

COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District
Ed Scofield, 2nd District (Chair)
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District (Vice-Chair)



BOARD OF SUPERVISORS

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Julie Patterson Hunter, Clerk of the Board
Alison Lehman, County Executive Officer
Alison Barratt-Green, County Counsel

SUMMARY MINUTES - Final

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, September 11, 2018	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 present:

Heidi Hall, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

STANDING ORDERS:

Moment of silence observed for those who lost their lives during the September 11, 2001 (9/11) tragedy.

Pledge of Allegiance led by Supervisor Hank Weston.

Corrections and/or deletions to agenda.

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

PUBLIC COMMENT: 9:01 A.M.

ACTION TAKEN: Ms. Linda Chaplin, District I resident, provided comments.

SCHEDULED ITEMS: 9:02 A.M.

1. [SR 18-0760](#) Resolution proclaiming September 15, 2018 as South Yuba River Citizen's League's (SYRCL) 21st Annual "Yuba River Cleanup" in Nevada County. (Ms. Melinda Booth, Executive Director, SYRCL)

Adopted.

Enactment No: RES 18-448

ACTION TAKEN: Chairman Scofield introduced the agenda item and Ms. Melinda Booth, Executive Director, South Yuba River Citizen's League (SYRCL), and Mr. Daniel Belshe, Community Engagement Manager, SYRCL, reported on the upcoming Yuba River Cleanup event that will be held on September 15, 2018.

The Board members provided comments and thanked SYRCL for their work along the Yuba River Corridor. The Chair read the Proclamation into the record and the Board presented it to the SYRCL representatives.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Hall, to adopt Resolution 18-448. On a roll call vote the motion passed unanimously.

2. [SR 18-0791](#) Alliance for Workforce Development, Inc. (Nevada County Business and Career Network), annual presentation of the Alliance's Fiscal Year 2017/18 performance - Workforce Innovation and Opportunity Act Program and Services. (Ms. Kristine M. Farrell, Program Manager)

ACTION TAKEN: Mr. Tex Ritter, Director of Social Services, introduced Ms. Kristine M. Farrell, Program Manager, and Mr. Luis Moreno, Assistant Director, Alliance For Workforce Development (AFWD). Ms. Farrell provided a PowerPoint presentation regarding their activities and performance during the 2017/18 Fiscal Year.

Ms. Farrell responded to Board questioning, and the Board members thanked her for the employment services AFWD provides in Nevada County.

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

3. [SR 18-0809](#) Resolution approving a renewal agreement between the County of Nevada and the Nevada County Special Education Local Plan Area (SELPA), pertaining to SELPA reimbursing the Nevada County Behavioral Health Department for delivery of Educationally Related Mental Health Services for special education pupils as identified in the student's Individualized Education Program (IEP), for the period July 1, 2018, through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the agreement.
Adopted.
Enactment No: RES 18-449
4. [SR 18-0844](#) Resolution approving a renewal contract between the County of Nevada and Tahoe Truckee Unified School District for the provision of Wellness Program Services in the Eastern County region as a component of the County's Mental Health Services Act Prevention and Early Intervention Plan, in the maximum amount of \$55,000, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 18-450
5. [SR 18-0830](#) Resolution approving a renewal contract between the County of Nevada and Social and Environmental Entrepreneurs dba Gateway Mountain Center for the provision of comprehensive specialty mental health services primarily targeted for emotionally disturbed youth, in the maximum amount of \$84,000, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 18-451
6. [SR 18-0842](#) Resolution approving a renewal contract between the County of Nevada and Turning Point Community Programs, Inc. for the provision of temporary housing and supportive counseling services in the Respite Insight Center operated by the contractor, in the maximum amount of \$594,759, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 18-452

7. [SR 18-0849](#) Resolution approving the submittal of an application for and the receipt of one-time Homeless Mentally Ill Outreach and Treatment Program funding in the amount of \$100,000 from the California State Department of Health Care Services, and authorizing the Nevada County Behavioral Health Director to execute the application and all other related documents necessary for participation in the Program.
- Adopted.**
- Enactment No: RES 18-453

Director of Social Services: Tex Ritter

8. [SR 18-0831](#) Resolution approving a renewal contract between the County of Nevada and Nevada Joint Union High School District for the provision of CalLearn Program Services for eligible pregnant and parenting teens who have not obtained their high school diploma or its equivalent, in the maximum amount of \$70,000, for the period July 1, 2018 through June 30, 2020, and authorizing the Chair of the Board of Supervisors to execute the contract.
- Adopted.**
- Enactment No: RES 18-454

