

**STATE OF CALIFORNIA, COUNTY OF NEVADA  
BOARD OF SUPERVISORS SUMMARY MINUTES,  
JANUARY 13, 2015**

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

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**REGULAR MEETING: 9:30 A.M.**

**STANDING ORDERS:**

Chairman Beason called the meeting to order at 9:30 a.m.

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

Pledge of Allegiance led by Chairman Beason.

Moment of Silence in memory of the fourteenth anniversary of the January 10, 2001 tragic incident at the Behavioral Health Department, HEW Building and Lyons Restaurant. In memory of Laura Wilcox, Michael Markle, and Pearlie Mae Feldman.

**ACTION TAKEN:** Chairman Beason shared in a moment of silence in memory of Laura Wilcox, Michael Markle, and Pearlie-Mae Feldman.

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Corrections and/or deletions to agenda.

**ACTION TAKEN:** Ms. Donna Landi, Clerk of the Board, indicated that she was not aware of any corrections and/or deletions to the agenda except that the closed session item on pending litigation would be held at 10:35 a.m.

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**SCHEDULED ITEMS: 9:31 A.M.**

1. Selection of Chair and Vice Chair for 2015.

**MOTION:** Motion made by Supervisor Weston, seconded by Supervisor Miller, to nominate Supervisor Ed Scofield for Chair (for 2015). No further nominations were made. On a voice vote, the motion passed unanimously.

**MOTION:** Motion made by Supervisor Anderson, seconded by Supervisor Scofield, to nominate Supervisor Dan Miller for Vice Chair (for 2015). No further nominations were made. On a voice vote, the motion passed unanimously.

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Following a short break, Chairman Scofield called the meeting to order.

Chairman Scofield and the Board recognized Supervisor Beason for his chairmanship and presented him with a plaque.

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2. Presentation of California State Association of Counties (CSAC) Challenge Award to Information Services and the Library for the Nevada County Collaborative Technology Center. (Mr. Matt Cate, Executive Director, CSAC)

**ACTIONTAKEN:** Mr. Matt Cate, Executive Director, California State Association of Counties (CSAC) presented the CSAC Challenge Award to the Board of Supervisors for Information Services and the Library's Nevada County Collaborative Technology Center.

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3. Certificate of Recognition to the local Grass Valley Pacific Gas & Electric (PG&E) team for awards received at the 2014 International Lineman's Rodeo in Kansas City.

**ACTIONTAKEN:** The Board presented a Certificate of Recognition to the Grass Valley Pacific Gas & Electric (PG&E) team, Mr. Anthony Albright, Mr. Adam Beene, and Mr. J.P. Richard, for awards received at the 2014 International Lineman's Rodeo in Kansas City.

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**CONSENT CALENDAR:** Chairman Beason introduced the consent calendar.

Interim Health and Human Services Agency Director: Michael Heggarty

4. Resolution authorizing execution of the Third Amendment to the 2012 Housing Preservation Grant (HGP) Agreement with the U.S. Department of Agriculture (USDA), Rural Development (Res. 12-410), extending the ending date of the Agreement from December 31, 2014 to January 31, 2015, to allow any remaining unspent grant funds to be used for allowable Program activities until that date. (Housing) ([Resolution 15-001](#) adopted.)

Director of Social Services: Mike Dent

5. Resolution authorizing execution of Amendment 1 to contract with Crisis Intervention Services dba Tahoe SAFE Alliance for the Nevada County Emergency & Transitional Housing for Victims of Abuse project to provide low-income Eastern Nevada County victims of abuse stable, violence-free housing and support services necessary to integrate into the community (Res. 14-262), awarding additional Community Services Block Grant (CSBG) Community Initiative Fund (CIF) funds in the amount of \$10,000, and increasing the contract maximum amount from \$80,000 to \$90,000, for the period July 1, 2014 through June 30, 2016, with funds in the amount of \$45,000 to be encumbered for Fiscal Year 2014/15. ([Resolution 15-002](#) adopted.)
6. Resolution authorizing execution of Amendment 3 to Agreement 14F-3029 with the State Department of Community Services and Development (CSD) for Community Services Block Grant (CSBG) funding to support services to improve the conditions of low-income residents (Res. 14-004), extending the termination date to May 31, 2015, with the maximum amount remaining unchanged at \$252,163. ([Resolution 15-003](#) adopted.)
7. a. Resolution authorizing execution of contract with Interfaith Food Ministry (IFM) of Nevada County to provide Community Services Block Grant (CSBG) funding to increase the quantity and quality of protein rich food products available to food insecure individuals as part of IFM's Hunger to Health Project, in the maximum amount of \$24,000, for the period January 1, 2015 through April 30, 2015. ([Resolution 15-004](#) adopted.)

- b. Resolution authorizing execution of contract with Foothill House of Hospitality, dba Hospitality House to provide Community Services Block Grant (CSBG) funding for homeless shelter services within Nevada County as part of Hospitality House's Community Shelter Project, in the maximum amount of \$20,000, for the period January 1, 2015 through April 30, 2015. ([Resolution 15-005](#) adopted.)
- c. Resolution authorizing execution of contract with Domestic Violence and Sexual Assault Coalition (DVSAC) to provide Community Services Block Grant (CSBG) funding for emergency services to victims of abuse as part of DVSAC's Removing Roadblocks to Progress Project, in the maximum amount of \$6,000, for the period January 1, 2015 through April 30, 2015. ([Resolution 15-006](#) adopted.)
8. Resolution authorizing execution of renewal Standard Agreement 15F-2029 with the State Department of Community Services and Development (CDS) for Community Services Block Grant (CSBG) funding pertaining to awarding County of Nevada funds in the amount of \$74,530 to support services to improve the conditions of low-income residents, for the period January 1, 2015 through December 31, 2015. ([Resolution 15-007](#) adopted.)

Interim Director of Behavioral Health: Rebecca Slade

9. Resolution authorizing execution of contract with Blair Romer, M.D. for direct clinical and other psychiatric services for adolescents and/or adult clients of Nevada County Behavioral Health Department, in the maximum amount of \$53,000, for the period January 1, 2015 through June 30, 2016, with funds in the amount of \$20,000 to be encumbered for Fiscal Year 2014/15. ([Resolution 15-008](#) adopted.)
10. Resolution authorizing execution of a renewal contract with Nevada County Housing Development Corporation (NCHDC) for administrative services related to Behavioral Health's community-based housing projects and reimbursement for lease agreements for authorized program participants of the Supportive Housing Program (SHP), in the maximum amount of \$142,094, for the period January 1, 2015 through December 31, 2015. ([Resolution 15-009](#) adopted.)
11. Resolution authorizing execution of Amendment 2 to contract with Steve Navisky, MFT for specialty mental health services for clients as referred and authorized for services by the Nevada County Behavioral Health Department (PESG2479), increasing the contract maximum from \$25,000 to \$37,750 based on the projected utilization for the continuation of medically necessary therapeutic services for adults and children, for the period July 1, 2013 through June 30, 2015. ([Resolution 15-010](#) adopted.)
12. Resolution accepting funds in the amount of \$87,590 for the renewal Substance Abuse and Mental Health Services Administration (SAMHSA) Center for the Community Mental Health Services Block Grant (MHBG) Program to continue to fund services to individuals with co-occurring addictive and mental disorders to include coordination of services with trained peer counselors of SPIRIT Center, Special Multi-Agency Resource Team (SMART) Children's System of Care, and Mental Health Court, for Fiscal Year 2014/15. ([Resolution 15-011](#) adopted.)
13. Resolution authorizing execution of Amendment 1 to contract with Sue Haddon for the provision of adult education classes, peer counseling training, case management and related specialized mental health rehabilitation services for County clients in Behavioral Health's New Directions Program (Res. 14-240), revising the Scope of Services to include required attendance at State-provided peer counseling educational training related to certification for the Peer Counseling Program, and increasing the contract maximum amount from \$34,413 to \$36,587, for the period July 1, 2014 through June 30, 2015. ([Resolution 15-012](#) adopted.)

