

# COUNTY OF NEVADA

## STATE OF CALIFORNIA

*Supervisor Heidi Hall, District I*  
*Supervisor Ed Scofield, District II*  
*Chair Dan Miller, District III*  
*Vice Chair Susan Hoek, District IV*  
*Supervisor Hardy Bullock, District V*

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*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, January 12, 2021	9:00 AM	Remote Meeting Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

- UNLESS INDICATED, THE VOTE WAS UNANIMOUS -

### REGULAR MEETING: 9:00 AM

*Rollcall. The following Supervisors present:*

*Heidi Hall, 1st District*  
*Ed Scofield, 2nd District*  
*Dan Miller, 3rd District*  
*Susan Hoek, 4th District*  
*Hardy Bullock, 5th District*

### STANDING ORDERS:

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

Pledge of Allegiance held.

No corrections and/or deletions to agenda were noted.

Chair Hall led a moment of silence held in memory of Laura Wilcox, Michael Markle, and Pearlle Mae Feldman. She shared the Board's condolences to the families who have lost family members due to the COVID-19 pandemic, and provided a statement regarding the loss of lives during the tragic insurrection at the United States Capital Building on January 6, 2021.

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**BOARD MEMBER ITEMS:**

1. [SR 21-0015](#) Selection of Chair and Vice Chair for 2021.  
**Appointed.**

**MOTION:** Motion made by Supervisor Scofield, and seconded by Supervisor Hoek, to appoint Supervisor Dan Miller, District III, Chair for 2021. On a roll call vote, the motion passed unanimously.

**MOTION:** Motion made by Supervisor Miller, and seconded by Supervisor Scofield, to appoint Supervisor Sue Hoek, District IV, Vice Chair for 2021. On a roll call vote, the motion passed unanimously.

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2. [SR 21-0016](#) Recognition of Chair Heidi Hall.  
**Recognized.**

**ACTION TAKEN:** The Board members thanked Supervisor Hall for her leadership throughout 2020. Ms. Alison Lehman, County Executive Officer, thanked Supervisor Hall both personally, and on behalf of County staff, for her leadership throughout the past year, acknowledging the year's challenges. Chair Hall thanked the Board members and staff for their support of her role as the Chair of the Board in 2020.

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**CONSENT CALENDAR:**

Behavioral Health Director: Phebe Bell

3. [SR 21-003](#) Resolution approving Amendment A01 to Agreement 18-95261, known as the County Mental Health Services Performance Contract, between the County of Nevada and the California Department of Health Care Services whereby the County agrees to provide mental health services to cover the entire area of the County and to comply with all programmatic and state/federal funding requirements (Res. 19-563), modifying the terms and conditions of the original contract to include the Substance Abuse Prevention and Treatment Block Grant (SABG), incorporating the SABG County Application by reference, and clarifying the Contractor's name, for the period July 1, 2018 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the Amendment.  
**Adopted.**  
Enactment No: RES 21-001

Director of Social Services: Rachel Roos

4. [SR 21-004](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Common Goals, Inc. for the provision of drug testing and alcohol/drug treatment services for Child Welfare Services (Res. 19-438), increasing the maximum contract price from \$60,000 to \$80,000, for the period July 1, 2019 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

**Adopted.**

Enactment No: RES 21-002

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

5. [SR 21-005](#) Resolution amending the approval of the submittal of an application for funding and the execution of a grant agreement and any amendments thereto pertaining to the Community Development Block Grant Coronavirus Response Round 1 funding, in the amount of up to \$257,134. (Housing)

**Adopted.**

Enactment No: RES 21-003

6. [SR 21-0022](#) Resolution reaffirming and approving the submittal of an application for funding and the execution of a grant agreement and any amendments thereto from the 2019/2020 funding year of the State Community Development Block Grant (CDBG) Program (Res. 20-087), in an amount of up to \$1,979,500. (Housing)

**Adopted.**

Enactment No: RES 21-004

Sheriff-Coroner/Public Administrator: Shannan Moon

7. [SR 21-006](#) Resolution authorizing a contract between the County of Nevada and OVC, LLC to provide customized Mobile Application Software, for a total amount of \$53,975, for the period January 1, 2021 through December 31, 2026, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2020/21 Sheriff's Administration budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 21-005

Chief Probation Officer: Michael Ertola

8. [SR 21-011](#) Resolution approving an agreement between the Nevada County Probation Department and the City of Grass Valley for AB109 police officer services, with a distribution of Nevada County AB109 Realignment funds to the City in the maximum amount not to exceed \$20,000, 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 21-006

Director of Public Works: Trisha Tillotson

9. [SR 21-0012](#) Resolution authorizing Environmental Clearance for the Egress/Ingress Fire Safety Project, and authorizing the Nevada County Department of Public Works to file a Notice of Exemption with the Nevada County Clerk-Recorder's office.