Director of Public Works: Trisha Tillotson

9. [SR 18-0776](#) Resolution approving a Community Partnership Agreement between the County of Nevada and River Valley Community Bank for the realignment and improvement of Town Talk Road, in the maximum amount of \$4,000, and authorizing the Chair of the Board of Supervisors to execute the Agreement. (Dist. III) (Pulled from consent by Supervisor Hall) (Hall - No)
- Adopted.**
- Enactment No: RES 18-464
10. [SR 18-0805](#) Resolution authorizing the acceptance of grant funding in the amount of \$17,187 from the Department of Resources Recycling and Recovery (CalRecycle), City/County Payment Program, for various beverage container recycling programs and activities in Nevada County, and authorizing the Director of the Department of Public Works to execute documents, as necessary, to implement this grant. (Sanitation)
- Adopted.**
- Enactment No: RES 18-455

11. [SR 18-0806](#) Resolution authorizing the acceptance of grant funding in the amount of \$18,302 from the Department of Resources Recycling and Recovery (CalRecycle) Oil Payment Program for used oil and used oil filter collection opportunities and public education in Nevada County, and authorizing the Director of the Department of Public Works to execute documents, as necessary, to implement this grant. (Sanitation)
Adopted.
Enactment No: RES 18-456

Chief Information Officer: Stephen Monaghan

12. [SR 18-0852](#) Resolution continuing the declaration of a Local Emergency in Nevada County due to the Airport Hangar Fire. (4/5 affirmative vote required) (Airport)
Adopted.
Enactment No: RES 18-457
13. [SR 18-0848](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Treehenge Construction, Inc., for the Eric Rood Administrative Center Health and Human Services Agency Remodel and Adult Protective Services Relocation Project (Res. 18-141), with contract costs totaling \$187,728, and directing the Clerk of the Board to record this Notice in accordance with Civil Code Section 9208. (Facilities)
Adopted.
Enactment No: RES 18-458

County Librarian: Yolande Wilburn

14. [SR 18-0818](#) Resolution accepting a grant from the California State Library in the amount of \$5,000 in Federal Library Services and Technology Act funds, for use during the period August 28 through September 21, 2018, for development of the Library's book collection.
Adopted.
Enactment No: RES 18-459
15. [SR 18-0847](#) Resolution authorizing acceptance of the California Library Literacy Services Literacy Award in the amount of \$18,000 for Fiscal Year 2018/19, and authorizing the Auditor-Controller to sign a claim for the purpose of covering a portion of the costs of providing Read Up! literacy program services to Nevada County residents.
Adopted.
Enactment No: RES 18-460

County Executive Officer: Alison Lehman

16. [SR 18-0840](#) Resolution amending various Nevada County Budgets through the Fourth Consolidated Budget Amendment for Fiscal Year 2017/18. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 18-461
17. [SR 18-0850](#) Resolution of the Board of Supervisors of the County of Nevada authorizing the Defeasance of County of Nevada Certificates of Participation (2011 Refunding) (Bank Qualified), authorizing the execution and delivery of an Escrow Agreement between the County of Nevada and the Bank of New York Mellon Trust Company, N.A. and necessary documents and certificates, and authorizing payment for professional services and related actions.
Adopted.
Enactment No: RES 18-462

Clerk of the Board: Julie Patterson Hunter

18. [SR 18-0832](#) Resolution proclaiming the week of September 17 through 23, 2018 as "Constitution Week" in Nevada County. (Daughters of the American Revolution)
Adopted.
Enactment No: RES 18-463
19. [SR 18-0856](#) Confirm and ratify the appointments of Ms. Ana Acton and Ms. Janeth Marroletti as low-income sector members on the Adult and Family Services Commission, both for unexpired two-year terms ending April 30, 2020.
Appointed.
20. [SR 18-0841](#) Acceptance of Board of Supervisors Summary Minutes for August 28, 2018.
Accepted.

ACTION TAKEN: Chairman Scofield introduced the consent calendar. Agenda Item #9 pulled from consent by Supervisor Hall.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to approve the consent calendar less Agenda Item #9. On a roll call vote, the motion passed unanimously

ITEMS PULLED FROM THE CONSENT CALENDAR:

9. [SR 18-0776](#) Resolution approving a Community Partnership Agreement between the County of Nevada and River Valley Community Bank for the realignment and improvement of Town Talk Road, in the maximum amount of \$4,000, and authorizing the Chair of the Board of Supervisors to execute the Agreement. (Dist. III) (Pulled from consent by Supervisor Hall) (Hall - No)
Adopted.
Enactment No: RES 18-464

ACTION TAKEN: Chairman Scofield introduced the agenda item and Supervisor Hall shared her reason for pulling the item and outlined her concerns. She stressed that the project was not included in the Board's priorities and she did not believe it was a public safety issue since it had not been brought forward by the Department of Public Works and a traffic study had not been conducted.

