

COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District (Chair)

Ed Scofield, 2nd District

Dan Miller, 3rd District (Vice-Chair)

Susan Hoek, 4th District

Richard Anderson, 5th District

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 - Final

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, August 11, 2020	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

REGULAR MEETING: 9:00 AM

Rollcall

The following Supervisors attended by remote:

Heidi Hall, 1st District

Ed Scofield, 2nd District

Dan Miller, 3rd District

Sue Hoek, 4th District

Richard Anderson, 5th District

STANDING ORDERS:

Chair Hall called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Supervisor Miller, District III.

Chair Hall made a personal statement regarding the Black Lives Matter peaceful protest on Sunday, August 9, 2020 in Nevada City where protesters came under physical attack.

Corrections and/or deletions to agenda.

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

SCHEDULED ITEM: 9:01 A.M.**Building Director: Craig Griesbach**

1. [SR 20-3313](#) Resolution recognizing July 26, 2020 as the 30th anniversary of the signing of the Americans with Disabilities Act by President George H.W. Bush. (Ms. Ana Acton, Executive Director, FREED Center for Independent Living)

Adopted.

Enactment No: RES 20-350

ACTION TAKEN: Mr. Craig Griesbach, Building Director, provided background information regarding the Americans with Disabilities Act (ADA) and spoke to the changes the ADA has brought to the building community.

Ms. Ana Acton, Executive Director, FREED Center for Independent Living (FREED), who provided an overview of the services provided by FREED and the changes and benefits that have occurred since the passage of the ADA.

Mr. Carl Sigmund, who spoke to the importance of the ADA to open opportunities, smash barriers, and eliminate discrimination for people with disabilities and all marginalized groups.

Board discussion ensued. The Board thanked Mr. Sigmund and Ms. Acton for their presentation and for their important work in the community.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hoek, to adopt Resolution 20-350. On a roll call vote the motion passed unanimously.

CONSENT CALENDAR:**Behavioral Health Director: Phebe Bell**

2. [SR 20-3327](#) Resolution approving Amendment 3 to the contract between the County of Nevada and Aegis Treatment Centers, LLC. for the provision of a Drug Medi-Cal outpatient Narcotic Treatment Program for referred clients of the Nevada County Behavioral Health Department (Res. 19-472), increasing maximum contract price from \$367,000 to \$393,661 for Fiscal Year 2019/20 due to an unexpected increase in services, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 20-351

3. [SR 20-3329](#) Resolution approving a renewal agreement between the County of Nevada and Common Goals, Inc. for the provision of outpatient rehabilitative treatment services for the recovery and treatment of alcohol/drug dependency, in the maximum amount of \$637,800, for the period July 1, 2020 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 20-352

4. [SR 20-3328](#) Resolution approving a renewal agreement between the County of Nevada and Granite Wellness Centers for the provision of Perinatal and Non-Perinatal Outpatient Drug Free Treatment and Intensive Outpatient Treatment Services for substance using pregnant and/or parenting women, men, and adolescents, Comprehensive Residential Treatment Program Services for the recovery of alcohol/drug dependency, and Substance Abuse Prevention and Treatment Services to residents of Nevada County, in the maximum amount of \$2,197,029 for the period July 1, 2020 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 20-353

Public Health Director: Jill Blake

5. [SR 20-3330](#) Resolution approving Agreement 19-11107 between the County of Nevada and the California Department of Public Health, Office of AIDS, for HIV Care Program COVID Relief Services, in the maximum amount of \$10,604, for the period April 15, 2020 through March 31, 2021, authorizing the Chair of the Board of Supervisors to execute the Agreement, and directing the Auditor-Controller to amend the Fiscal Year 2020/21 Public Health Department budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 20-354

Director of Social Services: Rachel Roos

6. [SR 20-3204](#) Resolution approving an agreement between the County of Nevada and Shona Torgrimson dba Helping Hands Nurturing Center for the provision of Nurturing Parenting Program Services as referred to by CalWORKS, in the maximum amount of \$74,000, for the period July 1, 2020 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 20-355

