

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

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SUMMARY MINUTES

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

REGULAR MEETING: 9:00 AM

Rollcall

The following Supervisors present:

Heidi Hall, 1st District

Ed Scofield, 2nd District

Lisa Swarthout, 3rd District

Susan Hoek, 4th District

Hardy Bullock, 5th District

STANDING ORDERS:

Chair Scofield called the meeting to order at 9:00 a.m.

Pledge of Allegiance was held.

No corrections and/or deletions to agenda were noted.

PUBLIC COMMENT:

[SR 23-0915](#) Public comment was received.

ACTION TAKEN: Chair Scofield opened the opportunity for general public comment and comments were received. Chair Scofield closed public comment.

CONSENT CALENDAR:**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.
Adopted.
Enactment No: RES 23-144
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.
Adopted.
Enactment No: RES 23-145

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)
Adopted.
Enactment No: RES 23-146

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.

Adopted.

Enactment No: RES 23-147

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.

Adopted.

Enactment No: RES 23-148

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) (Pulled from consent by Supervisor Swarthout)

Adopted.

Enactment No: RES 23-152

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)

Adopted.

Enactment No: RES 23-149

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.

Adopted.

Enactment No: ORD-2521

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.

Adopted.

Enactment No: ORD-2522

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)

Adopted.

Enactment No: RES 23-150

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.

Adopted.

Enactment No: RES 23-151

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.

Appointed.

13. [SR 23-0916](#) Acceptance of Board of Supervisors Summary Minutes for February 28, March 14, and 28, 2023.

Accepted.

Approval of the Consent Agenda

Adopted.

ACTION TAKEN: Chair Scofield introduced the consent calendar and provided an opportunity for public comment on the items on consent, and comments were received regarding Agenda Item No. 6. Supervisor Swarthout requested No. 6 be pulled from consent for discussion.

MOTION: Motion made by Supervisor Hoek and seconded by Supervisor Hall, to adopt the consent calendar, less Agenda Item No. 6. On a roll call vote, the motion passed unanimously.

Items removed from Consent:

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) (Pulled from consent by Supervisor Swarthout)
- Enactment No: RES 23-152

ACTION TAKEN: Supervisor Swarthout wanted to ensure that prior to moving forward on Board Objectives that were put in place during the 2023 Board Workshop, that staff is receiving policy direction from the Board. Supervisor Swarthout was concerned that the copy of the grant application provided with the staff report was blank. She requested in the future staff provide completed grant applications with their agenda items, hold community outreach meetings and engagement events, conduct surveys or otherwise soliciting input, form a stakeholder group or technical advisory committee, consult with the local jurisdictions with existing cannabis programs, and conduct an economic study. As policy makers, the Board needs to have input on how to move forward with the process. She was in support of the grant application, but was looking for assurances from staff that all of those things were being looked at.

Kimberly Parker, Program Manager, confirmed that all of Supervisor Swarthout's concerns would be addressed as part of the application process. Program Manager Parker reported that staff has completed the grant application and would provide it to the Board members for review. It was clarified that the application is for a planning grant, and would return to the Board numerous times as it moves through the planning process. If the County is awarded the funding it would again return for approval and would include the Scope of Work.

Chair Scofield provided an opportunity for public comment, and Julie Patterson Hunter, Clerk of the Board, reported that one email providing support for the agenda item was received.

MOTION: Motion made by Supervisor Swarthout and seconded by Supervisor Bullock, to adopt Resolution 23-152, 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. On a roll call vote, the motion passed unanimously.

***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)
Recognized.

ACTION TAKEN: Calfire Chief Brian Estes, Nevada Yuba Placer Unit, provided background information regarding the separate incidences that led to Joe Kennedy, Heavy Fire Equipment Operator, and Eric Ayers, Fire Captain, being awarded the State of California's highest honor for life saving events, the Gold Medal of Valor.

The Board members thanked Joe Kennedy and Eric Ayers for their heroics and life-saving measures. Chief Estes presented the firefighters with the Gold Medal of Valor, and Chair Scofield presented them with challenge coins.