14. a. Resolution approving Continuum of Care Program Grant Agreement CA1262L9T151300 with the U.S. Department of Housing and Urban Development (HUD) pertaining to awarding the Nevada County Behavioral Health Department funds in the amount of \$20,270 to help Program participants obtain and remain in permanent housing, commencing as of the date of execution by HUD, and authorizing the County Executive Officer to execute the Agreement. ([Resolution 15-013](#) adopted.)
- b. Resolution authorizing and directing the Auditor-Controller to amend the Behavioral Health budget for Fiscal Year 2014/15 in the amount of \$20,270, pertaining to Agreement CA1262L9T151300 with the U.S. Department of Housing and Urban Development (HUD) for funding rental and administrative costs for Behavioral Health's Housing Program. (4/5 affirmative vote required.) ([Resolution 15-014](#) adopted.)

Interim Director of Public Health: Jill Blake

15. Resolution approving the Agreement Funding Application (AFA) for Agreement 2014-29 with the California Department of Public Health, Maternal, Child and Adolescent Health (CDPH/MCAH) Division for administration of the California Home Visiting Program (CHVP), and accepting funds in the maximum amount payable from CDPH/MCAH of \$807,502 for Fiscal Year 2014/15. ([Resolution 15-015](#) adopted.)
16. a. Resolution authorizing execution of Amendment 1 to contract with Shaun K. Havard for Education Community Liaison Consultant Services for Nevada County's Nutrition Education and Obesity Prevention (NEOP) Program (Res. 14-445), to include duties related to the Human Immunodeficiency Virus (HIV) Testing Program, and increase the contract maximum from \$30,000 to \$32,000, for the period October 1, 2014 through September 30, 2015. ([Resolution 15-016](#) adopted.)
- b. Resolution authorizing and directing the Auditor-Controller to amend Public Health's budget for Fiscal Year 2014/15, in the amount of \$2,000, to support contract services funded from the NorCal AIDS Cycle (NCAC) Grant Agreement. (4/5 affirmative vote required.) ([Resolution 15-017](#) adopted.)

Sheriff-Coroner: Keith Royal

17. Resolution authorizing the acquisition of two capital assets (CINT Commander II and Tactical Throw Phone), for a total combined cost of \$23,300 to be funded entirely from the Sheriff's Office COPS Special Revenue Fund, and directing the Auditor-Controller to amend the Sheriff's Office Fiscal Year 2014/15 budget. (4/5 affirmative vote required.) ([Resolution 15-018](#) adopted.)

Community Development Agency Director: Steven DeCamp

18. Resolution accepting the Northern Sierra Air Quality Management District (NSAQMD) grant funding in the amount of \$17,741, for the purchase of a new Land Use Management and Permitting Software System project, and authorizing the Chair of the Board to sign Agreement AB-2014-06. (Pulled from consent by Supervisor Weston.)

Director of Environmental Health: Amy Irani

19. Resolution authorizing execution of Amendment 2 to contract with McGinley & Associates for additional groundwater treatment at Pat & Ollies Gateway located at 11015 Donner Pass Road, Truckee (Res. 09-493), extending the contract period through October 12, 2016, with all other respects of the prior agreement remaining in full force and effect. ([Resolution 15-019](#) adopted.)

Director of Public Works: Steven Castleberry

20. Resolution authorizing execution of Amendment 4 to contract with PAR Environmental Services, Inc. for professional environmental support services for various capital improvement projects (Res. 11-243), increasing the maximum contract amount to \$175,000 to adequately fund future anticipated environmental services, for the term ending June 30, 2015. ([Resolution 15-020](#) adopted.)
21. Resolution authorizing the Director of Public Works to submit a grant Application through the California Federal Lands Access Program for funding the Donner Pass Road Improvements from I-80 Soda Springs/Norden interchange to the Town of Truckee, for a total project cost of \$6,000,000, and approving the use of \$688,200 in toll credits in lieu of minimum match. (Dist. V) ([Resolution 15-021](#) adopted.)
22. Notice of Acceptance and Completion of contract with Linear Options for the Nevada County 2014 Phase I and Phase 2 Striping Project – Contract No. 426621 (Res. 14-154), with contract costs totaling \$304,891.27, and directing the Clerk of the Board to record the Notice in accordance with Civil Code Section 9208. ([Resolution 15-022](#) adopted.)
23. Resolution approving an Agreement for the purchase of property from Ballard C. Bare and Diana Rose Bare, Trustees of Ballard C. and Diana Rose Bare Revocable Trust dated 10/11/89, for the Cascade Shores Community Leach Field Project, and authorizing the Chair of the Board of Supervisors to execute the Agreement, and directing the Auditor-Controller to amend the Fiscal Year 2014/15 General Fund budget for the purpose of funding this acquisition. (Sanitation) (Dist. I) (4/5 affirmative vote required.) ([Resolution 15-023](#) adopted.)
24. Resolution approving a Ground Lease Agreement by and between the County of Nevada and the Nevada County Sanitation District No. 1 for the use of approximately 40.03 acres of property commonly known as 13491 Pacific Close, Assessor's Parcel Number (APN) 38-570-04, for the Cascade Shores Community Leach Field Project, and authorizing the Chair of the Board of Supervisors to execute the Agreement. (Sanitation) (Dist. I) ([Resolution 15-024](#) adopted.)

Human Resources Director: Charles Wilson

25. Resolution authorizing execution of a renewal agreement with Vision Service Plan (VSP) pertaining to vision care coverage for Nevada County employees, with an administrative fee in the amount of \$2.00 per employee per month, for the period January 1, 2015 through December 31, 2017. ([Resolution 15-025](#) adopted.)
26. Resolution authorizing execution of an Agreement for Licensed Software, Services, and Maintenance with GovernmentJobs.com, Inc. dba NEOGOV, for the purchase and implementation of Insight Enterprise Edition, an employment application management system, in the amount of \$17,567 for Fiscal Year 2014/15, and the amount of \$11,567 for Fiscal Years 2015/16 through 2018/19, and directing the Auditor-Controller to reduce the 2014/15 Information Systems Infrastructure Designation of the General Fund by \$17,567 and amend the Fiscal Year 2014/15 Human Resources budget. (4/5 affirmative vote required.) ([Resolution 15-026](#) adopted.)

Chief Information Officer: Stephen Monaghan

27. Resolution appointing C&S Engineers, Inc. as the Nevada County Airport Engineer and Consultant, for a period not to exceed five years from the date of this Resolution. (Airport) ([Resolution 15-027](#) adopted.)

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28. Resolution authorizing execution of contract with C&S Engineering, Inc., to design and engineer a new perimeter fence and gate system at the Nevada County Airport located at 13059 John Bauer Avenue, Grass Valley, in the maximum amount of \$125,000, for the period January 13, 2015 through June 30, 2015. (Airport) ([Resolution 15-028](#) adopted.)
29. Resolution authorizing submittal of an application to the California Department of Transportation, Division of Aeronautics, for State Airport Improvement Program (AIP) matching grant funds in the amount of \$5,625 to supplement Federal Aviation Administration grant funding in the amount of \$112,500 for design and engineering of a new perimeter fence and gate system at the Nevada County Airport, and authorizing the Chief Information Officer to sign any documents required to apply for these funds. (Airport) ([Resolution 15-029](#) adopted.)
30. Resolution declaring certain County property as surplus (obsolete electronic equipment), and authorizing and directing the Nevada County Purchasing Agent to sell, or otherwise dispose of, those certain items of surplus personal property. (Purchasing) (4/5 affirmative vote required.) ([Resolution 15-030](#) adopted.)
31. Resolution accepting the California Library Literacy Services (CLLS) Literacy Award in the amount of \$8,567, for use in Fiscal Year 2014/15 for the Read Up! Literacy Program, and authorizing the Auditor-Controller to sign and submit a claim for the purpose of covering a portion of the costs of providing literacy services to Nevada County residents. (Library) ([Resolution 15-031](#) adopted.)
32. Resolution authorizing acceptance of Northern Sierra Air Quality Management District (NSAQMD) grant funding for California Assembly Bill (AB) 2766 Department of Motor Vehicles (DMV) Surcharge Funds, in the amount of \$15,500 to provide downloadable audio and ebooks through the Nevada County Library, and \$33,455 to provide a library lending kiosk for the Chicago Park area, for a combined total of \$48,955, and authorizing the Auditor-Controller to amend the Fiscal Year 2014/15 Library budget. (Library) (4/5 affirmative vote required.) ([Resolution 15-032](#) adopted.)

