

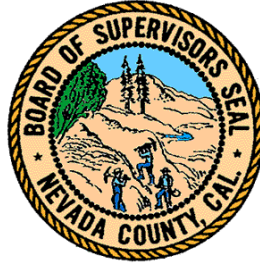
# COUNTY OF NEVADA

## STATE OF CALIFORNIA

*Supervisor Heidi Hall, District I*  
*Chair Ed Scofield, District II*  
*Supervisor Lisa Swarthout, District III*  
*Supervisor Susan Hoek, District IV*  
*Vice-Chair Hardy Bullock, District V*

\*\*\*\*\*

*Julie Patterson Hunter, Clerk of the Board*  
*Alison Lehman, County Executive Officer*  
*Katharine L. Elliott, County Counsel*



## BOARD OF SUPERVISORS

950 Maidu Avenue, Suite 200  
Nevada City, CA 95959-8617  
(530) 265-1480  
Fax: (530) 265-9836  
bdofsupervisors@nevadacountyca.gov

## AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
<b>Tuesday, April 18, 2023</b>	<b>9:00 AM</b>	<b>Board Chamber, First Floor Eric Rood Administrative Center 950 Maidu Avenue, Suite 200 Nevada City, California</b>

**The Board of Supervisors welcomes you to their regular meeting.**

\*\*\*\*\*

The County of Nevada will hold its regularly scheduled meeting of the Board of Supervisors from inside the Board Chamber, located at the Eric Rood Administrative Center, 950 Maidu Avenue, First Floor, Nevada City, CA 95959. This meeting is open to in-person attendance.

Members of the public who are unable to attend in person may watch this meeting live on Nevada County Media Comcast Channel 17 in western County and on Suddenlink Channels 17 and 78 in eastern County, or through the web at [www.nevadacountyca.gov/boardmeetings](http://www.nevadacountyca.gov/boardmeetings) and [www.YouTube.com/c/CountyofNevadaCA](http://www.YouTube.com/c/CountyofNevadaCA). Please refer to page 7 for information on how to participate in the meeting, as well as the various options being made available for members of the public to provide comment in both western and eastern County.

The Board Chamber is accessible to people with disabilities. Anyone requiring reasonable accommodation to participate in the meeting should contact the Clerk of the Board's office by calling (530) 265-1480 at least four days prior to the meeting. TTY/Speech-to-Speech users may dial 7-1-1 for the California Relay Service. Closed Captioning is available for hearing impaired viewers.

The agenda and all supporting documents are available for review during regular business hours at the Clerk of the Board office, 950 Maidu Avenue, 2nd Floor, Suite 200, Nevada City, California. This agenda and certain supporting documents may be obtained on the Clerk of the Board's website at [www.nevadacountyca.gov/boardmeetings](http://www.nevadacountyca.gov/boardmeetings). To view the supporting documents on this agenda for a particular item, click on the SR number to the left of the item. Please note that the on-line agenda may not include all related or updated documents. Proposed actions and supporting documents are considered draft until acted upon by the Board. All items listed on the agenda may be acted upon by the Board of Supervisors.

\*\*\*\*\*

**REGULAR MEETING: 9:00 AM****STANDING ORDERS:**

Call the meeting to order.

Pledge of Allegiance.

Corrections and/or deletions to agenda.

**PUBLIC COMMENT:**

[SR 23-0915](#) Members of the public shall be allowed to address the Board of Supervisors on items not appearing on the agenda that are of interest to the public and are within the subject matter jurisdiction of the Board. (Please refer to page 7 for information on the various options being made available for members of the public to provide comment in both western and eastern County.)

\*\*\*\*\*

**CONSENT CALENDAR:**

These items are expected to be routine and noncontroversial. The Board of Supervisors will act upon them at one time without discussion. Any Board member may request that an item be removed from the consent calendar for discussion. Members of the public wishing to ask questions or hear discussion on items listed under the consent agenda, may raise their concerns to the Board members prior to the consent agenda being introduced. The Supervisors will take the concerns under consideration and decide if there is adequate reason to remove the item from consent.

**Health and Human Services Agency Director: Ryan Gruver**

1. [SR 23-0923](#) Resolution approving Amendment Two to the Agreement between the County of Nevada and Anthem Blue Cross (“PLAN”) for coordination of services as part of Nevada County’s participation in a Rate Range Intergovernmental Transfer (Res. 20-404), a revenue agreement whereby Nevada County retroactively receives federal financial participation Medi-Cal funds to cover unreimbursed costs for previously provided mandated services, for the period January 2021 through December 2021, and authorizing the Chair of the Board of Supervisors to execute the amendment.
  