Child Support Services, Collections, and Housing Director: Mike Dent

7. [SR 20-3324](#) Resolution approving Amendment 2 to Standard Agreement 20F-3029 between the County of Nevada and the State Department of Community Services and Development for funding of 2020 Community Services Block Grant Programs to meet the needs of low-income residents (Res. 20-011), increasing the maximum amount payable from \$308,870 to \$311,667 through May 31, 2021, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Housing)
Adopted.
Enactment No: RES 20-356
8. [SR 20-3325](#) Resolution approving the submittal of an application to the Community Development Block Grant for Coronavirus Response Round 1 (CDBG-CV1) funding in the amount of up to \$257,134, and upon receipt of a grant agreement the Director of Health and Human Services will return to the Board of Supervisors for acceptance of the grant, and at which time the Director of Health and Human Services is authorized to execute the standard agreement with the State of California for the purposes of this grant. (Housing)
Adopted.
Enactment No: RES 20-357
9. [SR 20-3334](#) Resolution approving a contract between the County of Nevada and Foothills House of Hospitality, dba Hospitality House related to providing recuperative care and low-barrier shelter services to eligible homeless participants, in the maximum amount of \$260,000, for the period July 1, 2020 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the contract. (Housing)
Adopted.
Enactment No: RES 20-358

Sheriff-Coroner/Public Administrator: Shannan Moon

10. [SR 20-3309](#) Resolution approving Amendment 4 to Cooperative Law Enforcement Agreement 17-LE-1105-1360-018 between the Nevada County Sheriff's Office and the U.S.D.A. Forest Service, Tahoe National Forest (Res. 17-154), incorporating Modifications No. 007 and 008, adopting the 2020 Annual Operating and Financial Plan related to campground patrol and controlled substances, in an amount not to exceed \$12,739.17 as detailed in the new Exhibit "A" and \$12,000 in the new Exhibit "B", for a combined amount not to exceed \$24,739.17, for the period beginning October 1, 2019 through September 30, 2020, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 20-359

Treasurer-Tax Collector: Tina Vernon

11. [SR 20-3304](#) Resolution authorizing the increase of the deficiency or overage payment of property taxes tendered from the Cash Difference Fund or Overage Fund from \$10 to \$20 in accordance with Revenue and Taxation Code 2611.5, and rescinding Resolution 11-362.

Adopted.

Enactment No: RES 20-360

Chief Probation Officer: Michael Ertola

12. [SR 20-3323](#) Resolution approving a renewal contract between the County of Nevada and Turning Point Community Programs to provide Peer Support Specialist Services for Adult Drug Court participants in their recovery from alcohol/drug dependency and related involvement with the criminal justice system, in the maximum amount of \$65,683, for the period July 1, 2020 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 20-361

Director of Public Works: Trisha Tillotson

13. [SR 20-3318](#) Resolution approving an amendment to the Finance Letter authorizing an increase in funding in the amount of \$250,000 for Federal Aid Project Number BRLO-5917(084) (Res. 14-197), for a new total amount of \$775,000 for the Bear River at Dog Bar Road Bridge Project - County Project No 224024. (Dist. II)
Adopted.
Enactment No: RES 20-362
14. [SR 20-3321](#) Resolution approving an amendment to the Finance Letter authorizing an increase in funding in the amount of \$70,000 for Federal Aid Project Number BRLO-5917(092) (Res. 16-151), for a new total amount of \$608,800 for the Right-of-Way phase of the Truckee River at Hirschdale Road Bridge Project - County Project No 224029.
(Dist. V)
Adopted.
Enactment No: RES 20-363
15. [SR 20-3322](#) Resolution approving an amendment to the Finance Letter authorizing an increase in funding in the amount of \$200,000 for Federal Aid Project Number BRLO-5917(097) (Res. 16-379), for a new total amount of \$467,740 for the Right-of-Way phase of the United Pacific Railroad (UPRR) at Hirschdale Road Bridge Project - County Project No 224030. (Dist. V)
Adopted.
Enactment No: RES 20-364
16. [SR 20-3319](#) Resolution approving an amendment to the Finance Letter authorizing an increase in funding in the amount of \$112,044.78 for Federal Aid Project Number BRLO-5917(045), for a final total amount of \$1,883,880.78 for the Canyon Creek at Maybert Road Bridge Project - County Project No 224017.
(Dist. V)
Adopted.
Enactment No: RES 20-365
17. [SR 20-3320](#) Resolution approving an amendment to the Finance Letter authorizing the increase in funding in the amount by \$1,493,177 for Federal Aid Project Number HSIPL-5917(103) (Res. 20-024), for a new total amount of \$1,520,200 for the High Friction Surface Treatment Project - County Project No 225034.
(Dists. I, II, III and IV)
Adopted.
Enactment No: RES 20-366

Individual Board Member Item: Supervisor Heidi Hall, District I

18. [SR 20-3341](#) Request to send a Letter of Support for Senate Bill (SB) 67 (McGuire) as amended: Cannabis Appellations Program.
Approved.