County Executive Officer: Richard Haffey

33. Resolution authorizing execution of Amendment 1 to contract with Conflict Resolution Center of Nevada County pertaining to Dispute Resolution Services (Res. 13-285), decreasing the maximum contract amount by \$6,000 due to a decline in Dispute Resolution Program Act of 1986 (DPRA) revenues, for an amended contract amount of \$34,000 for Fiscal Year 2014/15. ([Resolution 15-033](#) adopted.)

Clerk of the Board: Donna Landi

34. Selection of Supervisor Nate Beason to serve as delegate and Supervisor Ed Scofield to serve as alternate to the Rural County Representative of California (RCRC) and the California Home Finance Authority (CHFA) Board of Directors. (Approved.)
35. Resolution amending Resolution 12-107, appointing District III Supervisor Dan Miller as the Board of Supervisors' representative to the Grass Valley Redevelopment Dissolution Oversight Board. ([Resolution 15-034](#) adopted.)
36. Acknowledge Supervisor Miller's appointment of Mr. Paul Aguilar as District III representative to the Planning Commission. (Acknowledged.)

37. Acknowledge Supervisor Beason's appointment of Mr. Larry Mazzuca as District I representative to the Fish and Wildlife Commission. (Acknowledged.)
38. Acknowledge Supervisor Miller's appointment of Mr. Bill Drown as District III representative to the Fish and Wildlife Commission. (Acknowledged.)
39. Acknowledge Supervisor Miller's appointment of Mr. Jonathan Keehn as District III representative to the Building and Accessibility Standards Board of Appeals. (Acknowledged.)
40. Redesignation of Mr. James Rees from alternate member to the position of regular member on the Assessment Appeals Board, for an unexpired term ending September 30, 2016. (Redesignated.)
41. Approval of Bitney College Preparatory High School's amended Conflict of Interest Code. (Approved.)
42. Approval of Nevada City School of the Arts' amended Conflict of Interest Code. (Approved.)
43. Acceptance of resignation of Ms. Cheryl Trenwith from the Kingsbury Greens Community Services District. (Accepted.)
44. Appointment of Ms. Mary Starr to the Kingsbury Greens Community Services District, for an unexpired term ending December 5, 2016. (Appointed.)
45. Acceptance of Board of Supervisors summary minutes for December 2, 2014. (Accepted.)

**ACTION TAKEN:** Supervisor Weston requested Agenda Item 18 be removed from the consent calendar for discussion.

**MOTION:** Motion made by Supervisor Beason, seconded by Supervisor Anderson, to approve the consent calendar, less Agenda Item 18. On a roll call vote, the motion passed unanimously.

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**ITEMS PULLED FROM THE CONSENT CALENDAR:**

Community Development Agency Director: Steven DeCamp

18. Resolution accepting the Northern Sierra Air Quality Management District (NSAQMD) grant funding in the amount of \$17,741, for the purchase of a new Land Use Management and Permitting Software System project, and authorizing the Chair of the Board to sign Agreement AB-2014-06.

**ACTION TAKEN:** Supervisor Weston asked if funding for the Permitting Software System will be budgeted under Information and General Services (IGS).

Mr. Daniel Chatigny, Chief Fiscal/Administrative Officer, Community Development Agency (CDA), responded that the project will be budgeted under the CDA budgets. He added that a contract is in process and will be brought forward for Board approval in February.

**MOTION:** Motion made by Supervisor Weston, seconded by Supervisor Beason, to adopt [Resolution 15-035](#). On a roll call vote, the motion passed unanimously.

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**Sheriff-Coroner: Keith Royal**

46. Resolution authorizing execution of contract with Enforcement Video LLC, dba WatchGuard Video pertaining to installation of car camera systems for Sheriff's Office patrol vehicles, approve as a capital asset a SATA Drive Server, hard-drives, and other system components, in the maximum contract amount of \$52,716, for the period January 13, 2015 through June 30, 2015, and directing the Auditor-Controller to amend the Sheriff's Office Fiscal Year 2014/15 budget in the amount of \$6,500. (4/5 affirmative vote required.)

ACTION TAKEN: Captain Shannan Moon reviewed the staff report on behalf of Sheriff Royal. She explained that the Sheriff's office contracted with Enforcement Video, LLC in 2009 for installation of dash-mounted cameras for video of officer contact with members of the public. Captain Moon explained that the 2009 cameras recorded on DVD format, and that technology requires updating due to heat and cold variances. The new cameras will allow video to automatically download directly from the vehicles into the servers.

Board questioning ensued.

**MOTION:** Motion made by Supervisor Beason, seconded by Supervisor Miller, to adopt [Resolution 15-036](#). On a roll call vote, the motion passed unanimously.

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**Director of Public Works: Steven Castleberry**

47. Resolution approving the bid documents, plans and specifications for construction of the Brunswick Road/Loma Rica Drive Intersection Improvement Project, Federal Contract No. HSIP-5917 (086), County Contract No. 440812, and instructing the Purchasing Division to advertise for bids with the applicable regulations, with the bid opening date set for February 19, 2015. (Dists. I and III)

ACTION TAKEN: Mr. Joshua Pack, Principal Civil Engineer, reviewed the staff report.

Board questioning ensued.

**MOTION:** Motion made by Supervisor Beason, seconded by Supervisor Miller, to adopt [Resolution 15-037](#). On a roll call vote, the motion passed unanimously.

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**Chief Information Officer: Stephen Monaghan**

48. Resolution accepting the FY 2014 U.S. Department of Homeland Security Emergency Management Performance Grant (EMPG) funded through the California Governor's Office of Emergency Services (Cal OES) to enhance the Nevada County Operational Area's capability to prevent, prepare for, mitigate against, respond to, and recover from emergencies and disasters, whether natural or man-made, in the amount of \$145,519, for the grant period July 1, 2014 through June 30, 2015, and authorizing the Director of Emergency Services to fulfill the requirements of the FY14 EMPG. (Office of Emergency Services)

ACTION TAKEN: Mr. Victor Ferrera, Office of Emergency Services Program Manager, reviewed the staff report and provided background information regarding the FY 2014 U.S. Department of Homeland Security Emergency Management Performance Grant.

Board questioning ensued.

**MOTION:** Motion made by Supervisor Anderson, seconded by Supervisor Beason, to adopt [Resolution 15-038](#). On a roll call vote, the motion passed unanimously.

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**Clerk of the Board: Donna Landi**

49. Review and adoption of the 2015 Board of Supervisors Meeting Schedule.

ACTION TAKEN: Chairman Scofield introduced the agenda item.

Supervisor Anderson noted that the Board did not receive a color copy of the 2015 Meeting Schedule, which made it difficult to see the meeting dates that are being proposed.

Ms. Donna Landi, Clerk of the Board, reviewed the proposed Meeting Schedule for 2015.

Supervisor Weston requested meeting dates in July be adjusted to provide additional time for vacations. He agreed with the recommendation to eliminate the November 24 and December 22 regular meetings.

Board discussion ensued.

**MOTION:** Motion made by Supervisor Beason, seconded by Supervisor Weston, to adopt the 2015 Board of Supervisors Meeting Schedule, as modified (moving the July 28 meeting to July 21, and eliminating the November 24 and December 22 meetings). On a roll call vote, the motion passed unanimously.

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**INDIVIDUAL BOARD MEMBER ITEMS:**

50. Resolution urging the 114<sup>th</sup> Congress to reauthorize and fund the Federal Secure Rural Schools and Community Self-Determination Act of 2000 to provide a long-term, stable source of funding for counties and schools to maintain vital programs and avoid any interruption in county services and school operations. (Supervisor Beason)
51. Resolution urging the 114<sup>th</sup> Congress to reauthorize and fund the Federal Payment in Lieu of Taxes Program for several years, commencing with Federal Fiscal Year 2016, in order to provide a long-term, stable source of funding for counties in order to maintain vital programs and avoid interruption in county services. (Supervisor Beason)

ACTION TAKEN: Supervisor Beason provided background information regarding Agenda Items 50 and 51, and requested the Board adopt the Resolutions.

Board questioning ensued.

**MOTION:** Motion made by Supervisor Weston, seconded by Supervisor Miller, to adopt [Resolutions 15-039](#) and [15-040](#). On a roll call vote, the motion passed unanimously.

