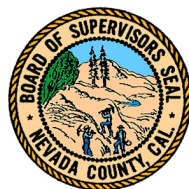


COUNTY OF NEVADA

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, February 28, 2023	9:00 AM	Remote Meeting Board Chambers, 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
Sue 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.

Corrections and/or deletions to agenda.

ACTION TAKEN: Clerk Tine Mathiasen reported that an errata agenda was published on February 23, 2023, removing Agenda Item No. 4 (SR 23-0257); a second errata agenda was published on February 27, 2023, removing Agenda Item No. 29 (23-0119) and establishing the remote format of the meeting; and Agenda Item No.2 (SR 23-0193) was amended prior to the meeting to clarify that the local emergency and local health emergency would terminate at the end of the day on February 28, 2023.

PUBLIC COMMENT:

[SR 23-0183](#) Public comment received.

ACTION TAKEN: Chair Scofield opened the opportunity for general public comment, and comments were received. There being no further members of the public waiting to speak, Chair Scofield closed public comment.

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

1. [SR 23-0172](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Shellee Ann Sepko, LMFT, dba What's Up? Wellness Checkups, for the Spectrum Project to provide LGBTQ+ youth and staff support in eastern and western Nevada County (PESQ4605), increasing the contract price from \$47,613 to \$77,126 to fund the provision of activities through the end of the fiscal year, revising Exhibit "B", Schedule of Charges and Payments, to reflect the increase in the maximum contract price, for the period September 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the amendment.

Adopted.

Enactment No: RES 23-076

Interim Public Health Director: Erin Mettler

2. [SR 23-0193](#) Resolution accepting the Nevada County Public Health Officer's request to terminate the local emergency (Res. 20-062) and the local health emergency (Res. 20-063) in Nevada County due to the potential introduction of COVID-19 in the County of Nevada.

Adopted as amended.

Enactment No: RES 23-077

Sheriff-Coroner/Public Administrator: Shannan Moon

3. [SR 23-0192](#) Resolution approving renewal Project Agreement G22-03-16-L01 between the County of Nevada and the State of California, Department of Parks and Recreation, pertaining to Off-Highway Vehicle (OHV) grant funding in the amount of \$34,409, for the period November 10, 2022 through November 9, 2023, and authorizing the Nevada County Sheriff to execute the agreement.

Adopted.

Enactment No: RES 23-078

Auditor-Controller: Gina Will

4. [SR 23-0257](#) Removed from the agenda.

Clerk-Recorder/Registrar of Voters: Natalie Adona

5. [SR 23-0262](#) Resolution approving the purchase and installation of a new mail sorter for the Nevada County Clerk-Recorder/Registrar of Voters Office, in the amount of \$324,074, with state reimbursement at a 3-1 match of County dollars, and directing the Auditor-Controller to amend the Fiscal Year 2022/2023 Elections budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 23-079

Community Development Agency Director/Interim Director of Public Works: Trisha Tillotson

6. [SR 23-0167](#) Resolution authorizing the Chair of the Board to sign the Invitation to Bid for the 2023 Nevada County Thermoplastic and MMA Safety Project, County Project Number 225037, granting the Public Works Director authority to incorporate any final changes into the bid documents before advertising for bids, and instructing the Purchasing Agent to advertise for bids in accordance with the applicable regulations with the bid opening date to be set by the Director of Public Works. (All Dists.)

Adopted.

Enactment No: RES 23-080

7. [SR 23-0199](#) Resolution authorizing the Chair of the Board to sign the Invitation to Bid for the 2023 Nevada County Annual Striping Project, County Project Number 426641, granting the Public Works Director authority to incorporate any final changes into the bid documents before advertising for bids, and instructing the Purchasing Agent to advertise for bids in accordance with the applicable regulations with the bid opening date to be set by the Director of Public Works. (All Dists.)

Adopted.

