

COUNTY OF NEVADA

STATE OF CALIFORNIA

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



BOARD OF SUPERVISORS

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Julie Patterson Hunter, Clerk of the Board
Richard A. Haffey, County Executive Officer
Alison Barratt-Green, County Counsel

SUMMARY MINUTES - Draft

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, January 23, 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:

Chairman Scofield called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Ms. Mali Dyck, Interim Deputy County Executive Officer.

Corrections and/or deletions to agenda.

ACTION TAKEN: Ms. Julie Patterson Hunter, Clerk of the Board, noted that an Errata Agenda posted Friday, January 19, 2018 to clarify that teleconferencing to the District V office in Truckee will be available for Agenda Item #30.

SCHEDULED ITEMS: 9:01 A.M.

1. [SR 18-0059](#) Resolution proclaiming February 2018 as "Grand Jury Awareness Month" in Nevada County. (Nevada County Grand Jury)

Adopted.

Enactment No: RES 18-023

ACTION TAKEN: Chairman Scofield read the Resolution proclaiming February 2018 as Grand Jury Awareness Month in Nevada County into the record.

Mr. Tom Archer, Grand Jury Foreman, provided comments regarding the Grand Jury process and invited members of the public to come forward to serve on the Fiscal Year 2018/19 Grand Jury.

The Board members presented the Grand Jury with the Resolution and thanked them for their service.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to adopt Resolution 18-023. On a roll call vote the motion passed unanimously.

2. [SR 18-0110](#) Certificate of Recognition for Mr. Jeff Dunning for his wide ranging work on fire safety and prevention, and as a member of the Board of Directors of the Fire Safe Council of Nevada County. (Ms. Joanne Drummond, Executive Director, Fire Safe Council of Nevada County)

Recognized.

ACTION TAKEN: Chairman Scofield introduced the agenda item and introduced Ms. Joanne Drummond, Executive Director, Fire Safe Council of Nevada County, who thanked Mr. Dunning for his many years of service and the important role he has played in the County.

Ms. Kathy Hebert, Alta Sierra Property Owners Association, Executive Committee representative, provided comments regarding Mr. Dunning's work and advocacy with the State.

As the Board representative to the Fire Safe Council, Supervisor Weston provided comments regarding the efforts of Mr. Dunning, and thanked him for his service on behalf of the Council.

Chairman Scofield read the Certificate into the record and the Board members thanked Mr. Dunning and presented him with the Certificate of recognition.

PUBLIC COMMENT: 9:05 A.M.

ACTION TAKEN: Mr. Matthew Coulter, District I resident, provided comments regarding fire safety and homelessness in the County.

Ms. Janis Bumgarner and Ms. Janet Herrin, District IV residents; provided comments in support of Sammie's Friends, and requested the Board reward the Animal Shelter contract to their organization.

CONSENT CALENDAR:

Sheriff-Coroner/Public Administrator: Keith Royal

3. [SR 18-0038](#) Resolution eliminating administrative fees pertaining to the Home Detention Program for participants 21 years of age and younger, as required by Senate Bill (SB) 190 (2017/2018).
Adopted.
Enactment No: RES 18-024
4. [SR 18-0007](#) Resolution approving an agreement between the County of Nevada and Systems and Space Inc. for the purchase and installation of a Spacesaver mechanical assisted heavy-duty mobile storage system to be located at the Sheriff's Property unit, in the maximum amount of \$72,589.27 to be classified as a capital asset in Fiscal Year 2017/2018, and authorizing the Chair of the Board of Supervisors to execute the agreement.
Adopted.
Enactment No: RES 18-025

Auditor-Controller: Marcia Salter

5. [SR 18-0057](#) Resolution authorizing the closure of the Purchasing Agent's Revolving Fund bank account and the Agricultural Commissioner's Revolving Fund bank account, and rescinding Resolutions 90-262 and 97-112.
Adopted.
Enactment No: RES 18-026
6. [SR 18-0058](#) Resolution authorizing the Mystic Mine Road Community Service District to replace its annual audit with an annual financial review combined with a required audit to be performed every third year, beginning with the fiscal year ending June 30, 2017.
Adopted.
Enactment No: RES 18-027