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Following a short break, Chairman Scofield called the meeting to order. He recessed as the Board of Supervisors and convened as the Nevada County Sanitation District No. 1 Board of Directors.

**SCHEDULED ITEM: 10:30 A.M.**

21. Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.  
Call meeting to Order. Chairman Beason called the meeting to order. All Directors present.
- a. Consent: Chairman Beason introduced the consent calendar.

1. Resolution approving a Ground Lease Agreement by and between the County of Nevada and the Nevada County Sanitation District No. 1 for the use of approximately 40.03 acres of property commonly known as 13491 Pacific Close, Assessor's Parcel Number (APN) 38-570-04, for the Cascade Shores Community Leach Field Project, and authorizing the Chair of the Board of Directors to execute the Agreement. (Dist. I) ([Resolution SD15-001](#) adopted.)
2. Acceptance of Nevada County Sanitation District No. 1 summary minutes for August 12, and September 9, 2014. (Clerk of the Board) (Accepted.)

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

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- b. Public comment. No public comment received.

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Adjournment.

**ACTION TAKEN:** Chairman Beason adjourned as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

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**\*CLOSED SESSIONS:**

Pursuant to Government Code Section 54957, a closed session is requested for consultation with the Sheriff, or his designee, and Steve Monaghan, Chief Information Officer, concerning matters posing a threat to the security of public buildings.

Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case:  
Erickson, et al v. County of Nevada, et al. (Nevada County Superior Court, Case No. (CU13-079389))

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

Following the closed session, Mr. Richard Haffey, County Executive Officer, reported that appropriate action was taken, although no action was taken that can be reported at this time.

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**SCHEDULED ITEM: 11:00 A.M. Steven Castleberry, Director of Public Works**

53. Resolution of Necessity determining the public interest and necessity requiring acquisition of easement interests for portions of Assessor Parcel Numbers (APNs) 64-110-21 and 64-110-28 for the Maybert Road Bridge over Canyon Creek Project (17C-0030). (Dist. V) (4/5 affirmative vote required.) ([Resolution 15-041](#) adopted.)

**ACTION TAKEN:** Chairman Scofield introduced the agenda item and noted that it requires a 4/5 affirmative vote.

Mr. Joshua Pack, Principal Civil Engineer, reviewed the staff report and provided a PowerPoint presentation.

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Supervisor Anderson asked staff to define what an over-sized emergency vehicle is and why it is important that they are able to cross the bridge. Mr. Pack responded that it would be the sort of apparatus necessary to fight fires in the area; currently the bridge can only support a three-ton vehicle, which would eliminate anything over a fully-loaded mid-sized Sport Utility Vehicle (SUV). The proposed bridge would provide for a full fire engine apparatus, both the width and the load-restrictions, as well as all other apparatus smaller than that. The design meets County roadway standards, which provides for a 40,000 pound load, and is similar to a vehicle the size of a standard fire engine.

Supervisor Anderson asked if the County has plans to improve Maybert Road to the west of the bridge. Mr. Pack replied that currently the County has no plans to do so, except for the road approach itself as mentioned in the staff report.

With regard to the County's initial offer to the property owner, Supervisor Anderson asked if the County's current offer still includes the original improvements that were proposed. Mr. Pack explained that the proposed improvements have continued to be a part of the County's counter-offers, and will continue to be, up to the point when they enter into the actual Eminent Domain process.

Board questioning ensued.

To clarify questions regarding how much the County's offer would be if the process ends up in Eminent Domain, Ms. Alison Barratt-Green, County Counsel, explained that the legal requirement is the probable value of the property, although Board could voluntarily deposit more than that if they wanted to. Staff would schedule a closed session to discuss the value of the property prior to filing the litigation.

Chairman Scofield opened the meeting for public comment.

Mr. Mike Stewart, property owner, presented a PowerPoint presentation regarding the topography in the area and the roadway. He stressed the historical importance of the Bridge, which was built in 1895 and is the earliest existing example of a half-hip Pratt truss bridge in the State of California. He has been assured by County staff that it will be placed in a public venue, although he heard the same thing about the Old Auburn Road Bridge, which is currently rusting and in a state of nonuse. Another issue is the change in access, which could permit development. There are twelve private properties that are accessed by the Bridge and the owners purchased their land knowing the restrictions of the Bridge. The existing road is a publicly maintained prescriptive easement, meaning that it is there because of public use; the County does not own the land. The easement is limited to ordinary vehicles because of the three-ton limit. Increasing the load-limit will effectively change that easement, which was established under its presumed intent. Changes to the existing easement will be unreasonably burdensome to the existing property owners and will increase traffic to the Golden Quartz picnic area. They already suffer from a significant lack of law enforcement presence in the area, other than a seasonal deputy which is funded by the Forest Service. The Sheriff's office does not assign a deputy to the area and only responds to complaints. Per Sheriff Royal, this level of staffing is not likely to change. He commented that The Union newspaper reported that the County was repairing other historical bridges in the area and questioned why the County was fixing other bridges but replacing the Maybert Road Bridge.

Mr. Jim Miller, Nevada County resident, commented that he owns property on the east side of Canyon Creek Bridge, which is directly adjacent to Golden Quartz picnic area. He has noticed an increase in unattended campfires, graffiti, and trash and trespassing, and assumed the new bridge would increase the amount of people visiting the Golden Quartz picnic area. He was curious to see what the Forest Service would do to keep more problems from cropping up. Mr. Miller is a strong believer in private property rights. He stressed that you should not take anybody's property and he did not think this was a good enough reason for taking Mr. Stewart's property.

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Division Chief Chris DeSena, North Division Operations, Calfire Nevada-Yuba Placer Unit, commented that Calfire was in support of the proposed Bridge; however they have concerns regarding the potential for increased commercial and residential activity and day-use activity. Improving the road east of the Bridge could increase the fire-ignition probability, which is a concern for Calfire since not much is being done to improve the three miles of roadway leading up to the Bridge. Without bringing the standard of the road prior to the Bridge up to an acceptable level, Calfire is not likely to send their equipment down Maybert Road.

Ms. Karen Hayden, Yuba River District Ranger, Tahoe National Forest, U.S. Forest Service, and Mr. Terry Brennan, Forest Engineer, Tahoe National Forest, U.S. Forest Service, had no prepared statement, but were available to answer questions.

Supervisor Beason asked if Ms. Hayden could provide the average daily use of the Golden Quartz picnic area. Ms. Hayden responded that they do not have counters, but there is a lot of use. She did not know if the proposed Bridge would affect the usage one way or the other; people that want to use the area will get out there regardless of the weight limit on the Bridge. One of the more challenging aspects of the area for the Forest Service is that their regular vehicle has a utility bed, and because of the weight load they cannot get it across the Bridge. They have to take a smaller rig into the area to clean the picnic area. They also have to use a smaller rig for septic pumping, which is more expensive.

Supervisor Beason inquired about the enforcement issues in the area. Ms. Hayden replied that they have the same issues there as they have everywhere else; it is difficult to access the area and the law enforcement budget is very limited. The personnel levels are also very limited, so they do the best they can. She expected that if the Bridge is rebuilt, their enforcement activity would remain the same. It is more of a fiduciary concern; fixing the Bridge would not change the number of resources.

Supervisor Beason asked about the amount and type of fuel treatment that the Forest Service does in the area. Ms. Hayden believed it has been pretty minimal; currently there are no plans to complete fuels reduction east of the Bridge.

Supervisor Anderson asked if the Golden Quartz day-use area is a high-priority recreational facility given the difficulties in patrolling the area, and he wondered if there was any reason why it should not be closed. Ms. Hayden responded that providing public access in the form of a day-use area is a very high priority for the Forest Service.

Board questioning ensued.

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

Board discussion ensued.

Supervisor Weston noted that the City of Nevada City expressed an interest in the old bridge and he stressed the importance of finding a use for the historical bridge if possible.

**MOTION:** Motion made by Supervisor Anderson, seconded by Supervisor Weston, to adopt [Resolution 15-041](#). On a roll call vote, the motion passed unanimously.

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**PUBLIC COMMENT: 11:30 A.M.**

**ACTION TAKEN:** Mr. Don Bessee, District II resident and Smart Approaches to Marijuana of Nevada County (SAM-NC) Director and Regional Coordinator, commented on issues relating to medical marijuana legislation and the local Measure S campaign.