Enactment No: RES 23-081

8. [SR 23-0206](#) Resolution authorizing the Chair of the Board to sign the Invitation to Bid for the 2023 Road Rehabilitation Project, County Project Number 450011, granting the Public Works Director authority to incorporate final changes into the bid documents before advertising for bids, and instructing the Purchasing Agent to advertise for bids in accordance with the applicable regulations with the bid opening date to be set by the Director of Public Works. (Dists. I, II, and IV)

Adopted.

Enactment No: RES 23-082

9. [SR 23-0208](#) Resolution authorizing the Nevada County Public Works Director to submit the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application for grant funding in the total amount of \$1.4 million to fund the Rough and Ready Highway/Ridge Road/Adams Avenue Intersection Improvement Project. (Dist. III)
Adopted.
Enactment No: RES 23-083
10. [SR 23-0256](#) Resolution approving submittal of an application to the National Forests Foundation's 2023 Innovative Finance for National Forests grant program for funding in the amount of \$150,000 to fund an economic and financial feasibility study of in-depth cross-jurisdictional financing models and partnerships to support implementation of recreation and resiliency projects on Tahoe National Forest public lands in Nevada County, and authorizing the Community Development Agency Director to execute the application and other required documents. (Recreation)
Adopted.
Enactment No: RES 23-084
11. [SR 23-0202](#) Resolution authorizing the Chair of the Nevada County Board of Supervisors to execute Federal Fiscal Year 2023 Certifications and Assurances for Federal Transit Administration (FTA) Assistance Programs, including but not limited to sections 5309, 5310, 5311, 5311(f) and 5339, to support operating assistance projects for non-urbanized public transportation systems. (Transit Services)
Adopted.
Enactment No: RES 23-085

Acting Director of Cannabis and Code Compliance: Kelsey Hess

12. [SR 23-0250](#) Resolution accepting award of the California Governor's Office of Business and Economic Development, Local Jurisdiction Assistance grant funding in the amount of \$755,895.55 (Res. 22-579), for the Local Equity Grant Fund Program to assist local equity applicants and licensees through its local equity program for commercial cannabis activity, and authorizing the Community Development Agency Director to execute the grant agreement.
Adopted.
Enactment No: RES 23-086

Director of Information and General Services Agency: Stephen Monaghan

13. [SR 23-0264](#) Resolution retroactively authorizing the Director of Information and General Services Agency to submit a grant application to the California Department of Food and Agriculture Community Resilience Center Program, for funding in the minimum amount of \$5,000,000 for the improvement of Nevada County Libraries as Community Resilience Centers to better serve the community year-round and in times of emergency.

Adopted.

Enactment No: RES 23-087

Director of Office of Emergency Services: Craig Griesbach

- 14a. [SR 23-0263](#) Resolution accepting the Office of Emergency Services' request to terminate the Local Emergency and Local Public Health Emergency for the August 2021 River Fire (Res. 21-364).

Adopted.

Enactment No: RES 23-088

- 14b. [SR 23-0338](#) Resolution accepting the Office of Emergency Services request to terminate the local emergency for the December 2021 winter storm (Res. 21-541).

Adopted.

Enactment No: RES 23-089

County Counsel: Katharine L. Elliott

15. [SR 23-0116](#) (Introduce/Waive further reading) Ordinance amending, adding, and repealing non-substantive sections of the Nevada County Administrative Code.

First reading held.

County Executive Officer: Alison Lehman

16. [SR 23-0258](#) Resolution amending various Nevada County budgets through the second Consolidated Budget Amendment for Fiscal Year 2022/23. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 23-090

Clerk of the Board: Julie Patterson Hunter

17. [SR 23-0209](#) Approval by Board of Supervisors of the County of Nevada to delegate the Board's authority to the Planning Department to make determinations of Public Convenience or Necessity (PCN) for persons/premises applying for an Alcohol Beverage Control (ABC) license.

Approved.