Clerk of the Board: Julie Patterson Hunter

19. [SR 20-3311](#) Resolution appointing Ms. Jan Clark as member to the Kingsbury Greens Community Services District Board, for an unexpired term ending December 3, 2021.
Adopted.
Enactment No: RES 20-367
20. [SR 20-3331](#) Acknowledge Supervisor Hoek's acceptance of Mr. Joseph Byrne's resignation from the Nevada County Historical Landmarks Commission, effective July 6, 2020, and acknowledge Supervisor Hoek's appointment of Mr. Charles Scimeca, effective July 28, 2020, as a District IV representative to the Nevada County Historical Landmarks Commission.
Acknowledged.
21. [SR 20-3332](#) Reappointments of Ms. Anne Rarick, as a Family representative, and Mr. Iden Rogers, as a Consumer representative, to the Mental Health and Substance Use Advisory Board, for 3-year terms ending June 30, 2023.
Reappointed.
22. [SR 20-3306](#) Acceptance of Board of Supervisors Summary Minutes for July 28, 2020.
Accepted.

ACTION TAKEN: Chair Hall introduced the consent calendar.

Ms. Julie Patterson Hunter read public comment in support of Agenda Item #18 from Mr. Jonathan Collier, District I resident.

Approval of the Consent Agenda

Adopted.

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

PUBLIC COMMENT: 9:15 A.M.

[SR 20-3381](#) Public Comment was received. Ms. Julie Patterson Hunter, Clerk of the Board, read letters from the following people into the record: Board of Directors of the San Juan Ridge Taxpayers Association; Ms. Kim James, District I resident; comment from District I resident; Ms. Irmela Lathe, County resident; Ms. Cindy Johnson, Assistant Pastor at Bethel Church; and Ms. Irene Travis, District IV resident.

Ms. Patterson-Hunter provided the information that many comments were received and distributed to all Board members and that all comments will be uploaded to the minutes of the meeting.

DEPARTMENT HEAD MATTERS:*Chief Information Officer: Stephen Monaghan**

23. [SR 20-3211](#) Acceptance of the Nevada County Enterprise Information Security Program informational presentation.
Accepted.

ACTION TAKEN: Mr. Jason Jones, Senior Information Systems Analyst, provided an annual update regarding the Nevada County Enterprise Security Program, listing ways computer operating environments have been affected in the past year. Mr. Jones reported that many cities and counties have had data breaches or attacks with "ransomware", and he reviewed ways in which Nevada County is currently working to reduce cybersecurity risk, and ways to reduce risk in the future.

Board questioning and discussion ensued.

No public comment was received for this item.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Scofield, to accept the Nevada County Enterprise Information Security Program informational presentation. On a voice vote the motion passed unanimously.

County Executive Officer: Alison Lehman

- 24a. [SR 20-3296](#) Approval of the Board of Supervisors' responses to the Fiscal Year 2019/20 Nevada County Civil Grand Jury Report, dated May 29, 2020, entitled Report on Responses to the 2018/2019 Grand Jury Report: Nevada County Request for Proposal and Procurement Practices.
Approved.

ACTION TAKEN: Ms. Alison Lehman, County Executive Officer, introduced Mr. Dave Anderson and Ms. Nancy Guerland, members of the Grand Jury. She expressed her appreciation for the work the Grand Jury does.

Ms. Mali Dyck, Assistant County Executive Officer, provided a presentation with an overview of the purpose of the Grand Jury and reviewed some of the functions of the Grand Jury. Ms. Dyck summarized the Board of Supervisors' responses to the Grand Jury reports regarding: 1) Request for Proposal and Procurement Practices, and 2) Wildfire Prevention: Let's Treat it as if our Lives Depend On It.

Chair Hall thanked Mr. Anderson and Ms. Guerland for coming to the meeting today and thanked all of the people who volunteer to participate on the Grand Jury.

Board questioning and discussion ensued.

Ms. Marcia Salter, Auditor-Controller, responded to questions regarding the internal process for the audit of County contracts. Ms. Kit Elliott, County Counsel, also responded that she felt the County is complying with the State and Federal requirements for audits of contracts.

Mr. Paul Cummings, Office of Emergency Services Program Manager, responded to questions regarding wildfire inspections.

No public comment was received for this item.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hoek, to approve the Board of Supervisors response to the Grand Jury Report entitled Nevada County Request for Proposals. On a voice vote the motion passed unanimously.