Supervisor Anderson shared some of the same concerns, although he noted that the staff report does address some of Supervisor Hall's concerns. He believed the project would address safety issues at the intersection, and thought that the dollar amount was acceptable. Supervisor Anderson requested a better process for identifying these types of projects in the future, and suggested this process could be a subject at the next Board Workshop.

Supervisor Weston reported that there was an immediate need for the County to replace the drainage pipe, and estimated it could cost anywhere from \$5,000 to \$10,000. He added that if the realignment project were approved, it would eliminate the drainage pipe problem and save the County the cost of replacement.

Mr. Sean Powers, Community Development Agency Director, responded to Board questioning.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Weston, to adopt Resolution 18-464. On a roll call vote the motion passed as follows: (Ayes: Supervisors Weston, Miller, Anderson and Scofield) (Noes: Supervisor Hall)

Chairman Scofield recessed as the Board of Supervisors and convened as the Board of Directors of the Nevada County Sanitation District No. 1.

Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.

Call the meeting to order:

ACTION TAKEN: Meeting called to order. All Directors present.

Consent:

County Executive Officer: Alison Lehman

21a. [SR 18-0845](#) Resolution amending various Nevada County Sanitation District No. 1 Budgets through the Fourth Consolidated Budget Amendment for Fiscal Year 2017/18.

Adopted.

Enactment No: SD18-010

Clerk of the Board: Julie Patterson Hunter

21b. [SR 18-0858](#) Acceptance of Nevada County Sanitation District No. 1 Summary Minutes for August 28, 2018.

Accepted.

ACTION TAKEN: Chairman Scofield introduced the consent calendar.

Approval of the Consent Agenda

Adopted.

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

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Public comment:

ACTION TAKEN: No public comment received.

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Adjournment:

ACTION TAKEN: Chairman Scofield adjourned the meeting.

Chairman Scofield adjourned as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

DEPARTMENT HEAD MATTER:*Agricultural Commissioner: Chris de Nijs**

22. [SR 18-0843](#) Acceptance of the 2017 Nevada County Annual Crop and Livestock Report.
Accepted.

ACTION TAKEN: Mr. Chris de Nijs, Agricultural Commissioner, reviewed the 2017 Nevada County Annual Crop and Livestock Report.

Mr. de Nijs responded to Board questioning, and Board members thanked him for the Report.

***CLOSED SESSIONS:**

[SR 18-0857](#) Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case: Saling v. Keith Royal, et al., U.S. District Court, E.D. Cal., Case No. 2:13-cv-1039-TLN-EFB.

[SR 18-0860](#) Pursuant to Government Code section 54957(b)(1), the Board of Supervisors will hold a closed session for a public employee performance evaluation: County Counsel.

ACTION TAKEN: Ms. Alison Barrett-Green, County Counsel, read the titles of the closed sessions into the record, and the Board members entered into closed session.

Following closed session, Ms. Barratt-Green reported that nothing occurred in closed session that is required to be reported out by law.

***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.

Recess for lunch:

Chairman Scofield recessed the meeting at 10:51 A.M.

AFTERNOON SESSION 1:30 P.M.**INDIVIDUAL BOARD MEMBER ITEM:**

23. [SR 18-0855](#) (Introduce/Waive further reading/Adopt) An Urgency Ordinance adding Article 6 of Chapter XVI of the Nevada County Land Use and Development Code to prohibit outdoor burning during fire season in the Yuba River Corridor and repealing Section G-VII 1.23 from Article I of Chapter VII of the Nevada County General Code. (4/5 affirmative vote required)

Sponsor(s): Heidi Hall, District I, Hank Weston, District IV

Adopted as amended.

Enactment No: ORD-2454

ACTION TAKEN: Chairman Scofield called the meeting back into order and read the title of the Urgency Ordinance into the record, proposing to prohibit burning during fire season along the Yuba River Corridor.

Mr. Jeffrey Thorsby, Senior Administrative Analyst, provided a presentation regarding the proposed Urgency Ordinance (Ordinance). He reviewed the background and purpose of the Ordinance; provided information regarding the pilot program; reported on community input received from residents; and reviewed the proposed penalties. He reported that the Board's 2018 Priority 'A' Objective directed prioritization of County policies and programs to reduce the risk of wildfire. Mr. Thorsby provided background information regarding the Yuba River Public Safety Cohort (Cohort), a group including Federal, State, Local and Community Stakeholders whose purpose is to coordinate safety along the Yuba River Corridor. The Cohort's identified issues include: high-fire danger; illegal camping and campfires; illegal parking; challenges faced by the cross-jurisdictional law enforcement activities; lack of cellular communication; and visitor awareness.