***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)
Accepted.

ACTION TAKEN: Following a short break, Chair Scofield called the meeting back into order.

Maryanne Connelly, Business Service Representative, Alliance for Workforce Development Inc. (AFWD), presented the Alliance's Program Year 2021/22 Performance report. AFWD delivers the Federal Workforce Innovation and Opportunity Act Programs for adults, youth, dislocated works and businesses throughout Butte, Lassen, Plumas, Modoc, Nevada, and Sierra Counties. They have two offices in Nevada County, one in Grass Valley and one in Truckee. Their goal is to provide job seekers with access to employment and training opportunities, while providing employers with qualified applicants. Representative Connelly reported on their upcoming Job Fair scheduled for Grass Valley on May 3, 2023, in collaboration with Economic Resource Council, Greater Grass Valley Chamber of Commerce, Association of Realtors, Nevada Union Transition Program, Sierra College, and the County of Nevada. For more information on AFWD, visit their website at <https://afwd.org>.

Board questioning and discussion ensued.

Chair Scofield provided an opportunity for public comment and no comments were received.

MOTION: Motion made by Supervisor Hall, and seconded by Supervisor Bullock to accept the report. On a roll call vote, the motion passed unanimously.

16. [SR 23-0434](#) Resolution proclaiming April 2023 as "Child Abuse and Neglect Prevention Month" in Nevada County.

Adopted.

Enactment No: RES 23-153

ACTION TAKEN: Rachel Peña, Director of Social Services, provided a PowerPoint presentation, joined by members of the Child Abuse Prevention Council of Western Nevada County and the Community Support Network: Faye Hignight, Social Services Administrative Analyst; Mimi Greminger, Child Welfare Services Emergency Response Supervisor; Melody Easton, Executive Director, First 5 Nevada County Children and Families First Commission, and Chair of the Child Abuse Prevention Council of Western Nevada County (CAPC); and Milada Belohlavek, Victor Community Support Services.

Chair Easton reported that Nevada County has two Child Abuse Prevention Councils; one in eastern County and one western County. In western Nevada County CAPC works closely with the Community Support Network (CSN) for community outreach. Western CAPC was created in February 1984 as a non-profit organization. Their purpose is to coordinate the community's efforts to prevent and respond to child abuse through collaboration and integration of family support service.

In 2010, CSN was formed with CAPC as the fiscal agent, with the mission to facilitate collaboration among public and private family support organizations so Nevada County's children, youth, and families can thrive.

Child Welfare Services (CWS) is required to offer preventative services and intervention strategies to families who they come into contact with through suspected child abuse reports. The CWS Rapid Response Team provides families direct services to mitigate safety concerns, stabilize the home environment, and link the families to long-term resources.

The Team responded to Board questioning and discussion ensued.

Chair Scofield provided an opportunity for public comment and no comments were received.

MOTION: Motion made by Supervisor Hoek, and seconded by Supervisor Hall, to adopt Resolution 23-153 proclaiming April 2023 as "Child Abuse and Neglect Prevention Month" in Nevada County. On a roll call vote, the motion passed unanimously.

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.

Adopted.

Enactment No: RES 23-154

ACTION TAKEN: Jesse Wilson, District Attorney, provided a PowerPoint presentation regarding the mission of National Crime Victims' Rights week, joined by Lori Nunnink, Senior Victim Advocate; Nicole McNelly, Executive Director, Court Appointed Special Advocates (CASA); and Elizabeth Balmin, Sierra Community House; and Allison Bischofberger, Community Beyond Violence. National Crime Victims' Rights Week was established nationally in 1981. The theme for this year is: "Survivor Voices: Elevate, Engage, Effect Change."

The purpose of National Crime Victims' Rights week is to make visible the varying components of victimization and the effects of victimization, as well as promote avenues or helping victims recover from crime; to renew our nation's commitment to ensure all victims are informed of their rights and have access to available services; and to honor past crime victims, here and gone. Each representative provided an overview of the programs offered by their organization and the work they do throughout Nevada County to advocate for victims.

The Team responded to Board questioning and discussion ensued.

Chair Scofield provided an opportunity for public comment and no comments were received.