18. [SR 23-0196](#) Acknowledge Supervisor Swarthout's reappointment of Elinor Barnes and Gerald Martini as District III representatives to the Nevada County Historical Landmarks Commission effective January 20, 2023.
Acknowledged.
19. [SR 23-0191](#) Approve the reappointments of Dee Murphy, as Chair to the Board of Supervisors representative, and Maralee Nelder and Jeffrey Guyton as Board of Supervisors representatives to the Board of Trustees of the Law Library for one-year terms ending January 31, 2024.
Reappointed.
20. [SR 23-0270](#) Acknowledge the resignation of Edy Cassell as Public Sector Member from the Adult and Family Services Commission, effective February 13, 2023.
Acknowledged.
21. [SR 23-0267](#) Acknowledge the resignation of Susan Healy-Harman as Public Member from the Nevada-Sierra Connecting Point Public Authority Governing Board, effective February 1, 2023.
Acknowledged.
22. [SR 23-0210](#) Acceptance of Board of Supervisors Summary Minutes for January 10 and 24, 2023; and acceptance of Board of Supervisors Summary Workshop Minutes for January 25, 26, and 27, 2023.
Accepted.

Approval of the Consent Agenda:

Adopted.

ACTION TAKEN: Chair Scofield introduced the consent calendar and provided an opportunity for public comment for items on the consent calendar, and comments were received.

MOTION: Motion made by Supervisor Bullock, and seconded by Supervisor Hoek, to adopt the consent calendar less Agenda Items No. 4 and No. 29, and to include the modifications to Agenda Item No. 2, which clarifies the local health and public health emergencies end at the end of today. On a roll call vote, the motion passed unanimously.

#####

Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.**Call the meeting to order:**

ACTION TAKEN: Chair Scofield adjourned as the Nevada County Board of Supervisors and called the regular meeting of the Nevada County Sanitation District No. 1 Board of Directors to order. All Directors were present.

#####

Consent:

23a. [SR 23-0201](#) Resolution amending various Nevada County Sanitation District No. 1 budgets for Fiscal Year 2022/23. (4/5 affirmative vote required)

Adopted.

Enactment No: SD23-002

23b. [SR 23-0211](#) Acceptance of Nevada County Sanitation District No. 1 Summary Minutes for December 6 and 13, 2022.

Accepted.

ACTION TAKEN: Chair Scofield introduced the consent calendar. Chair Scofield provided an opportunity for public comment on the items on consent, and no comments were received.

MOTION: Motion made by Director Hall, and seconded by Director Hoek, to adopt the consent calendar. On a roll call vote, the motion passed unanimously.

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Public comment:

[SR 23-0372](#) No public comment was received.

ACTION TAKEN: Chair Scofield opened public comment, and no comments were received.

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Adjournment:

ACTION TAKEN: Chair Scofield adjourned as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

INDIVIDUAL BOARD MEMBER ITEMS:**DISTRICT I SUPERVISOR, HEIDI HALL**

24. [SR 23-0176](#) Resolution proclaiming March 2023 as "Nevada County Women's History Month."

Adopted.

Enactment No: RES 23-091

ACTION TAKEN: Supervisor Hall introduced and read Resolution proclaiming March 2023 as "Nevada County Women's History Month" into the record, celebrating women's leadership and contribution throughout Nevada County's history and up to present times.

The Board members acknowledged the contributions of the women of Nevada County.

Pamela Biery, local writer and historian, reported on events happening locally to celebrate Women's History Month. A highlight of the month is the showing of the film, "Who is Sarah Kidder?" written by Pamela Biery and produced by Nevada Union High School Broadcast Club, will be shown at the Nevada County Narrow Gauge Railroad Museum. Pamela Biery also shared a PowerPoint regarding the life of Ellen Clark Sargent, which is also available for viewing at the Museum. John Christensen, Director, Nevada County Narrow Gauge Railroad Museum, thanked the Board for recognizing the contribution of Nevada County's women.