2. [SR 23-0676](#) Resolution approving Amendment Six to the Memorandum of Understanding between the California Health and Wellness Plan (PLAN) and the County of Nevada for coordination of services, as part of Nevada County’s participation in a Rate Range Intergovernmental Transfer (Res. 13-516), a revenue agreement whereby Nevada County retroactively receives federal financial participation Medi-Cal funds to cover unreimbursed costs for previously provided mandated services, for the period January 2021 through December 2021, and authorizing the Chair of the Board of Supervisors to execute the amendment.

Behavioral Health Director: Phebe Bell

3. [SR 23-0587](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Recover Medical Group P.C. for services including outpatient rehabilitative treatment for Medi-Cal beneficiaries (PESP4458), increasing the maximum contract price from \$35,000 to \$62,000, revising Exhibit “B”, Schedule of Charges and Payments to reflect the increase in the maximum contract price, for the period April 1, 2022 through June 30, 2023, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2022/23 Behavioral Health Department budget. (4/5 affirmative vote required)

Sheriff-Coroner/Public Administrator: Shannan Moon

4. [SR 23-0959](#) Resolution authorizing approval of the existing Military Equipment Use Policy as called for in AB 481, and acknowledging the annual report and subsequent public engagement meeting requirement.
5. [SR 23-0960](#) Resolution approving two related three-year Agreements (the Administrative and the Participation Agreements) between the County of Nevada and the California Department of Healthcare Services authorizing continued participation in the Medi-Cal Inmate Program (MCIP), authorizing reimbursement amounts for Fiscal Years 2023/24 through 2025/26, for a total amount not to exceed \$9,613.64 as a condition of participation in MCIP, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Community Development Agency Director: Trisha Tillotson

6. [SR 23-1045](#) Resolution authorizing the Economic Development Program Manager to submit an application to the State of California, Department of Cannabis Control, for Cannabis Local Jurisdiction Retail Access grant funding, in the amount of up to \$320,500.11, to develop and implement a local cannabis retailer licensing program in the unincorporated areas of Nevada County. (Economic Development and Cannabis Compliance)

Public Works Director: Heba El-Guindy

7. [SR 23-0975](#) Resolution authorizing the purchase of a temporary construction easement from Jennifer M. Freeman for 11,712 square feet of property located at 10793 Hirschdale Road, Nevada County California (APN 48-100-07 Parcel 1), for the Hirschdale Road Bridge Replacement Projects, in the fair market value amount of \$100,000 plus all escrow costs and fees, authorizing the Chair of the Board of Supervisors to execute the Temporary Construction Easement Agreement and the Certificate of Acceptance, and authorizing the Director of the Department of Public Works to execute any and all documents required to consummate this real property transaction. (Dist. V)

Director of Office of Emergency Services: Craig Griesbach

8. [SR 23-1238](#) (Waive further reading/Adopt) Ordinance amending Article 7 of Chapter IV of the Nevada County General Code regarding Hazardous Vegetation Abatement.

County Counsel: Katharine L. Elliott

9. [SR 23-0912](#) (Waive further reading/Adopt) Ordinance amending, adding and repealing non-substantive sections of the Nevada County General Code.
10. [SR 23-1086](#) Resolution approving Amendment 2 to contract between the County of Nevada and Abbott & Kindermann, Inc. for legal services related to the Idaho-Maryland Mine - Rise Grass Valley Project (Res. 20-152), increasing the contract price by \$100,000 for a maximum contract amount of \$250,000, extending the contract term from June 30, 2023 to June 30, 2024, amending the Schedule of Services, and authorizing the Chair of the Board to execute the amendment. (4/5 affirmative vote required)

Clerk of the Board: Julie Patterson Hunter

11. [SR 23-0918](#) Resolution approving the appointment of Christopher Ward to the Nevada Cemetery District Board of Trustees, to fill an unexpired four-year term beginning April 18, 2023 and ending July 1, 2025.
12. [SR 23-0913](#) Appointment of Kathleen Shaffer as Public Sector member to the Adult and Family Services Commission, for an unexpired two-year term ending April 30, 2024.
13. [SR 23-0916](#) Acceptance of Board of Supervisors Summary Minutes for February 28, March 14, and 28, 2023.