MOTION: Motion made by Supervisor Hall, and seconded by Supervisor Swarthout, to adopt Resolution 23-154 proclaiming April 23 through April 29, 2023 as "National Crime Victims' Rights Week" in Nevada County. On a roll call vote the motion passed unanimously.

Public Works Director: Heba El-Guindy

18. [SR 23-0985](#) Acceptance of Caltrans' presentation regarding the California Road Charge Program.
Accepted.

ACTION TAKEN: Lauren Prehoda, Caltrans Road Charge Program Manager, provided a PowerPoint presentation regarding changes to the California Road Charge Program. Issues impacting the gas tax program include gains to fuel efficiency; increase in zero emission vehicles; inflation and loss of purchase power; and uneven and inequitable fuel tax burden on owners of older and less fuel-efficient vehicles. The funding mechanism intended to replace the current gas tax more accurately ensures that all drivers are paying their fair share to use California's roads. The Road Charge System is based on how many miles individuals drive, rather than how many gallons of gas they use.

Program Manager Prehoda reviewed the System's structure that will report miles driven using third-party Commercial Account Managers. Mileage Reporting Methods can be low-technology options or high-technology options; and taxpayers will be able to make a choice that works best for their situation. The program has moved forward in 3 states, and other states are testing or researching the process. Caltrans has completed Road Charge Pilot Studies, and it is expected that a pilot program will be implemented in 2024. Program Manager Prehoda reported that more research needs to be done on rural drivers, which could potentially result in lower taxes for drivers living in rural areas as rural drivers tend to drive older cars. Caltrans is offering up to \$250 for participation in the upcoming pilot program.

Board questioning and discussion ensued.

Chair Scofield provided an opportunity for public comment and comments were received

MOTION: Motion made by Supervisor Hall, and seconded by Supervisor Bullock, to accept the report. On a voice vote the motion passed unanimously.

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.

Adopted.

Enactment No: RES 23-155

ACTION TAKEN: Patrick Perkins, Principal Civil Engineer, provided a PowerPoint presentation regarding the Capital Improvement Plan 2023 annual update. The purpose of the presentation is to discuss funding sources and upcoming maintenance and capital improvement projects, answer questions from the Board and members of the public, all of which are necessary in order to receive funding from the state and federal governments to do the projects proposed in the update.

Civil Engineer Perkins reviewed funding sources, which include revenues provided from the state and federal government such as the gas tax, and SB1 Road Maintenance and Rehabilitation Act. Minimum Road Fund balances are currently at an acceptable levels, and \$18 million is anticipated in Fiscal Year 2023/24.

FY 23/24 Road Maintenance and Capital Improvement Projects were reviewed, for an anticipated expenditure of \$16.5 million. Upcoming road maintenance projects include, enhanced vegetation management; proactive shoulder maintenance; pavement maintenance; snow removal; and drainage maintenance. Capital Project expenditures for FY 23/24 include Bridges; Development Fee Projects; Safety Projects; and other projects (Transfer Station, Bus Wash at the County's Corporation Yard, and Electric Vehicle Charging stations).

Board questioning and discussion ensued.

Chair Scofield provided an opportunity for public comment, and comments were received.

MOTION: Motion made by Supervisor Swarthout, and seconded by Supervisor Hoek, to adopt Resolution 23-155 approving the Capital Improvement Plan 2023 annual update. On a roll call vote, the motion passed unanimously.

***CLOSED SESSIONS:**

[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.
Closed Session held.

ACTION TAKEN: Katharine Elliott, County Counsel, read the titles of the closed sessions into the record and the Board members entered into closed session.

Following closed session, Chair Scofield called the meeting back into order and Counsel Elliott reported that for the first closed session (SR 23-0919) authority was given for negotiations, and for the second closed session (SR 223-1411) information was received.

***ANNOUNCEMENTS:**

Announcements were not held.

ADJOURNMENT:

ACTION TAKEN: Chair Scofield adjourned the meeting at 1:26 p.m.

Signature and Attestation

Edward C. Scofield, Chair

ATTEST:

By:

Julie Patterson Hunter, Clerk of the Board