**Adopted.**

Enactment No: RES 21-007

10. [SR 21-0037](#) Resolution approving Agreement 64VO20-01310 between the County of Nevada and the State of California Department of Transportation (Caltrans), accepting the award of grant funding in the amount of \$826,475 for Coronavirus Aid, Relief, and Economic Security (CARES) Act Phase II Federal Transit Administration (FTA) Section 5311 (49 U.S.C. Section 5311) for Fiscal Year 2020/21 (2020) to support operating assistance projects for non-urbanized public transportation systems, with a contract period of January 20, 2020 through June 30, 2025, and authorizing the Chair of the Board of Supervisors to execute the Agreement. (Transit Services)

**Adopted.**

Enactment No: RES 21-008

11. [SR 21-0056](#) (Waive further reading/Adopt) An Ordinance amending sections L-XVII 1.1, L-XVII 1.3, L-XVII 3.4, and L-XVII 3.12 of Chapter XVII of the Land Use and Development Code, pertaining to Road Standards.

**Waived further reading and adopted.**

Enactment No: ORD-2488

Chief Information Officer: Stephen Monaghan

12. [SR 21-0027](#) Resolution approving the bid construction documents and specifications for the Nevada County Administrative Building Elevator Modernization Project located at 950 Maidu Avenue, Nevada City, authorizing the Board Chair to sign the documents, and directing the Purchasing Agent to solicit bids for this Project. (Facilities)  
**Adopted.**  
Enactment No: RES 21-009

County Counsel: Katharine L. Elliott

13. [SR 21-0036](#) Resolution approving Amendment 1 to contract between the County of Nevada and Goodin, MacBride, Squeri & Day, LLP for the provision of legal services, increasing the amount by \$25,000 for a maximum contract price of \$65,000, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2020/21 County Counsel General Fund budget. (4/5 affirmative vote required)  
**Adopted.**  
Enactment No: RES 21-010

Clerk of the Board: Julie Patterson Hunter

14. [SR 21-0024](#) Review and adoption of the Board of Supervisors Meeting Schedule for 2021.  
**Adopted.**
15. [SR 21-001](#) Acknowledge Supervisor Dan Miller's appointment of Ms. Patti Ingram Spencer as his District III representative to the Nevada County Planning Commission.  
**Acknowledged.**
16. [SR 21-0028](#) Acknowledge District IV Supervisor Sue Hoek's acceptance of the resignation from Mr. Mike Mastrodonato as a member on the Municipal Advisory Council, Penn Valley Area.  
**Acknowledged.**
17. [SR 21-0018](#) Acknowledge Supervisor Sue Hoek's acceptance of the resignation from Mr. Rich Johansen as District I representative on the Nevada County Planning Commission, and acknowledge the appointment of Mr. Mike Mastrodonato as the District IV representative on the Nevada County Planning Commission.  
**Acknowledged.**

18. [SR 21-0017](#) Approve the appointment of Ms. Phebe Bell, Behavioral Health Director, as a member to the First 5 Nevada County Children and Families First Commission for a two-year term ending October 31, 2022.  
**Appointed.**
19. [SR 21-0026](#) Approve the appointment of Ms. Bethany Wilkins as a member to the Mental Health and Substance Use Advisory Board for an unexpired three-year term ending June 30, 2023.  
**Appointed.**

*Approval of the Consent Agenda*

**Adopted.**

**MOTION: Motion made by Supervisor Hall, and seconded by Supervisor Scofield, to approve the Consent Calendar. On a roll call vote, the motion passed unanimously.**

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**PUBLIC COMMENT:**

ACTION TAKEN: Public comment received from Mr. Tony Lauria, District 1 resident, was read into the record.

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**INDIVIDUAL BOARD MEMBER ITEMS:**

**Supervisor Ed Scofield, District II**

20. [SR 21-0032](#) Approval of the Joint Jurisdictional Certificate of Recognition for Nevada County Transportation Commission Executive Director Dan Landon for over 30 years of dedicated public service, and authorizing the Chair of the Board of Supervisors to sign the Certificate.  
**Approved.**

ACTION TAKEN: Ms. Trisha Tillotson, Public Works Director, provided comments regarding Mr. Dan Landon's many years of service to Nevada County Transportation Commission (NCTC), and other organizations, for the benefit of the County of Nevada and the Nevada County community. She explained that the County of Nevada, City of Grass Valley, City of Nevada City, and the Town of Truckee have partnered to present a joint Certificate of Recognition to Mr. Landon.