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

MOTION: Motion made by Supervisor Hall, and seconded by Supervisor Swarthout, to adopt Resolution 23-091, proclaiming March 2023 as "Nevada County Women's History Month." On a roll call vote, the motion passed unanimously.

25. [SR 23-0255](#) Resolution acknowledging February 11, 2023 as "International Day of Women and Girls in Science."

Adopted.

Enactment No: RES 23-092

ACTION TAKEN: Supervisor Hall read the Resolution acknowledging February 11, 2023 as "International Day of Women and Girls in Science" into the record.

Supervisor Hall recognized the many women in Nevada County working in the fields of Science, Technology, Engineering, and Math, (STEM), and introduced Alecia Weisman, Headwaters Science Program Director at South Yuba River Citizens League (SYRCL), and Teran Baker, a Nevada Union High School Senior who is excelling in science studies. Alecia Weisman and Teran Baker thanked the Board for acknowledging women studying and working in the fields of science.

Board questioning and discussion ensued.

Chair Scofield provided an opportunity for public comment and no comment was provided.

MOTION: Motion made by Supervisor Hall, and seconded by Supervisor Hoek, to adopt Resolution 23-092, acknowledging February 11, 2023 as "International Day of Women and Girls in Science." On a roll call vote, the motion passed unanimously.

***DEPARTMENT HEAD MATTERS:**

Public Defender: Keri Klein

27. [SR 22-1664](#) Resolution proclaiming March 18, 2023 as "Public Defense Day" in Nevada County.
Adopted.
Enactment No: RES 23-093

ACTION TAKEN: Alison Lehman, County Executive Officer, reported that the Board meeting was ahead of schedule, and recommended that Item No. 27 be moved forward on the agenda.

Keri Klein, Public Defender, provided a PowerPoint presentation regarding National Public Defense Day. Public Defender Klein reported that today is the 60th anniversary of the case that led to National Public Defense Day, "Gideon v. Wainwright," the landmark case in which the Supreme Court ruled that states are required to provide legal counsel to indigent defendants charged with a felony. Although it is now a requirement for indigent individuals to receive legal services, there is no federal funding for states and/or counties to provide this representation.

Nevada County has had a Public Defender's office for at least the past 5 decades, and represents indigent people who are accused of committing crimes and as well as people who are facing different types of mental health commitments.

Under Public Defender Klein's vision, the office has moved towards one that provides a client-centered focus with an emphasis on transitioning clients out of the criminal legal system. Public Defender Klein reported on the work of the Public Defender's office, highlighting client's successes and acknowledging their continued struggles. Public Defender Klein concluded her presentation and thanked the Board for providing her the opportunity to speak about the work of the Public Defender's office.

Board questioning and discussion ensued.

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

MOTION: Motion made by Supervisor Bullock, and seconded by Supervisor Hall, to adopt Resolution 23-093, acknowledging March 18, 2023 as "Public Defense Day" in Nevada County. On a roll call vote, the motion passed unanimously.

SCHEDULED ITEM: 10:15 A.M.

Planning Director: Brian Foss

26. [SR 23-0100](#) Public hearing to consider adoption of the Truckee Fire Protection District's Capital Improvement Plan and Mitigation Fee Annual Expenditure Plan. The proposed Fire Impact Fee Program Update is based on Truckee Fire Protection District's Capital Improvement Plan and Mitigation Fee Annual Expenditure Plan that were approved by the District's Board of Directors on December 20, 2022, by Resolution No. 26-2022. The updated fee program includes a 5.75% inflationary adjustment in the mitigation fees. If approved, the new fees will become effective 60 days after the adoption of the resolution. (Dist. V)

Resolution adopting the Development Impact Mitigation Fees and Mitigation Expenditure Plan for the Truckee Fire Protection District, pursuant to Nevada County Land Use and Development Code section L-IX 2.3, effective April 28, 2023: Residential - Single Family \$1.27 per square foot, Multi-Family \$1.27 per square foot; Non-Residential - Industrial \$0.96 per square foot, Retail/Commercial \$1.34 per square foot, Office \$1.92 per square foot.

