planning and Office of Emergency Services Budgets. (Office of Emergency Services) (4/5 affirmative vote required.)

ACTION TAKEN: Chairman Beason introduced the agenda item.

Mr. Victor Ferrera, Office of Emergency Services (OES) Program Manager, reviewed the staff report.

Board questioning ensued.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Lamphier, to adopt [Resolution 14-419](#). On a roll call vote, the motion passed unanimously.

Supervisor Lamphier left the meeting for a few minutes.

County Executive Officer: Richard Haffey

27. Resolution amending the agreement for allocation of Fiscal Year 2014/15 Proposition 172 Revenues, removing \$27,922 that was previously allocated to the Planning Department for the Fire Prevention Assistance Program and adding a new line allocating this amount to the Office of Emergency Services.

ACTION TAKEN: Chairman Beason introduced the agenda item.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Scofield, to adopt [Resolution 14-420](#). On a roll call vote, the motion passed as follows: Ayes: Supervisors Weston, Anderson, Scofield and Beason. Noes: None. Abstain: None. Absent: Supervisor Lamphier.

Supervisor Lamphier rejoined the meeting during the closed session.

***CLOSED SESSION:**

Pursuant to Government Code § 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case:

Lockyer, et al. v. County of Nevada, et al. (Nevada County Superior Court, Case No. CU12-078231; Third District Court of Appeal, Case No. C075249)

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

Following the closed session, Ms. Barratt-Green reported that no action was taken in closed session that is required to be reported out by law.

SCHEDULED ITEM: 11:15 A.M.

28. Fire Safe Council of Nevada County Annual Report. (Ms. Joanne Drummond, Executive Director)

ACTION TAKEN: Chairman Beason introduced the agenda item.

Ms. Joanne Drummond, Executive Director, Fire Safe Council of Nevada County, presented the Fire Safe Council's Annual Report to the Board and provided a PowerPoint Presentation titled "Title III Grant 2013/14 Fiscal Year." She invited members of the Board to attend their fundraising event scheduled on September 11, 2014.

Board questioning ensued.

On behalf of the Board, Chairman Beason thanked Ms. Drummond for the report.

DEPARTMENT HEAD MATTERS: (Continued)

Chief Information Officer: Stephen T. Monaghan

29. Resolution authorizing the execution of a contract with the Fire Safe Council of Nevada County to provide Fire Prevention and Education Activities in Nevada County, in the maximum amount of \$26,569, for the period July 1, 2014 through June 30, 2015. (Office of Emergency Services)

ACTION TAKEN: Chairman Beason introduced the agenda item.

Mr. Victor Ferrera, Office of Emergency Services (OES) Program Manager, reviewed the staff report.

Board questioning ensued.

Supervisor Scofield was disappointed that Higgins Area Fire Protection District decided not to participate in the contract and asked if they gave a reason for their decision. Mr. Ferrera responded that they did not give a specific reason. He explained that it was a mutual decision between the Calfire Chief at Higgins and the Higgins Board.

Chairman Beason believed there were some philosophical differences regarding the use of Proposition 172 funding. He suggested the Board take a look at the Proposition 172 disbursement process at the Board's January Workshop.

Chairman Beason opened the meeting for public comment.

The following members of the public spoke in support of the contract with Fire Safe Council of Nevada County: Mr. Don Bessee, District II resident; Deputy Fire Marshal Terry McMann, Nevada County Consolidated Fire District; and Mr. Lee French, District II resident.

There being no further public comment, Chairman Beason closed the public comment period.

MOTION: Motion made by Supervisor Lamphier, seconded by Supervisor Scofield, to adopt [Resolution 14-421](#).

Supervisor Weston initially voted 'no' because he did not feel a fire department could tell the Board what to do. Board discussion ensued, and Supervisor Weston changed his vote to 'aye.'

On a roll call vote, the motion passed unanimously.

PUBLIC COMMENT: 11:45 A.M.

ACTION TAKEN: Ms. Linda Chaplin, District I resident, provided a brief report on the Nevada City pool. She commented that pool hours were drastically reduced beginning in August and asked if it is within the purview of the County to increase the hours. Chairman Beason suggested Ms. Chaplin bring this up at a Nevada City City Council meeting because the pool is under the jurisdiction of Nevada City.