Supervisor Scofield commented that he has represented the Board as a member of NCTC since he first became elected, and spoke of Mr. Landon's professional leadership as the Executive Director of NCTC, and how his efforts have positively affected the entire County and other jurisdictions.

The Board members, Ms. Alison Lehman, County Executive Officer, and Mr. Michael Woodman, Deputy Executive Director, NCTC, thanked Mr. Landon for his service to the community. Mr. Landon thanked the Board for the recognition.

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### **Supervisor Dan Miller, District III**

21. [SR 21-0033](#) Approval of the Certificate of Recognition for Grass Valley City Council Member Howard Levine for his many years of dedicated public service.  
**Approved.**

ACTION TAKEN: Chair Miller provided comments regarding Mr. Howard Levine's many contributions to the City of Grass Valley, and the Board members thanked Mr. Levine for his years of service to the City of Grass Valley, and remembered Mr. Levine's late wife, Ms. Peggy Levine, as well, for her efforts on behalf of the Nevada County community. Mr. Levine thanked the Board for their kind words and recognition.

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### **\*DEPARTMENT HEAD MATTERS:**

#### **Public Health Director: Jill Blake**

22. [SR 21-0019](#) Resolution approving the contract between the County of Nevada and Alan Scott Kellermann, M.D. to serve as the Acting Public Health Officer and Acting Registrar for the County of Nevada, in the maximum amount of \$242,400, for the period January 12, 2021 through December 31, 2021, and authorizing the Chair of the Board of Supervisors to execute the contract.

**Adopted.**

Enactment No: RES 21-011

ACTION TAKEN: Ms. Jill Blake, Public Health Director, introduced Dr. Scott Kellermann. She reported that Dr. Kellermann has generously agreed to take on the role as the County's Public Health Officer, and she thanked those who held the position before Dr. Kellermann: Dr. Kenneth Cutler and Dr. Richard Johnson.

Dr. Kellermann thanked Ms. Blake for the introduction. He commented that he has met each of the Supervisors over the past years, and thanked the Board for the honor of serving as the Nevada County Public Health Officer. He reported on the challenges and limited resources facing Nevada County due to the COVID-19 pandemic. Dr. Kellermann saw a heavy-lift in front of him, but he knew that he could count on the Board, as well as other jurisdictions and organizations, to work together in the spirit of collaboration.

The Board members welcomed Dr. Kellermann, and thanked him for his dedication to Public Health.

**MOTION: Motion made by Supervisor Hall, and seconded by Supervisor Hoek, to adopt Resolution 21-011, appointing Dr. Scott Kellerman as the Nevada County Public Health Officer. On a roll call vote the motion passed unanimously.**

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**Acting Community Development Agency Director: Mali LaGoe**

23. [SR 21-0030](#) Resolution accepting the Local Early Action Planning (LEAP) Grants Program award in the amount of \$300,000 (Res. 20-303), and directing the Auditor-Controller to amend the Fiscal Year 2020/21 Building and Planning budgets in the amount of \$179,000. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 21-012

ACTION TAKEN: Mr. Brian Foss, Planning Director, and Mr. Craig Griesbach, Building Director, provided a PowerPoint presentation regarding the Local Early Action Planning (LEAP) grant, offered through the State Housing and Community Development Division. Mr. Foss reported that the purpose of the Program is to provide one-time grant funding to regions and jurisdictions for technical assistance, preparation and adoption of planning documents, and process improvements. The County has been awarded \$300,000; projects identified for the funding include Master Housing Plans, and an update to the Higgins Area Plan.

Mr. Griesbach reviewed the Housing Master Plan, which includes 6 master plans ranging from a tiny home to 3 bed/2 bath dwellings. Designs will be affordable and easy to construct by both seasoned contractors and/owner-builders. He stressed that the permit processing will be faster and permitting costs will be lower. Mr. Griesbach explained that the designs are catered to the needs of the Nevada County community.



Mr. Foss reported that the Higgins Area Plan is over 20 years old; the update to the Plan will guide the planning of the Area into the future. Mr. Foss suggested the timeline could be an 18-24 month process, and is expected to begin January 2021. He reported that staff will be holding many public workshops and steering committee meetings, as well as hiring consultants for public engagement and technical studies.