Mr. Thorsby reviewed actions that have been taken by the Cohort and the Board to date including: creation of the Joint Agency Taskforce; approved installation of a call box at Purdon Crossing; Office of Emergency Services purchase of a satellite phone for the Yuba River Ambassadors program; Yuba Bus Agreement; rezoning parking areas and increased parking violation fees at Edwards Crossing and Purdon Crossing; and direction from the Board to draft an Urgency Ordinance regarding a fire ban along the South Yuba River corridor.

Mr. Thorsby highlighted the purpose of the Ordinance, which is to implement a precautionary measure to mitigate the hazards of human caused wildfire in the South Yuba River Corridor and to make policies consistent between public lands and private lands on the prohibition of open fire.

Mr. Thorsby reported that the Ordinance is being proposed as a pilot program, starting Memorial Day weekend of each year through the end of fire season. It would apply for the remainder of the 2018 Fire Season through the end of the 2019 Fire Season. Staff identified all impacted parcels and sent out notification of the proposed Ordinance to impacted property owners. Informational community meetings were held in the town of Washington and in Nevada City at the Eric Rood Administrative Center, and an online forum was created to increase the opportunity for public input.

Major points of feedback and public concern included the need for increased law enforcement; focus on visitors to the area; increased fire prevention and public safety education; increased parking enforcement; exceptions voiced were that smoking on private property should not be impacted; and to have better articulation of BBQ/cooking device allowances on residential property.

Mr. Thorsby reported on the four exceptions to the prohibition:

1. Wood and charcoal fires in permanent pedestal grills and fire rings that are provided in a designated developed recreation site.
2. Wood, charcoal, gas, jellied petroleum or pressurized liquid fuel fires inside an enclosed stove, grill, BBQ, or portable brazier in a designated developed recreation site.
3. Wood, charcoal, gas, jellied petroleum or pressurized liquid fuel fires inside a permanent fire ring or pit on an improved parcel that is located more than 25 feet away from a combustible structure.
4. Smoking within an enclosed vehicle or building, or while stopped in an area that is cleared of all non-structural flammable material.

In response to community input, a proposed amendment by staff removes the following wording from the Ordinance's Section L-XVI 6.2 B2a: "...located more than 10 feet away from a combustible structure..." to address the likelihood that BBQs are located on decks attached to residences. Mr. Thorsby commented that much of the language in the Ordinance is taken, almost verbatim, from the current Federal Code and California Fire Code 307-308.

He reviewed the proposed penalties (fines) and reviewed how the Ordinance will support the efforts of law enforcement and fire services; how it can be used as educational outreach; and he reiterated that this is a pilot program which means that input over the next year will be taken into consideration for the Board to consider other options in the future.

Supervisor Weston stressed the risk of wildfire within the County, and commented on heightened public concerns regarding the potential risks. He believed the proposed Ordinance addressed the issues, and reiterated its status as a pilot program. He noted that law enforcement is in agreement with the need for additional tools to prevent fire along the corridor.

Supervisor Hall emphasized that the proposal aligns County Codes with California State Government Code. Comments that were received for the most part requested tighter restrictions and heightened law enforcement along the Yuba River Corridor. She believed it was a good start, stressing that the Board will reassess the Ordinance at the end of the pilot period.

Board discussion and questioning ensued.

Chairman Scofield provided an opportunity for public comment.

The following members of the public provided input: Mr. Gary Tufts, District I resident and Friends of Purdon Crossing representative; Mr. Matthew Coulter, District I resident; Mr. Boyd Johnson, District IV resident and North San Juan Fire Department representative; Mr. Jim Miller, District V resident; Ms. Rorie Gotham, District V resident; and Ms. Linda Chaplin, District I resident.

Fire Chief Terry McMahon, Nevada County Consolidated Fire District, responded to Board questioning and clarified that the current California State Red Flag Alert warnings do not ban all fires. However, the County and Cities could pass their own Ordinance to do so during Red Flag Alerts.

There being no further public comment, Chairman Scofield closed the public comment period.

Board discussion continued.

Ms. Alison Barratt-Green, County Counsel, suggested wording for BBQ's "must be clear of all non-structural flammable material at least 10 feet from the fire's edge in all directions.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Hall, to waive further reading and adopt Ordinance 2454 with the amendments as recommended:

Amending wording in Section L-XVI 6.2 paragraph B-2a. to read:

...or improved parcel with readily available access to an emergency water supply system...

and

Amending wording in both Section L-XVI 6.2 paragraph B-2a. and Section L-XVI 6.2 paragraph B-2b. to read:

...in an area that must be cleared of all non-structural flammable material at least 10 feet from the fire's edge in all directions...

On a roll call vote the motion passed unanimously.

ADJOURNMENT:

ACTION TAKEN: Chairman Scofield adjourned the meeting at 3:11 P.M.

Signature and Attestation

Edward C. Scofield, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board