- 24b. [SR 20-3339](#) Approval of the Board of Supervisors' responses to the Fiscal Year 2019/20 Nevada County Civil Grand Jury Report, dated June 5, 2020, entitled Wildfire Prevention: Let's Treat It as If Our Lives Depend on It.
Approved.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Hoek, to approve the Board of Supervisors response to the Grand Jury Report entitled Wildfire Prevention: Let's Treat It as If Our Lives Depend on it. On a voice vote, the motion passed as follows: Ayes: Supervisors Hoek, Miller, Scofield and Hall. Noes: Supervisor Anderson.

***CLOSED SESSIONS:**

[SR 20-3355](#) Pursuant to Government Code section 54956.8, the Board of Supervisors desires to hold a closed session regarding real property negotiations. The negotiator for the County is Steve Monaghan, Chief Information Officer/Director of Information and General Services. Items under negotiation concern the price and terms of payment, and the property interest to be obtained, for property located at 13192 Brunswick Rd., Grass Valley, CA 95945. (APN 006-481-004)

The negotiator for the following property on behalf of the property owners, John and Shirley Fernandez Trustees, is John Fernandez:
13192 Brunswick Rd., Grass Valley, CA 95945 (APN 006-481-004)

[SR 20-3356](#) Pursuant to Government Code section 54956.8, the Board of Supervisors desires to hold a closed session regarding real property negotiations. The negotiator for the County is Steve Monaghan, Chief Information Officer/Director of Information and General Services. Items under negotiation concern the price and terms of payment, and the property interest to be obtained, for properties located at:
628 S. Auburn Street, Grass Valley, CA (APN 029-241-028)
13413 Highway 49, Grass Valley, CA (APN 023-070-068)

The negotiator for the following properties on behalf of the property owner, Pitamber Ramesh Trustee, is Anita Pitamber Mirpuri:
628 S. Auburn Street, Grass Valley, CA (APN 029-241-028)
13413 Highway 49, Grass Valley, CA (APN 023-070-068)

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

Recess for lunch: included during the Closed Sessions.

ACTION TAKEN: Following closed session, Ms. Katharine Elliot, County Counsel, reported the following:

Regarding the closed session 20-3355, authority to negotiate an agreement to purchase properties located at 13192 Brunswick Road, Grass Valley was approved and direction was given to staff.

Regarding the closed session 20-3356 the Board of Supervisors authorized the County to enter into an exclusive right and option to purchase properties located at 628 South Auburn Street, Grass Valley and 13413 Highway 49, Grass Valley. A motion was made by Supervisor Scofield to authorize the Chair to sign the exclusive right and option to purchase, seconded by Supervisor Anderson. The motion passed unanimously and authority was given to the Chair to sign.

***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.

Supervisor Scofield commented that tomorrow would usually be the opening of the Nevada County Fair and spoke of supporting the junior exhibitors with their Ag Mechanics projects and junior livestock auction and encouraged everyone to go to the virtual auction starting Thursday August 13th through August 15th on the Nevada County Fair website.

AFTERNOON SESSION: 1:30 P.M.***DEPARTMENT HEAD MATTERS:****Public Health Director: Jill Blake**

25. [SR 20-3326](#) Acceptance of the 2019 Novel Coronavirus (COVID-19) informational presentation.
Accepted.

ACTION TAKEN: Ms. Jill Blake, Public Health Director, provided a presentation including Disease Reporting and County Monitoring List.

Dr. Richard Johnson, Interim Public Health Officer, covered the numbers in the County and the State and he gave some background information regarding the facts that public health decisions are based on. He reported on the effects of COVID-19 relating to children, and potential long-term effects resulting from COVID-19. Dr. Johnson reminded the public of the measures that should be taken to reduce the spread of COVID-19.

Board questioning and discussion ensued.

In response to questions, Dr. Johnson responded that the situation in Nevada County could get easily overwhelmed because of limited medical facilities and staff.

Public Comment was received from Ms. Lillian Jameson, District 5 resident.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Miller, to accept the 2019 Novel Coronavirus (COVID-19) information presentation. On a voice vote the motion passed unanimously.

Community Development Agency Director: Sean Powers

26. [SR 20-3359](#) (Introduce/Waive further reading/Adopt) An uncodified temporary Urgency Ordinance authorizing certain enforcement actions related to orders issued by the County Environmental Health Director, State and Local Public Health Officers, and the Governor of California regarding the novel coronavirus (COVID-19). (4/5 affirmative vote required)
Failed for lack of 4/5 affirmative vote

ACTION TAKEN: Mr. Sean Powers, Community Development Agency Director, provided a presentation regarding the Temporary Urgency Ordinance to enforce orders issued by the Public Health Officer regarding the Novel Coronavirus (COVID-19). These orders are necessary to protect the public and slow the spread; sustain efforts to keep off the State's monitoring list; and protect competition with the businesses that comply. The proposed Ordinance would help with administrative fines and penalties to increase compliance, and is preferable over closing a business or seeking criminal sanctions. The Ordinance would focus on the egregious outlier and repeat violators only, and does not apply to citizens who choose not to wear a mask in public.