Mr. Foss requested the Board adopt the Resolution to accept the LEAP Grant Program award of \$300,000.

Board discussion and questioning ensued.

**MOTION: Motion made by Supervisor Scofield, and seconded by Supervisor Hall, to adopt Resolution 21-012. On a roll call vote the motion pass unanimously.**

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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: Chair Miller recessed the meeting at 10:33 a.m.

**AFTERNOON SESSION****SCHEDULED ITEM: 1:30 P.M.****Planning Director: Brian Foss**

24. [SR 21-0031](#) Public hearing to consider amendments to Chapter II of the Nevada County Land Use and Development Code Section L-II 3.3 and Section L-II 6.1 regarding banning Industrial Hemp. The amendments include the following: 1) Add the definition of Industrial Hemp to Section L-II 3.3, subsection B. 2) Add the prohibition of Industrial hemp in all zoning districts. 3) Clarify that Crop and Tree Farming, Section L-II 3.3; C (1) does not include the cultivation of Industrial Hemp. 4) Add the definition of Industrial Hemp to Section L-II 6.1, subsection I. 5) Clarify that the definition of Nursery, Retail and Nursery Wholesale, Section L-II 6.1, subsection N, does not include Industrial Hemp.

(Introduce/Waive further reading/Adopt) An Ordinance amending Zoning Regulations Sections L-II 3.3 and L-II 6.1 of Chapter II of the Nevada County Land Use and Development Code regarding Industrial Hemp cultivation.

**Waived further reading and adopted.**

Enactment No: ORD-2489

**ACTION TAKEN:** Following lunch recess, Chair Miller called the meeting back into order and Mr. Brian Foss, Planning Director, and Mr. Chris de Nijs, Agricultural Commissioner, provided a PowerPoint presentation regarding the Ordinance proposing to continue the ban on Industrial Hemp cultivation.

Mr. de Nijs explained that Hemp is a strain of the Cannabis sativa plant that contains no more than 0.3% THC, the psychoactive ingredient in Cannabis that causes the feeling of being 'high'. The plant cannot be distinguished from Cannabis in the field, which could cause issues for Law Enforcement and Code Compliance officers. It is used to create paper, textiles, clothing, biodegradable plastics, and cannabidiol (CBD). The 2018 Farm Bill was signed into law allowing hemp cultivation, although California's approval is still under review by the federal government, and Nevada County currently has no regulations in place for Industrial Hemp cultivation. Mr. de Nijs noted that there is very little regulatory oversight on the harvested product, and he stressed that today's request relates to the cultivation of Industrial Hemp.

Mr. Foss explained that regulations are needed at the State and County level; although they are continuing to evolve at the State. Industrial hemp does not fall under the County's allowed Medical Cannabis Cultivation Ordinance, and an additional issue is the likelihood of cross-pollination with cannabis. Mr. Foss clarified that the Board previously directed staff to codify the Industrial Hemp ban to allow time for the State program to be adopted; time for study of the compatibility with cannabis cultivation; and time to develop standards.

Mr. Foss reported on the proposed amendments to the Land Use and Development Code relating to Industrial Hemp cultivation, including an addition of the definition of Industrial Hemp. He explained that the Planning Commission approved the Ordinance on December 10, 2020, and recommended the Board adopt the proposed Ordinance.

Chair Miller opened the public hearing for public comment, and the following members of the public provided comments: Ms. Diana Gamzon, Executive Director, Nevada County Cannabis Alliance; Mr. Daniel, District IV resident; Mr. Abraham Valensky, District IV resident; Ms. Sarah Smale, District IV resident; Mr. Mark Shafer, District IV resident; Mr. John Foley, District IV resident; and Mr. Wade Laughter, District I resident. There being no further members of the public wishing to speak, Chair Miller closed the public comment portion of the public hearing.

Board questioning and discussion ensued. In response to Supervisor Hoek's question, Mr. de Nijs clarified that the ban addressed cultivation only; manufacturing of products from Hemp grown elsewhere is allowed under County Code.

**MOTION: Motion made by Supervisor Hoek, seconded by Supervisor Bullock, to introduce, waive further reading, and adopt Ordinance 2489. On a roll call vote, the motion passed unanimously.**

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**ADJOURNMENT:**

Chair Miller adjourned the meeting at 2:12 p.m.

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Signature and Attestation

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Dan Miller, Chair

ATTEST:

By:

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Julie Patterson Hunter, Clerk of the Board