Adopted.

Enactment No: RES 23-094

ACTION TAKEN: Trisha Tillotson, Community Development Agency Director, and Fire Chief Kevin McKechnie, Truckee Fire Protection District (TFPD), reported on the annual request from the Board of Directors of the Truckee Fire Protection District for the Board of Supervisors' review of TFPD's Capital Improvement Plan and Mitigation Fee Expenditure Plan.

On December 20, 2022 TFPD adopted Resolution 26-2022, adopting the Capital Improvement Plan and Mitigation Fee Expenditure Plan. The updated fee program recommends a change in rates from the previous fiscal year to include a 5.75% inflationary adjustment. Nevada County Board of Supervisors establishes development fees collected by each fire protection district located in the unincorporated areas of the County upon receipt of a completed fee study adopted by a fire district. This action requires a public hearing, and any development fee increases become effective 60 days following adoption of the County's resolution. The TFPD Board of Directors requests the Board of Supervisors review the Capital Improvement Plan and Mitigation Fee Annual Expenditure Plan and consider adoption.

Board questioning and discussion ensued.

Chair Scofield opened the public hearing for public comment. No comments were received and the public comment portion of the public hearing was closed.

MOTION: Motion made by Supervisor Bullock, and seconded by Supervisor Swarthout, to adopt Resolution 23-094, adopting the Truckee Fire Protection District Capital Improvement Plan and Mitigation Fee Expenditure Plan for the Truckee Fire Protection District. On a roll call vote, the motion passed unanimously.

Community Development Agency Director: Trisha Tillotson

28. [SR 23-0084](#) Acceptance of the presentation from Valley Vision as the regional convener for the Comprehensive Economic Resiliency Fund (CERF).
Accepted.

ACTION TAKEN: Kimberly Parker, Economic Development Program Manager, introduced Evan Schmidt, Chief Executive Officer (CEO), and Alana Ramsay, Network Coordinator, of Valley Vision, provided a PowerPoint presentation regarding the Comprehensive Economic Resilience Fund (CERF). Valley Vision is a civic leadership organization dedicated to improving the livability of the greater Sacramento region.

Through research and action, Valley Vision's Board and staff collaborate on solutions that improve people's lives. By creating common ground, Valley Vision brings "community inspired solutions" to the frontlines of a regional agenda for prosperity. In the final quarter of 2022, Valley Vision was selected as the regional convener of the CERF. The Sacramento region includes the following eight counties: Colusa, El Dorado, Nevada, Placer, Sacramento, Sutter, Yolo, and Yuba Counties.

Provided through the State General Fund, the CERF will distribute \$600 million across 13 California regions in a competitive process. The program will fund planning and implementation efforts to help communities economically recover from the COVID-19 pandemic and advance the transition to a carbon-neutral economy. CERF will be executed in two phases. The first phase is the Planning Phase. The State has designated which counties will work together, constituting a total of 13 regions. Each of the 13 regions receive \$5 million to establish a "High Road Transition Collaborative." These Collaboratives must include a diverse group of stakeholders who will develop a regional economic plan and identify projects to support in the second phase. The second phase is the Implementation Phase in which the remaining funds (upwards of \$500 million) will be awarded to projects that are supported by the collaborative.

Board questioning and discussion ensued.

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

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

Director of the Office of Emergency Services: Craig Griesbach

29. SR 23-0119 Removed from the agenda.

ACTION TAKEN: Supervisor Scofield reported that Item #29 was postponed to a later date in order to provide the public to attend in person, and so the County's Fire Responders would be available.

***CLOSED SESSION:**

[SR 23-0157](#) Pursuant to Government Code section 54957.6, a closed session of the Board of Supervisors will be held for the purpose of reviewing its position and instructing its designated labor negotiations representatives regarding employee salaries, salary schedules, fringe benefits, and all other matters within the statutory scope of representation. The designated labor negotiation representatives for Nevada County are Caleb Dardick, Assistant County Executive Officer, Steven Rose, Human Resources Director, and Lisa Charbonneau, Labor Attorney. The labor negotiations concern the Sheriff Management Association and the Probation Peace Officers' Association.
Closed Session held.