Ms. Linda Chaplin, District I resident, commented that she is here because it is a public forum and she is a resident of Nevada County, California. She read the First Amendment into the record.

Mr. Eduardo Garcia, District II resident, wished the Board of Supervisors a Happy New Year and commented on issues relating to the State of Jefferson. He reported that the momentum of the movement is picking up speed. Two more counties are registering their Declaration of Separation with the State Legislature, and three more counties are slated to vote on the Declaration next week to ten days.

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**\*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.

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Recess for lunch: Chairman Scofield recessed for lunch at 12:22 p.m.

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

**SCHEDULED ITEM: 1:30 P.M.**

54. Public hearing to consider the Planning Commission's recommendations on the Yuba River Charter School Project to: 1) Adopt the Resolution approving the Mitigated Negative Declaration (EIS12-007); 2) Approve the Ordinance to modify the Site Performance criteria for the 2.99-acre portion of the Project site zoned C2-SP; and 3) Adopt the Resolution approving the Management Plan (MGT13-002) and Use Permit (U12-006) to permit the new Charter School on the 15.97-acre Project site located at 11157 Rough & Ready Highway and 10320 Old Dairy Place, Grass Valley (Assessor's Parcel Numbers 07-200-09 and 07-230-14). (Dist. III)
  - a. Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS12-007) in connection with the approval of an Ordinance amending Zoning District Map No. 040a (Z12-004) for the Northern portion of Assessor's Parcel Number (APN) 07-200-09, and Resolution approving a Management Plan (MGT13-002) for the modification of the Stormwater Detention Basin and a Use Permit (U12-006) for the construction of the 23,000 square foot Yuba River Charter School facility on APNs 07-200-09 and 07-230-14. ([Resolution 15-042](#) adopted, as modified.)

- b. (Introduce/Waive Further Reading/Adopt) An Ordinance amending Zoning District Map 040a, to rezone a 2.99-acre portion of Assessor's Parcel Number 07-200-09 to modify the Site Performance criteria for this C2-SP zoned property, removing the requirements for a new comprehensive Master Plan and Environmental Impact Report for the Kenny Ranch Planned Development prior to the approval of any new development, and replace it with new requirements for a Use Permit subject to environmental review, a full development plan showing all phases of the proposed development, and a Circulation Plan that takes into account future traffic and pedestrian connectivity with the adjacent Kenny Ranch Planned Development Properties. The subject property is located at 11157 Rough and Ready Highway, Grass Valley, California. (Z12-004) (Yuba River Charter School property owner) ([Ordinance 2391](#) adopted.)
- c. Resolution approving a Management Plan (MGT13-002) for the modification of a Stormwater Detention Basin and a Use Permit (U12-006) to allow the creation of the Yuba River Charter School facility at the 15.97-acre site at Assessor's Parcel Numbers (APNs) 07-200-09 and 07-230-14. ([Resolution 15-043](#) adopted.)

**BACKGROUND:**

On July 16, 2013, the Nevada County Board of Supervisors considered an appeal filed by the neighbors of the proposed YRCS project. The appeal requested the Planning Commission's prior approval of the May 23, 2013 decision to adopt the Mitigated Negative Declaration and approve the Management Plan and Use Permit be returned to the Planning Commission for further consideration. At the conclusion of the appeal hearing, the Board made a Motion of Intent to accept the appeal and send the project back to the Planning Commission for further study on the traffic, sewer, and storm water, and to incorporate decisions agreed to by the applicant with regard to fencing and signage. Additionally, the applicant was requested to report back to the Board on solar power options. As a result of the appeal action, the Board continued the consideration for the adoption of the Mitigated Negative Declaration and Rezone.

Following the appeal hearing, the applicant's traffic consultant and engineering consultant updated the prior traffic and drainage studies to incorporate new information and expand the review in order to provide additional analysis. Additionally, the Nevada County Department of Environmental Health hired a third-party septic engineering consultant to review the proposed sewage disposal system and related information. The applicant's biologist also revisited the site to look into the question of the impacts on local springs.

Unrelated to the items within the appeal, a public workshop was held in Grass Valley on August 25, 2013 by the California Department of Toxic Substances Control (DTSC) to take comments on the proposed Removal Action Workplan (RAW) associated with the burn dump located on the proposed school site. As a result of the workshop, DTSC requested changes be made to the RAW to address the potential health concerns.

On November 13, 2014, the Nevada County Planning Commission held a public hearing to reconsider the revised Mitigated Negative Declaration (including the new traffic, septic, drainage, and RAW documents), the Management Plan, and a Use Permit application for the Yuba River Charter School project. During the hearing five neighbors addressed the Planning Commission with their concerns over the proposed project. After closing the public hearing, the Planning Commission asked questions of staff and the various consultants that were in attendance. After the Commission was satisfied the various concerns were addressed, they voted 3-0 (Commissioners Jensen and James absent) to recommend Board approval of the Mitigated Negative Declaration (now appended to Attachment 5); approval of the Rezone (see Attachment 6); and approval of the Management Plan and Use Permit subject to conditions of approval (the final conditions of approval are now appended to Attachment 7).

**Revised Traffic Study:** Because there were a number of concerns raised during the appeal regarding the original traffic study's conclusions, the Board directed the traffic study be revised accordingly. The February 2014 revised traffic study includes newly collected traffic data that better anticipates traffic volumes and impacts resulting from the YRCS project on the local roads and intersections within the study area, including the Walker Drive route bypassing downtown Grass Valley. The study area includes the route between the YRCS site and State Highway 20/49 through down town Grass Valley.

The revised study also revisits the safety impacts at the Adam Avenue and Rough & Ready Highway intersection. In doing so, the revised study now concludes that the YRCS project would result in a potentially significant impact on the intersection Level of Service (LOS) during the future scenario with the project added. In response to this new impact, the traffic study provides a new Mitigation Measure (16B) to require the improvements to this intersection including the addition of a left turn lane (for the westbound traffic) and a right-turn lane (for the eastbound traffic) on the Rough & Ready Highway, and a new right-turn lane on the Adam Avenue leg at this intersection. With the Mitigation Measures 16A (to widen Adam Avenue between the school access and the Rough & Ready Highway) and 16B, the Adam Avenue/Rough & Ready Highway intersection impact will be reduced to a less-than-significant level.

These revisions to the traffic study have been reviewed by DPW and have been found to be acceptable. Staff has incorporated the revised traffic analysis data into the updated Revised Initial Study.

**Third-Party Review of the Sewage Disposal System:** The appeal raised concerns regarding the potential impact the proposed sewage disposal system might have on the local groundwater wells. Part of this concern is there is an abandoned well on a portion of the YRCS site which could serve as a means to contaminate the groundwater. In response the Board asked the Department of Environmental Health to consult with an independent septic engineer to perform a third-party review and evaluate the proposed system design. Environmental Health contracted with Coombs Engineering, Inc. to review the various plans sheets from Giuliani & Kull, Inc. (regarding the septic system location and layout), the Environmental Health field notes (from the onsite soils evaluations), the Lindbloom septic design, and the Design Certificate for the proposed project. This analysis was then compared to the Code and requirements of Nevada County's LUDC Chapter VI (Centralized Wastewater Systems), Nevada County's On-Site Sewage Disposal Regulations, and the 2010 California Plumbing Code. Following the third-party review by Coombs Engineering, clarifications were requested and Environmental Health staff, along with both Giuliani & Kull and Lindbloom responded. Ultimately, the results of the third-party review concluded that the proposed system design does conform to the Codes and Requirements of both the State of California and Environmental Health. The system provides proper accounting for the total number of people served (students and staff), and the total square footage of the school structure (to determine occupancy). Condition C.3 from Environmental Health also requires the YRCS to submit an application and receive County approval to destroy the above mentioned well ensuring an effective seal and prevent contamination of the groundwater. The required project Conditions of Approval will ensure that the sewage system outflow will not impact the local groundwater.

On the question of why the YRCS should not connect to the Grass Valley Sewer System, the answer is the existing sewer main is too far away and Grass Valley is currently not interested in expanding the sewer line or annexing the intervening properties at this time. Within the updated and revised Initial Study, Mitigation Measure 14A has been added that requires the new on-site septic system to be designed to ultimately connect into the Grass Valley Sewer system when it becomes available. This would also require the school to disconnect from and abandon the on-site septic system at that time.