Ms. Amy Irani, Environmental Health Director, added that the business in Nevada County are 99% in compliance. She thanked all the business facilities who are continuing to comply for the safety of our community, adding that the Ordinance is a tool that would be the last resource.

Mr. Powers reviewed the changes in the Ordinance and the fine structure that were requested by the Board at the July 28th meeting.

Board questioning and discussion ensued.

Ms. Julie Patterson Hunter reported that the Board has received a number of public comments for this item. She read the following public comments in opposition into the record; Owners of Sergios Restaurant, District III; Mr. Alfred Jones, District III resident; Ms. Nancy Brost, District I resident; Mr. Patrick Fogarty, District II resident; Ms. Paula Farrell, District IV resident; Rich and Madelene Testa, District III resident; Tom and Deborah Chaney, District I residents; Ms. Bonnie Chase, District III resident; Ms. Cindy Olson, District II resident; and Mr. Norman Wolfer, District II resident. Ms. Patterson Hunter read the following public comments in support into the record: Ms. Judith Hill-Weld, District I resident; Mr. Mark Filimonov, District I resident; Ms. Ellen Davis, County resident; and Ms. Rachele Bloksberg, District I resident. Ms. Patterson Hunter reported that there were 214 comments received in support of the Ordinance and 298 received in opposition.

Chair Hall closed public comment.

Board questioning and discussion ensued. Supervisor Miller believed the Ordinance was a necessary tool to help the County deal with the few violators. He expressed concern over the high level of the fines and requested they be lowered to \$500, \$2,500 and \$5,000.

Supervisor Scofield commented on the difficulties with the inability for the public to comment in-person; he felt that unless Nevada County is on the Governor's monitoring list, the Ordinance is not urgent.

Supervisor Anderson's belief was that the businesses who were in violation were gaining benefits,

and the Ordinance would essentially level the playing field for businesses.

Supervisor Hoek agreed with Supervisor Scofield that the inability for the public to come and speak was making things difficult. She supported Environmental Health's efforts to help businesses be compliant, but would like input from business owners in order to know the issues they are struggling with. She called for the members of our community to respect each other and work together. She was not in favor of the Ordinance and suggested that it be tabled to a later date.

Chair Hall reviewed the reasons this Ordinance was brought forward at the July 28th meeting, and that it was delayed for requested changes. She would also like public comment to be in person; however, the fact that the Board received about 500 comments showed that the public is able to engage with the Board. She reported that the reason the Ordinance was initially brought to the Board was per requests from County staff and from local businesses who are in compliance who don't appreciate that there are a few businesses making money by defying the orders.

Board questioning ensued.

Ms. Katharine Elliott, County Counsel, stated that other than this Ordinance the only remedies the County currently has are to charge violators with misdemeanors which go to criminal court or orders to shut down. This Ordinance would provide a lesser remedy that would be at a lower level than the options currently available to the County through State law.

MOTION: Motion made by Supervisor Hoek, seconded by Supervisor Scofield, to to table the Urgency Ordinance. On a roll call vote the motion failed as follows: Ayes - Supervisors Scofield and Hoek, Noes - Supervisors Anderson, Miller and Hall.

Ms. Irani provided comments on the businesses she has worked with to come into compliance and reported on the very few who are simply defiant of the State orders. She reiterated that this is a tool to be used absolutely as a last resort for those very few.

Board discussion continued.

Chair Hall called for a motion on the Urgency Ordinance.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to Introduce, Waive further reading and Adopt the Urgency Ordinance with the fine changes lowering the fine structure to \$500, \$2,500 and \$5,000 and with clarification of the wording regarding wearing masks. On a roll call vote the motion failed for lack of a 4/5 affirmative vote as follows: Ayes: Supervisors Anderson, Miller and Hall; Noes: Supervisors Scofield and Hoek.

ADJOURNMENT:

ACTION TAKEN: Chair Hall adjourned the meeting at 4:38 P.M.

Signature and Attestation

Heidi Hall, Chair

ATTEST:

By:

Lelia Lucchetti-Loomis, Deputy Clerk to the Board