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

Following closed session, Counsel Elliott reported that direction was given to staff.

***ANNOUNCEMENTS:**

ACTION TAKEN: Announcements were provided by board members.

Recess for lunch

ACTION TAKEN: Chair Scofield recessed the meeting for lunch.

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

30. [SR 23-0181](#) Public hearing to consider a Resolution to certify the adequacy of the Final Environmental Impact Report for the Nevada County Broadband Program (EIR23-0001, SCH No. 2021120435) in accordance with the California Environmental Quality Act Section 15168 and making certain findings concerning environmental impacts, mitigation measures and alternatives to the project, adopting a Mitigation Monitoring and Reporting Program and adopting Findings of Fact, in connection with the project contemplated by the Final Environmental Impact Report. (PLN23-0011 EIR23-0001)

Resolution of the County of Nevada certifying the Programmatic Final Environmental Impact Report (EIR23-0001, SCH No. 2021120435) for the Broadband Program in accordance with the California Environmental Quality Act and making certain findings concerning environmental impacts, mitigation measures, and alternatives to the project, adopting a Mitigation Monitoring and Reporting Program and adopting Findings of Fact for the project contemplated by the Final Environmental Impact Report.

Adopted.

Enactment No: RES 23-095

ACTION TAKEN: Following the lunch break, Chair Scofield called the meeting back into order at 1:30 p.m.

Trisha Tillotson, Community Development Agency Director, and Nanette Hansel, Principal and Project Manager, Ascent Environmental, provided a PowerPoint presentation regarding the Board's Broadband Objective to expand broadband to support economic development, distance-learning, telework, telemedicine, and general quality of life for all residents through implementation of Nevada County Broadband Strategy Plan policies and last-mile infrastructure projects. Nevada County's role is to promote increased local broadband coverage. Associated activities include: early e-commerce training sessions for local businesses; demand surveys partnerships with local providers to identify and communicate areas of need; support for local ISPs in their applications for American Recovery and Reinvestment Act (ARRA) grants to build broadband infrastructure projects; and the adoption of the Dig Once policy and the Nevada County Broadband Strategy Plan.

One of the County's initiatives in support of the objective was to prepare a Programmatic Environmental Impact Report (EIR) so that future broadband infrastructure projects can satisfy some or all of the California Environmental Quality Act (CEQA) requirements needed for permitting and construction. On October 12, 2021 the Board of Supervisors approved a contract with Ascent Environmental, Inc. to prepare the EIR. The Countywide Programmatic EIR analyzed the overall impacts and benefits from approving and permitting the construction and installation of high-speed Internet infrastructure. The proposed program will expand access to broadband technology throughout unincorporated Nevada County and the incorporated communities of the City of Grass Valley, Nevada City, and the Town of Truckee. The County, incorporated cities, or individual service providers would construct individual broadband projects consistent with the proposed program.

Director Tillotson recommended the Board adopt the Resolution certifying the Programmatic Final EIR for the Broadband Program in accordance with CEQA.

Chair Scofield opened the public comment portion of the public hearing, and comments were read into the record. There being no further public comment, Chair Scofield closed public comment.

Board questioning and discussion ensued.

MOTION: Motion made by Supervisor Hall, and seconded by Supervisor Hoek, to adopt Resolution 23-095, certifying the Programmatic Final Environmental Impact Report for the Broadband Program. On a roll call vote, the motion passed unanimously.

ADJOURNMENT:

ACTION TAKEN: Chair Scofield adjourned the meeting at 2:01 p.m.

Signature and Attestation

Edward C. Scofield, Chair

ATTEST:
By:

Julie Patterson Hunter, Clerk of the Board