While not part of the Board's direction on the sewage disposal system, there were concerns raised during the appeal hearing about the potential septic system impacts on local groundwater springs in the area. In response, the applicant's biologist did go back out to the site to review the relationship between the project's onsite features and the local springs on the nearest offsite parcel. This report concluded that the relationship between the two is unlikely due to the lack of intervening wetland vegetation linking the onsite water features and the known location of the offsite springs.

**Revised Stormwater Drainage Study:** Stormwater runoff north of the project site currently flows through the project site, where it eventually discharges to Squirrel Creek. During the appeal hearing neighbors expressed concern with the current flooding issues and questioned whether the additional project runoff will further impact their properties and in the vicinity of Squirrel Creek Road. The Board requested an update to the stormwater drainage analysis in order to consider the different scenarios for the 1-year, 10-year, and 100-year storm events, as well as analyze potential downstream impacts resulting from project construction.

The revised stormwater drainage study evaluates an overall watershed area that covers 156.2 acres and is divided into three distinct sub basins that converge upstream of the culvert crossing under Squirrel Creek Road. The study evaluates three points of concentration (POC) immediately downstream of the project site for each of the three storm event scenarios (1, 10, & 100-year). POC 1 is located where the project drainage leaves the school project site, POC 2 is located at the nearest downstream structures that may be impacted by project development, and POC 3 is located at the terminus of the 156.2-acre study area at Squirrel Creek Road.

The study concludes that no changes (increase or decrease) will result for the 1-year storm event based upon the proposed increase in the capacity of the detention pond (2.0 acre feet) and the new multi-stage outfall. However, a very significant decrease in runoff will result downstream of the post-development project for both the 10 and 100-year storm events. Specifically, a reduction between 10% and 38% in peak flow runoff is realized in the 10 and 100-year storm events.

As part of this analysis, the study concludes that the project will increase overall watershed impervious areas by 3% downstream of the project site (POC 2), and 1% overall at Squirrel Creek Road (POC 3). Thus overall runoff potential indicates little or no change when compared to the overall 156.2-acre watershed.

The revised stormwater drainage study has been reviewed by DPW and has been found to be acceptable. Staff has revised the Hydrology section of the Initial Study and incorporated the recommendations into Mitigation Measure 9C, which are now part of the revised Recommended Conditions found in Attachment 1 of the Planning Commission staff report (Attachment 1 of this staff report). As part of Mitigation Measure 9C, the pond will be enlarged to 2.0 acre feet in capacity (by deepening the pond to 8-feet) and install new outflow from the pond to meter the flow during the various storm events. This design will adequately reduce the pre-project flows and post-project flows offsite toward Squirrel Creek Road.

**Additional Fencing and Signage:** During the appeal hearing, concerns were raised regarding the potential dangers of children in proximity to the horses and the electric fencing on the neighboring parcel. The owners of that parcel were concerned over potential liabilities should any conflicts arise from children trying to pet the horses. Fencing was requested by the neighbors to separate the children from the neighboring parcel and during the hearing the school agreed to install a fence. The fence will be located along the common parcel boundaries between the YRCS property and APN 07-230-15.

Additionally, there were concerns raised regarding the need for signage to be posted to discourage the public and parents from using Old Dairy Place to access the emergency fire roadway as a shortcut into the school site (in addition to the proposed gate and bollards on the emergency access road). The YRCS has agreed to install a sign near the intersection of Old Dairy Place and Squirrel Creek Road advising that there is no through access and no direct access to the school from Old Dairy Place. Planning Department conditions A.11 and A.13 addresses these two concessions.

**Report on Solar:** Near the conclusion of the appeal hearing, the Board questioned whether the YRCS has considered using, or providing the option to use, solar power for this facility. The YRCS advises that their budget for this project will not accommodate the additional costs of installing solar power at this point in time.



**Changes to the RAW:** While not part of the appeal hearing, on August 25, 2013 the California Department of Toxic Substance Control (DTSC) held a public meeting in Grass Valley to discuss the proposed RAW for the former burn dump located at the Project site. As a result of the public input at that meeting, DTSC has required revisions to the original Draft RAW document. The Final RAW now requires the complete removal of the Class I and II impacted soils from the site and the replacement of that material with clean fill. The prior proposal only required the removal of the most hazardous substances from the site, and then the containment of the remaining soils by sealing of the remaining material under the proposed parking lot. The Final RAW document, and the updated and revised Initial Study, addresses the additional truck traffic associated with the complete removal process. The overall RAW clean-up process is anticipated to take approximately 30 days to complete.

**SUMMARY:**

All of the issues previously raised in the appeal have now been considered and were adequately addressed by the Planning Commission. The Planning Commission has reconsidered the specific studies and is recommending the Board take final action on the entire project, including the second Motion made by the Board concerning the proposed Rezone.

**RECOMMENDATION:**

Staff recommends the Board of Supervisors take the following actions:

- I. Adopt the attached Resolution (Attachment 5) to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS12-017), as may be modified, pursuant to Section 15073.5 and 15074 of the California Environmental Quality Act Guidelines.
- II. Adopt the attached Ordinance (Attachment 6) approving the Rezone (Z12-004) amending Zoning District Map #40A to rezone a 2.99-acre portion of Assessor's Parcel Number 07-200-09 to modify the Site Performance criteria for this C2-SP zoned property removing the requirements for a new Comprehensive Master Plan and Environmental Impact Report for the Kenny Ranch Planned Development prior to the approval of any new development, and replace with new requirements for a Use Permit subject to environmental review, a full development plan showing all phases of the proposed development, and a circulation plan that takes into account future traffic and pedestrian connectivity with the adjacent Kenny Ranch Planned Development properties
- III. Adopt the attached Resolution (Attachment 7) approving both the Management Plan (MGT13-002), for the proposed modifications of the existing onsite stormwater detention basin, and Use Permit (U12-006), for the construction of the Yuba River Charter School at the Grass Valley site, subject to the required Mitigation Measures and Conditions of Approval.

**ACTION TAKEN:** Chairman Scofield introduced the agenda item and read the title of the proposed Ordinance into the record. He reviewed the public hearing procedure for members of the public.

Mr. Tod Herman, Senior Planner, reviewed the staff report and provided a PowerPoint presentation. He reported that the proposed Project intends to permanently locate the Yuba River Charter School on property located at 11157 Rough and Ready Highway, Grass Valley, California. In order to do so, three applications are required; 1) the Use Permit, which proposes to construct 23,000 square feet of total floor area situated in six single-story buildings containing thirteen classrooms; 2) the Management Plan, which is needed because of wetland impacts associated with the enlargement of the stormwater facility that exists onsite; and 3) the Rezone, which is necessary to change the Site Performance Criteria for the C2-SP zoned area in the northern 3-acre portion of the site.

Mr. Herman concluded his report and Board questioning ensued.

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With regards to a former Board member's request for implementation of solar energy to be a part of the proposed Project, Supervisor Anderson asked if there was any policy basis for that requirement within the County's General Plan. He was not clear how the Board could require something that has no basis within County policy. Mr. Herman responded that staff is unaware of any mandate that requires alternative energy implementation as part of a public project and added that it was up to the Board; staff included the information in the report as a result of the Board's directive to provide for the optional condition as part of the Project.

Board questioning ensued.

Following a short break, Chairman Scofield called the meeting to order and offered an opportunity for Yuba River Charter School (YRCS) representatives to provide a presentation.

Mr. Caleb Buckley explained that he was the School Director at the time when the original application was filed and would be representing the School although he is no longer employed there. He introduced Mr. Wayne Sjolund, Project Manager. Mr. Buckley believed the proposed Project provides answers to issues that have been plaguing this section of the County for a long time. Clearly, there is a water run-off issue in the area that is created by the large watershed behind it that is bordered by Hospice of the Foothills, and how the storm drain empties onto the subject property. Without the development of the YRCS Facility, he stressed that the neighbors downstream would be worse off. The hazardous dump area on the property has been there for many decades and there are little resources for cleanup of the land. YRCS did not originally own that parcel; after meeting with the neighbors regarding their concerns of the possible environmental impacts on the site and the School's concerns regarding student health over the long-term, they made the decision to purchase the three acres and applied to the Environmental Protection Agency (EPA) for funding to clean it up. Mr. Buckley reported that after many conversations with the neighbors, revisions were made to the Project. He addressed concerns regarding increased traffic in the area and school parking, and stressed that they have taken the due diligence necessary since the last Board meeting. He was confident that YRCS has offered everything financially and legally possible to make the Project the best it can be for the neighborhood.