\*\*\*\*\*

**\*INDIVIDUAL BOARD MEMBER ITEM:****District II Supervisor: Ed Scofield**

14. [SR 23-1183](#) Recognition of CAL FIRE employees Joe Kennedy, Heavy Fire Equipment Operator, and Eric Ayers, Fire Captain, for their achievement in being awarded the State of California's highest honor for life saving events: the California Gold Medal of Valor. (Fire Chief Brian Estes, Nevada Yuba Placer Unit)

**\*DEPARTMENT HEAD MATTERS:****Director of Social Services: Rachel Peña**

15. [SR 23-1182](#) Acceptance of Alliance for Workforce Development, Inc. (Nevada County Business and Career Network) annual presentation of the Alliance's Program Year 2021/22 Performance Report: Providing Pathways to Success. (Maryanne Connelly, Business Service Representative)
16. [SR 23-0434](#) Resolution proclaiming April 2023 as "Child Abuse and Neglect Prevention Month" in Nevada County.

**District Attorney: Jesse Wilson**

17. [SR 23-0674](#) Resolution proclaiming April 23 through April 29, 2023 as "National Crime Victims' Rights Week" in Nevada County.

**Public Works Director: Heba El-Guindy**

18. [SR 23-0985](#) Acceptance of Caltrans' presentation regarding the California Road Charge Program.
19. [SR 23-1035](#) Resolution approving the Capital Improvement Plan 2023 annual update, and authorizing the Director of Public Works to proceed with implementation of the Plan.

**\*CLOSED SESSIONS:****County Counsel: Katharine L. Elliott**

[SR 23-0919](#) Pursuant to Government Code § 54956.8, the Board of Supervisors desires to hold a closed session regarding public utility easement agreement negotiations. The negotiators for the County are Trisha Tillotson, Community Development Agency Director, and Sarah Holyhead, Administrative Analyst for the Board of Supervisors. The negotiators for the property owners are Pastor Jim Edwards and Nita Browning for the North San Juan United Methodist Church. Items under negotiation concern the price and terms of payment, for a public utility easement for a portion of property located at 10121 Flume Street, North San Juan, California. This property would serve as the site of the water storage tank for a fire flow system in downtown North San Juan.

[SR 23-1411](#) Pursuant to Government Code § 54956.9(d)(2), County Counsel is requesting a closed session with the Board of Supervisors to discuss two matters in which there are significant threats of litigation against the County.

**\*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.

**ADJOURNMENT:**

*\*(The Board of Supervisors can discuss these items at any time during the meeting.)*

*This agenda was posted on bulletin boards 72 hours in advance of the meeting at the following locations:*

- 1. Eric Rood Administrative Center; outside Board office, outside Board Chambers, and outside main entrance.*
- 2. Truckee Town Hall Administrative Center, 10183 Truckee Airport Road, Truckee, CA 96161.*
- 3. Outside the District V Board of Supervisors office, Truckee Town Hall Administrative Center.*
- 4. Online at [www.nevadacountyca.gov/boardmeetings](http://www.nevadacountyca.gov/boardmeetings) and [nevco.legistar.com/Calendar.aspx](http://nevco.legistar.com/Calendar.aspx).*

*Posted: April 13, 2023.*

**PROVIDE PUBLIC COMMENT BEFORE THE APRIL 18, 2023 MEETING:**

- 1) Leaving an eComment at [www.nevadacountyca.gov/boardmeetings](http://www.nevadacountyca.gov/boardmeetings).
- 2) Writing a letter to the Board of Supervisors at 950 Maidu Ave, Suite 200, Nevada City, CA 95959.
- 3) Emailing [BOS.PublicComment@nevadacountyca.gov](mailto:BOS.PublicComment@nevadacountyca.gov).

Written or emailed public comments received by 4:00 p.m. the day prior to the meeting will be provided to the Board members electronically or in written format and will become part of the public record.

**PROVIDE PUBLIC COMMENT DURING THE APRIL 18, 2023 MEETING:**

- 1) In-Person:

Eric Rood Administrative Center: Members of the public can provide comment in-person inside the Board of Supervisors' Board Chambers at the Eric Rood Administrative Center.

- 2) Over the Phone:

Members of the public can call (530) 270-3474 and will be placed in a call-in queue until they are permitted into the meeting for comment.

Please provide your name, City or District of residence, and the agenda item you wish to comment on.

**WAYS TO WATCH AND LISTEN DURING THE APRIL 18, 2023 MEETING:**

- 1) Watch from inside the Board Chambers.
- 2) View at [www.nevadacountyca.gov/boardmeetings](http://www.nevadacountyca.gov/boardmeetings) and [www.YouTube.com/c/CountyofNevadaCA..](http://www.YouTube.com/c/CountyofNevadaCA..)
- 3) View on Nevada County Media Channel 17 in western County.
- 4) View on Suddenlink Channels 17 and 78 in eastern County.