Mr. Eduardo Garcia, District II resident, announced that the State of Jefferson movement in Nevada County has organized a Town Hall meeting in the Town of Truckee on Wednesday, August 27, 2014 between the hours of 6:00 and 8:00 p.m., at the Truckee Community Recreation Center and invited the Board to attend. He submitted flyers to the Clerk of the Board.

***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: Updates were provided by members of the Board.

Recess for lunch: Chairman Beason recessed for lunch at 12:40 p.m.

AFTERNOON SESSION: Chairman Beason called the meeting to order at 1:30 p.m.

County Counsel: Alison Barratt-Green

30. (Waive Further Reading/Adopt) An Ordinance amending Article 2 of Chapter V of the Nevada County General Code regarding Outdoor Events.

ACTION TAKEN: Chairman Beason read the title of the Ordinance into the record.

Ms. Alison Barratt-Green, County Counsel, commented that at the last meeting the Board had a very comprehensive discussion, so she submitted the Ordinance for review and offered to answer questions as needed.

Supervisor Anderson commented that the Board received correspondence regarding camping, and requested clarification of the definition of overnight camping in Section G-V 2.2.A. Ms. Barratt-Green responded that the requirement originally came from a concern regarding events that included overnight camping. It was added to preclude that type of activity, but was never intended to address Boy Scout camping or backyard sleepovers. Supervisor Anderson asked if the section needed additional clarification to ensure clarity for future staff. Ms. Barratt-Green agreed that clarification could be addressed through the guidelines or by amending the definition of camping.

Chairman Beason asked if it is noted as part of the record that the County's intent is not to restrict camping by family members or guests on private property, and that camping is not a commercial event, would it be sufficient. Ms. Barratt-Green responded that it would be sufficient for current staff, but if the concern is to make it clear for the future, it should be clarified in other ways to help people understand the Board's real objective.

Chairman Beason asked if modifying the substance of the proposed Ordinance would require the process to start over. Ms. Barratt-Green responded if the Board made changes today, the process would have to start over. She suggested the Board adopt the Ordinance as is, and then direct staff to come back immediately with some amendments to address the concerns.

Referring to Section G-V.2.3.B., Permit Required: Prohibited Activities, Supervisor Weston asked if it should reference the option for obtaining a Conditional Use Permit (CUP). Ms. Barratt-Green responded that a CUP is a Zoning Ordinance, and the Outdoor Ordinance is behavioral. She stressed that you cannot get a one-time commercial outdoor event permit if the property is five acres or less. An event holder can go through the CUP process, which is a more scrutinized process that is not covered by this Ordinance.

Referring to Section G-V 2.10.A., Supervisor Lamphier shared his concerns regarding the maximum of four separate outdoor events per property each year. He previously asked Counsel to draft a formal appeal mechanism to protect neighbors specifically in residentially-zoned neighborhoods, as well as for

neighbors on dead-end and/or private roads where commercial events were proposed because he felt it could be a great imposition for some. He added that in certain parts of the County there could be a potential for several different events to be held in near proximity of each other, which had not been discussed. He raised the possibility of an abbreviated version of a CUP, in the event that all neighbors were in agreement with a proposed event. If the Ordinance passes as it stands, he believed some people will find it a significant taking of the enjoyment of their property. He suggested adding a restriction for any outdoor commercial event requiring it be held on property with an occupied residence. Supervisor Lamphier would be pleased if his colleagues would agree to his suggestions, but if not, his earlier position would still stand.

Chairman Beason opened the meeting for public comment.

Mr. Doug Coursey, District II resident, commented on his concerns regarding Section G-V 2.2.A., Definitions, relating to camping. He requested the following changes to the Ordinance: 1) redefine an Outdoor Event as any outdoor gathering of at least 100 people; 2) delete Section G-V2.4, Exemptions; and 3) eliminate Section G-V 2.2.A., Definitions, regarding overnight camping.

Ms. Mary Jepsen, District II resident, commented that she read the proposed Ordinance and noticed that wineries were not included, and asked that they be included in the regulation. Mr. Steven DeCamp, Community Development Agency Director, responded that wineries are allowed a limited number of events to promote the winery or other agricultural activity on the property. If a winery wants to conduct other types of commercial events, where the property is rented or leased for a non-winery related event such as a wedding, they would then be covered by this Ordinance. Their other option would be for the winery to apply for a CUP and go through the Planning Commission's hearing process. Mr. DeCamp expressed his discomfort at continuing debate regarding a particular winery.