Supervisor Miller asked why there was a need for a new school. This is the first time a charter school has purchased property to build a new school in Western Nevada County and he wondered why they were not refurbishing an existing school facility. Mr. Buckley responded that the school has rented four different facilities in its twenty-one year history; each one was a short-term lease that was fairly unpredictable. Mr. Buckley also explained that the \$8.5 million in State Bond funding that YRCS received is restricted to new school construction.

Chairman Scofield offered an opportunity for Friends of Squirrel Creek representatives to provide their presentation.

Ms. Anita Daniels, Old Dairy Place resident and Friends of Squirrel Creek President, read a section of the California Environmental Quality Act into the record, stating that if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an Environmental Impact Review (EIR), even though it may also be presented with other substantial evidence that a project will not have a significant affect. She shared her concerns that there were errors in the reports, even though it may not have been intentional.

Mr. Don Daniels, Old Dairy Place resident, provided photos of the water run-off problems. He reviewed each photo, and stressed that there is a lot of water that runs throughout the area year-round. Mr. Daniels requested the County complete a full EIR.

Chairman Scofield opened the public hearing for public comment.

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Mr. Philip Hines, Adam Avenue resident, commented that there are already several schools that are no longer being used, and he believed YRCS should remodel an existing school. He had a signed certificate from the Nevada County Environmental Health Department regarding the septic system, which reads: "However, the state of the art of sewage disposal system design is such that no guarantee can be made as to the length of time that a satisfactory service will occur." If he lived downstream from that he would be a little nervous that they can't guarantee the length of the facility and he believed there is no way to guarantee that the drainage will work.

Ms. Carole Bryant, District IV resident, commented on the decline of school enrollment in Nevada County. She did not believe it was a good idea to build a new school when other schools have space for additional students. She shared her concerns regarding increased traffic on Rough and Ready Highway.

Mr. Alfred Bulf, District I resident, commented that the school should rehabilitate their current site in downtown Nevada City.

Mr. Vincent Lucia, District I resident, wanted to know what the Grass Valley burn dump is, what type of toxic material is at the site, and why clean-up of the site is the buyer's responsibility and not the responsibility of the County or previous landowner. He strongly believed Nevada County should enforce mandatory busing for all schools, including charter schools.

Ms. Susan Hennings, Adam Avenue resident, provided comments regarding increased traffic during the morning rush hour. She shared concerns that the General Plan was being altered again for this area: once for Hospice of the Foothills; once for Twin Cities Church; and now for YRCS.

Mr. Baruch Simon, District III resident, commented that he has been a full-time teacher at YRCS since 2007. He began working for YRCS when they were located at the Bitney Springs campus and is now at their current Nevada City location. He spoke in support of the Waldorf model of education. Mr. Simon commented on difficulties at their current location, including deferred maintenance of the building.

Mr. James Robinson, Nevada City resident and YRCS Educational Foundation representative, commented that YRCS took responsibility of the toxic dump site because it would be an impact on the school. The decision was made to purchase the additional acres to specifically allow them the opportunity to clean it up. They are the only entity in the position to clean it up; they have the funding, which will allow them to clear the neighborhood of the toxic site and provide an even better environment for the children. With regards to the overflow pond, the original design had the escape pipe at the top, and the new design has the escape pipe at the bottom and will have a controlled release. Therefore, the pond will not fill as quickly.

Mr. Lee Ridenour, Bitney Springs Road resident, shared his concerns regarding the safety of students and the people transporting them, due to traffic factors on the roads within the area of the proposed school.

Ms. Karin Meadows, YRCS Council Chair, commented that the YRCS wants to be a good neighbor and is listening to the concerns of the neighbors. She has trust in the County's process.

Mr. Caroline Wilson, YRCS Teacher's Aide and Butler Street resident, commented that for twelve years she drove from her house to Nevada Union High School and never had a problem with the traffic. She believed YRCS would be a great asset to the neighborhood. If she lived below that area and her water was draining through the toxic waste, she would be more concerned today than after the Project is concluded.

Ms. Malaika Bishop, YRCS parent and District I resident, spoke in support of the Project and Waldorf education. She believed the proposed remediation of the toxic site will help an existing problem rather than creating a new one.

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Ms. Doris Rainville, YRCS Kindergarten Teacher and District I resident, spoke in support of Waldorf education.

Ms. Lisa Bonney Berry, Nevada City resident and YRCS parent, was in support of Waldorf education and construction of the new school.

Ms. Sharon Patterson, Squirrel Creek Road resident, read a letter that was previously printed in The Union newspaper into the record that outlined her concerns regarding water drainage issues, septic system issues, disturbance and removal of the toxic waste, increased traffic, and neighbor's property rights.

Mr. John Spencer, District III resident and previous Supervisor, shared his concerns regarding building a leach field directly on top of a well.

Ms. Joyce Haire, East Drive resident and Friends of Squirrel Creek member, commented on increased traffic in the area.

Ms. Karen Chileski, Adam Avenue resident, commented on increased school traffic, and on the importance of reducing, reusing, and recycling.

Mr. Ed Welch, YRCS parent, commented that the School has done everything it can to get the experts to address the issues. Responding to concerns regarding declining school enrollment in Nevada County, he reported that this is not an issue at YRCS; there has been a waiting list for years. He spoke in support of the free Waldorf education that is being offered at YRCS. Mr. Welch believed that it was an asset to the community, and pointed out that the school will bring people into the County from all over and is good for employers and development of the local economy.

Mr. David Bushnell, Principal Architect for the Project, has been working on the Project for close to five years and appreciated the opportunity to build a school that connects with its environment. He spoke in support of public education that embraces Waldorf philosophies. He believed it was a tremendous opportunity for Nevada County and its residents to have the burn dump site cleaned up, and commented that the Project has been scrutinized at a level that he has never seen for a public school. Typically, public schools are not subject to this type of hearing and scrutiny, and by going deep into the process this Project has gotten better and better. Mr. Bushnell asked for the Board's support.

Ms. Nancy Pierce, District IV resident, shared her concerns regarding the significant decline in school enrollment. Although charter schools are very successful in Nevada County, it is causing a decline in the traditional school districts. She commented that charter schools are under the purview of the Nevada County Office of Education and have no elected Boards overseeing them. She asked the Board to consider the impact on County schools when making a decision on the proposed Project.

Mr. Yasha Gensky(*sp?*), Nevada City resident, spoke in support of YRCS and his preference for construction of a new school.

Ms. Elizabeth Brandley, Old Dairy Place resident and Food Corp Service Member, commented that she is placed at local schools by AmeriCorps to teach food, nutrition, and farm education. She spoke in support of the education provided by YRCS and its teachers. She commented that YRCS pays rent for its current facility, which is not the case for regular schools. Having a permanent site would allow the school to put those resources into their student's education where it belongs. Ms. Brandley commented that she lives in the area and has no problem with traffic.

There being no further public comment, Chairman Scofield closed the public comment period of the public hearing.

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Supervisor Miller explained that the Board can't make a decision based on whether or not YRCS is a good school, or whether the teachers face the same pressures as do teachers in traditional schools. The Board has to limit their judgment on issues relating to Land Use. He believed that YRCS deserved a place of its own but was not sure that it was a proper location; there were some strong arguments against it. Sometimes a great project can't go in the location that you want it to go in. He certainly thought the toxic site needs to be mitigated, but he did not feel comfortable about the traffic issues or the septic system, due to the conflicting reports. Supervisor Miller was aware that Planning and Public Works has done a lot of work over the last few years on the Project and he respected the work they do. He thought that the Daniels family had a fair argument for completion of an EIR and understood their concerns regarding water drainage in the area. He was having a difficult time supporting construction of a school at that location.

Supervisor Beason asked for a response to Mr. Daniel's concerns regarding groundwater elevation and water flow, and the impact of placing a septic system on top of the capped well.