**PERSONS DESIRING TO ADDRESS THE BOARD****CONTROL OF MEETING:**

The Board Chair shall first caution any individual at the meeting that their behavior is disrupting the meeting and that failure to cease the disruptive behavior could result in removal. After warning, the Chair will request the individual to leave if the individual does not stop their disruptive behavior. Additionally, the Chair reserves the right to recess the meeting until the person leaves or is escorted out and order is restored.

**PUBLIC COMMENT:**

Matters on the Agenda: The Board shall allow public comment on items appearing on the agenda when the agenda item is considered by the Board. Comments by the public must be relevant to the item on the agenda being considered by the Board. This includes: a. Consent Agenda; b. Community Presentations; c. Department Head Matters; d. Individual Board Member Items; and e. Scheduled Items. At special meetings of the Board, public comment will only be allowed on matters appearing on the agenda.

Matters not on the Agenda: At regular meetings of the Board, members of the public shall be allowed to address the Board of Supervisors on matters not appearing on the agenda which are of interest to the public, and which are within the subject matter jurisdiction of the Board. Pursuant to the Ralph M. Brown Act, the Board shall not take any action or discuss any matter not appearing on the agenda although staff may be asked to briefly respond to or follow up on such items. At special meetings of the Board, public comment will only be allowed on matters appearing on the agenda.

**ORDER AND DECORUM:**

Individuals or organizations desiring to address the Board shall:

- 1) Address the Board from the designated podium, virtual kiosk, or other designated location, including teleconferencing system(s). Speakers are encouraged but not required to give their name and location of residence before addressing the Board. This is to assist the Board with identifying which supervisorial district the speaker resides in.
- 2) Speakers shall direct their comments to the Board, through the Chair, and not to the audience or staff.
- 3) Speakers may comment on specific matters before the Board with reasons for the position taken.
- 4) The Chair may, at their discretion, increase the allotted time for any given speaker, but shall not be required to do so.
- 5) A speaker may not yield time to another speaker.
- 6) No individual may speak more than once during general public comment or on an item on the agenda unless recognized by the Chair as having new information.
- 7) In the interest of civil discourse, the rules as specified in this Order and Decorum of Board Business and Robert's Rules of Order, to the extent such rules are not in conflict with the Brown Act, shall apply at all Board meetings. It shall be the responsibility of the Chair to ensure that public comment is conducted in such a manner in order to avoid disruptive activity, promote mutual respect, keep comments focused on the subject being discussed, avoid personal attacks, prohibit hate speech and the threat of violence.
- 8) At the start of each meeting, the Chair shall remind the public of the rules and expectations of the public including distinguishing the process for: a) public comment for items on the consent agenda; b) general public comment for items not listed on the agenda; and c) public comment for items on the agenda.
- 9) Applicants, applicant representatives, and appellants desiring to speak shall be permitted to speak first during the public comment portion of a public hearing for no more than ten (10) minutes (or fifteen (15) minutes at Appeal Hearings) unless different rules for conducting the hearing are provided by County Code or other applicable law. Time limits may be modified at the Chair of the Board's discretion.

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS (Gov. Code section 54308)**

Members of the Board of Supervisors are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the Board member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the County's decision on the agenda item since January 1, 2023. Members of the Board of Supervisors who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a Board member since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount of the campaign contribution and identify the recipient Board member and may be made either in writing to the Clerk of the Board of Supervisors prior to the subject hearing or by verbal disclosure at the time of the hearing.



**PUBLIC HEARINGS:**

All members of the public shall be allowed to address the Board on any item which is noticed on the Board's agenda as a public hearing. The Chair of the Board may limit the total amount of time allocated for the public hearing and may limit any individual desiring to address the Board to no more than three (3) minutes. Any person may provide the Board with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the Clerk of the Board.

**ORDINANCES:**

- 1) By statute, an ordinance may be passed immediately upon introduction only after notice and a public hearing.
- 2) An urgency ordinance may be passed immediately upon introduction with a 4/5 affirmative vote.
- 3) All other ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting unless authorized by statute as indicated above. The Board of Supervisors will address ordinances at first readings and will make any amendments. The public is urged to address ordinances at first readings; as passage of ordinances will be held at second readings, after waiving further reading of the ordinance.

**INFORMATIONAL CORRESPONDENCE:**

The Board may direct any item of informational correspondence to a department head for appropriate action.

**REFERENCES:**

Board of Supervisors Order and Decorum 2023  
Ralph M. Brown Act, California Government Code Sec. 54950, et. seq. (Open meetings law)  
Nevada County Land Use Code Sec. L-II 5.12 (Appeals)