Ms. Susan Wichard, District II resident, commented on events that are held at wineries that include activities where an admission is charged, such as music concerts, or where there is food or wine sold.

Mr. DeCamp suggested that if the Board has concerns regarding activities that are held at locations such as wineries, cattle operations, and farms, a different level of land use control be looked at through the Zoning Ordinance. He added that a revised Noise Element for the General Plan will be coming before the Board, which might be an appropriate time to discuss a general noise ordinance.

Referring to Section G-V 2.7.A.15., Notice to Neighbors, Ms. Wichard commented that the 500 feet notification is inadequate because the sound can be heard in all directions. She suggested in addition to sending letters, the notification be posted on telephone poles or mailboxes in the area. She was also concerned regarding the amount of traffic that is caused by events that are held at the winery close to her property.

Mr. Andy Wilson, Nevada County resident, shared his opinion regarding the Nevada City Chamber's survey, and spoke in support of the proposed Ordinance.

The following members of the public spoke in support of the proposed Ordinance: Ms. Bonnie Beyer, District IV resident; and Mr. Don Bessee, District II resident.

There being no further public comment, Chairman Beason closed the public comment period.

Supervisor Anderson requested clarification of the 500 feet notification requirement. Mr. DeCamp responded that it is the standard distance that is used for notification of public hearings throughout the realm of planning activities, and is a standard that is established by the State. Supervisor Anderson was comfortable with that explanation and noted that if it appears to be inadequate, it can be amended at a later date.

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Supervisor Scofield explained that he would stay consistent with his earlier decision. He thought the issue had gotten out of control and is more bureaucratic than it should be. From the beginning, the Ordinance was a response to large festivals, which might include overnight camping and environmental health issues, and is a more complicated event than a single-day event such as a wedding. Supervisor Scofield thought the Ordinance provided wineries an opportunity to have even more large events than they already have. While he wanted to give the Sheriff all of the tools needed without overstepping the rights of the County's citizens, he did not think that had to come from an outdoor ordinance.

Supervisor Weston requested staff return at a later date with clarification of the definition of the Overnight Camping language under Section G-V 2.2.A., as well as additional language stating that public comment should be received within 30 days of the mailed notice under Section G-V 1.7.A.15., Notice to the Neighbors. Ms. Barratt-Green responded that staff was planning to address the need for clarity regarding the notice process in the guidelines. They anticipate creating a form letter that the applicants will be required to use when they send out the notices. A mailing address and affidavit will be provided for the applicants to return, proving they have sent the notices.

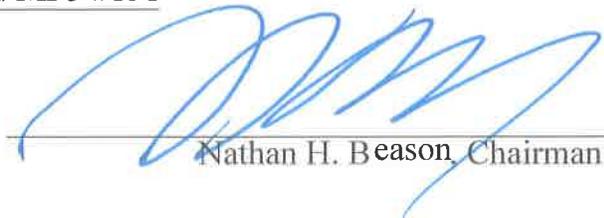
Board discussion ensued.

Chairman Beason stressed that the original Board objective was to amend the Ordinance language to strengthen and expand enforcement provisions for unpermitted events to reduce neighborhood conflicts. He believed this meant any type of event that could create a disturbance, whether large or small. Chairman Beason commented that wineries have been given a lot of latitude in Nevada County. He stressed that it was time to take a look at the issue and suggested a conversation with the Winery Association could be a good place to start. He did not think the economic impact was the issue that was at stake; he was talking about people living in residential areas that have a right to a reasonable expectation of peace and quiet without the encroachment of commercial activities. He urged the Board to pass the Ordinance and have staff return with clean-up language regarding camping and notification.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to adopt Ordinance 2383. On a roll call vote, the motion passed as follows: Ayes: Supervisors Weston, Anderson, and Beason. Noes: Supervisors Scofield and Lamphier. Abstain: None. Absent: None.

ADJOURNMENT: There being no further business, Chairman Beason adjourned the meeting at 2:25 p.m.

End MP3 #151



Nathan H. Beason, Chairman

ATTEST:

By: 
Julie Patterson Hunter, Deputy Clerk to the Board