Mr. David Lindbloom, Sewage Disposal Design, responded that he did the design work for the septic system. Nevada County requires them to show that there is no seasonal water within four feet of the bottom of the leach trench. The leach trenches for this design are 30-inches deep. It is a large Project with larger volumes of sewage. They dug the test pits approximately ten-feet deep, and found no evidence of groundwater in the areas they tested. The Environmental Health Department was onsite when they completed the soils testing and found no issues with groundwater levels; seasonal or permanent. As far as the well, it needs to be destroyed per Nevada County's standards. As far as the fluctuating water levels, it is very possible that during heavy winters the static water level will rise. Once it is capped to County standards by a licensed well-driller, there seems to be no issue with putting a septic system over that well site.

Supervisor Beason asked if the 2012 disclaimer regarding septic systems was a standard disclaimer. Mr. Lindbloom responded that it is a standard disclaimer on any kind of engineered system that his firm does because they don't know how the system going to be treated or if it will be maintained properly; they have no control after they leave their design.

Responding to the question regarding the General Plan, Supervisor Beason explained that within the last five years, Nevada County has approved five Rezones. Mr. Brian Foss, Planning Director, added that per State law, the County is allowed four General Plan Amendments per year. Supervisor Beason explained that in the last five years, the County has approved a total of nine General Plan Amendments, and four of those were changes to Elements of the General Plan; only two were for projects. He believed the Board has been more than responsible in honoring the General Plan.

Supervisor Weston wanted to see the Project succeed, but not at the expense of their neighbor's quality of life. As hard as he wanted to get the Project through, if he was a property owner there were issues out there that he would be very scared of. He wanted to know if there was a Plan B in case something happens. Mr. Herman responded that centralized septic systems are required to have annual permits, so the County will go out on a regular basis to monitor it. If it shows signs of failure, then a new system can be installed. For protection of the school and neighbors, Supervisor Weston suggested the wells next to the site should be tested for base-line levels.

Mr. Lindbloom responded to Supervisor Weston's concerns regarding the potential for contamination in the surrounding wells. Because there is no base-line information on the wells, it is hard to know if contamination is occurring or has occurred. The septic systems are going to be under the Centralized Septic System requirements of the Environmental Health Department because of their size. Monitoring wells will be installed along the leach field that are designed specifically for sampling effluent or water that is found in the holes to determine whether or not contamination is leaving the site, and if so, in what direction.

Board questioning ensued.

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Overall, Supervisor Anderson could see a lot of positive benefits resulting from the Project. He concurred with Supervisor Weston regarding implementing a Plan B with regards to the potential impacts of septic system failure, and traffic impacts that are higher than anticipated. In order for him to vote in favor of the Project, he would like to see some sort of monitoring and mitigation program created above and beyond what is already in the document to ensure that if there is a failure of the septic system there is a process in place.

Supervisor Anderson asked if the affected wells could be hooked up to Nevada Irrigation District (NID). He believed that if a well becomes contaminated and it affects the health and welfare of a household, it is something that should be resolved through a mitigation program. Mr. Herman responded that it could be added as a potential mitigation if the Board so desires.

Chairman Scofield provided Mr. McDaniels an opportunity to question the experts regarding the septic system. Mr. McDaniels reiterated his concerns regarding traffic, water levels, and the septic system.

Supervisor Beason wanted to understand how the septic system will not cause a problem for the water that supposedly runs downhill onto the adjacent property. Mr. Ed Giuliani, Project Engineer, responded that the Board has the opportunity to add a measure on the Project, which will work parallel to the system's design.

Board discussion and questioning ensued.

Supervisor Weston proposed two conditions: 1) monitoring be done quarterly instead of annually, at least for the first five years; and 2) in the event of any contamination to the neighbor's wells, YRCS be required to pay for the hook-up of NID to the properties.

Supervisor Anderson added that with regards to surface waters in Eastern County, monitoring is added during and after major storm events. Mr. Herman proposed a two-part mitigation measure; 1) pre-testing of the three groundwater wells to establish a base-line; and 2) augment the annual permitting required for the centralized sewage disposal system to also include routine well-monitoring.

Mr. Sjolund commented that they do not have an issue with having the neighbor's well water tested prior to beginning the Project. The School's well will be tested annually with the results turned into the Environmental Health Department. When the School is built and the well is in place, they will provide the first test, and will also test the neighbor's wells. At the annual test, they will see if there has been any change. If there should there be any degradation to their well, they could test the wells below the School to see if there has been any affect to those wells to make sure the system is working. They do care about their neighbor's water, and they would be willing to work with them in alleviating their well use if a catastrophic failure were to happen. If there were a catastrophic failure of the septic system and the School is unable to mitigate the contamination, Mr. Sjolund would offer to get the neighbors onto the existing NID system.

Board questioning ensued.

Ms. Amy Irani, Director of Environmental Health, believed that in order to resolve the issue they could come up with a preliminary plan to monitor the wells on a quarterly basis, or more frequently during the wet season. Over a certain time frame, if they aren't seeing a significant pattern, the testing could go to bi-yearly and then a yearly schedule.

Ms. Barratt-Green suggested the Board take a short break to provide staff an opportunity to reword the Resolutions per the Board's direction.

Following the short break, Chairman Scofield called the meeting to order.

Mr. Herman provided a brief summary of two Conditions that were added under the Environmental Health Department heading: 1) Prior to occupancy, the Applicant shall obtain water-quality samples for all three closest offsite, residential wells. This will establish a background water quality base-line for those domestic wells. The Applicant shall collect water quality samples for those wells annually for two years after the issuance of a final Occupancy Permit for the first building onsite to monitor any changes in the water quality within these wells. All testing standards shall be determined by the Environmental Health Director. The Applicant, or then property owner, shall be responsible for all sampling and all other costs for complying with this Condition; 2) The onsite wells for the centralized sewage disposal area shall be monitored quarterly for two years after issuance of a final Certificate of Occupancy for the first structure on the site. The onsite wells shall be monitored annually thereafter, or at such other frequency as directed by the Director of Environmental Health. If adverse water quality changes do result, then the Applicant, or then current property owner, shall take all actions to mitigate the failing system as directed by the Environmental Health Director, including but not limited to, the cessation of use of the existing system, installation of a new leach field, and additional monitoring of the three closest offsite residential wells. If it is determined by the Environmental Health Director, based on water chemistry and analysis that any of the three closest offsite residential wells have been impacted by the failed centralized sewage disposal system, then the Applicant, or then property owner, shall be required to connect those residences to public treated water. The Applicant/property owner shall be responsible for all costs and expenses associated with monitoring, testing, and ensuring compliance with this Condition.

Board questioning ensued.

Ms. Irani clarified that the offsite wells will be tested annually, and onsite wells will be tested on a quarterly basis.

Supervisor Beason asked if they make a motion on the proposed Resolutions would it automatically include the additional language as part of the Conditions of Approval. Mr. Herman responded that was correct. He asked the motion to include the revised language on Page 70 of the Initial Study.

**MOTION:** Motion made by Supervisor Beason, seconded by Supervisor Anderson, to adopt [Resolution 15-042](#), as amended, to include the modified language on Page 70 of the Initial Study. On a roll call vote, the motion passed unanimously.

Chairman Scofield read the title of the proposed Ordinance into the record.

**MOTION:** Motion made by Supervisor Weston, seconded by Supervisor Beason, to adopt [Ordinance 2391](#). On a roll call vote, the motion passed unanimously.

Supervisor Beason asked if the revised language relevant to the Management Plan needed to be added to the motion. Mr. Herman responded that the new language only applies to the Environmental Health Conditions regarding the monitoring.

Supervisor Weston asked who would be responsible for monitoring of the stormwater retention pond and subsequent monitoring system. Mr. Herman responded that the engineering plans would be reviewed by the Nevada County Department of Public Works, Planning Department and Building Department.

**MOTION:** Motion made by Supervisor Anderson, seconded by Supervisor Beason, to adopt [Resolution 15-043](#). On a roll call vote, the motion passed as follows: Ayes: Supervisors Beason, Anderson, and Scofield. Noes: Supervisor Weston and Miller. Abstain: None. Absent: None.

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County of Nevada  
Board of Supervisors Minutes

**ADJOURNMENT:** There being no further business, Chairman Scofield adjourned the meeting at 5:52 p.m.

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ATTEST:

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Edward C. Scofield, Chairman

By: \_\_\_\_\_  
Julie Patterson Hunter, Deputy Clerk to the Board