Clerk-Recorder/Registrar of Voters: Gregory Diaz

7. [SR 18-0064](#) Resolution approving Amendment 3 to the contract between the County of Nevada and Harris Local Government Solutions, Incorporated pertaining to software maintenance services for the Nevada County Clerk-Recorder's OnCore Recording and Accounting System (Res. 08-564), increasing the maximum contract amount from \$151,485.60 to \$201,135.60, extending the termination date to June 30, 2018, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Clerk-Recorder's Fiscal Year 2017/18 budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 18-028

Environmental Health Director: Amy Irani

8. [SR 18-0092](#) Resolution approving Amendment 2 to Grant Agreement EETAG1502 between the County of Nevada and the California Environmental Protection Agency (CalEPA) for the Environmental Enforcement and Training Account Grant Program (EETAG), extending the grant period through June 30, 2018 to complete qualified expenditures, in the amount of \$34,900 for a new period of September 1, 2015 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 18-029

Director of Public Works: Trisha Tillotson

9. [SR 18-0045](#) Resolution approving the 2018 Nevada County Department of Public Works Road Maintenance and Capital Improvement Program Five Year Plan, Fiscal Years 2017/2018 through 2021/2022, and authorizing the Director of Public Works to proceed with implementation of the Plan.

Adopted.

Enactment No: RES 18-030

10. [SR 18-0050](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Hansen Brothers Enterprises for the Brunswick Road Emergency Slide Repair Project - County Contract No. 440821 (Res. 17-386), with contract costs totaling \$674,672.44, and directing the Clerk of the Board of Supervisors to record this Notice in accordance with Civil Code Section 9208. (Dist. III) (Pulled from consent by Mr. Matthew Coulter, District I resident)
Adopted.
Enactment No: RES 18-041
11. [SR 18-0051](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Welco Underground Construction for the Brunswick Road Emergency Slip Repair Project, with contract costs totaling \$36,000 (Res. 17-125), and directing the Clerk of the Board of Supervisor to record this Notice in accordance with Civil Code Section 92058. (Dist. III)
Adopted.
Enactment No: RES 18-031
12. [SR 18-0061](#) Resolution approving an updated Authorized Agent Form for the California Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Program, authorizing the Director of Public Works and the Transit Services Manager to to execute the application(s) and all required documents of the PTMISEA Program, and authorizing the County Executive Officer to execute the PTMISEA Authorized Agent Form. (Transit)
Adopted.
Enactment No: RES 18-032
13. [SR 18-0062](#) Resolution approving an updated Authorized Agent Form for the Low Carbon Transit Operations Program (LCTOP), authorizing the Director of Public Works and the Transit Services Manager to execute the application(s) and all required documents with the California Department of Transportation, and authorizing the County Executive Officer to execute the LCTOP Authorized Agent Form. (Transit)
Adopted.
Enactment No: RES 18-033

14. [SR 18-0063](#) Resolution approving an updated Authorized Agent Form for the California Governor's Office of Emergency Services (Cal OES), Proposition 1B, California Transit Security Grant Program, California Transit Assistance Fund (CTSGP-CTAF), authorizing the Chair of the Board of Supervisors to appoint the Director of Public Works and the Transit Services Manager to execute the application(s) and all required documents of the CTSGP-CTAF Program, and any amendments with Cal OES on behalf of the County of Nevada. (Transit)
Adopted.
Enactment No: RES 18-034
15. [SR 18-0090](#) (Waive further reading/Adopt) An Ordinance adding Subsection J to Section G-IV 3.A.8 of Article 3.A of Chapter IV of the Nevada County General Code adding a Parking Prohibition on Via Vista. [No vehicle parking between the hours of 8:00 a.m. and 4:00 p.m. on school days upon the County right-of-way on Via Vista between Ridge Road and 200 feet east of its intersection with Echo Ridge Drive.] (Dist. I) (Pulled from consent by Mr. Matthew Coulter, District I resident)
Adopted.
Enactment No: ORD-2446

Chief Probation Officer: Michael Ertola

16. [SR 18-0048](#) Resolution to eliminate juvenile probation fees and certain fees associated with probation services for those under 21 years of age, pursuant to passage of Senate Bill (SB) 190.
Adopted.
Enactment No: RES 18-035
17. [SR 18-0055](#) Resolution approving a Memorandum of Understanding (MOU) between the Nevada County Probation Department and the Nevada County Superior Court for the implementation of an integrated document management system, effective January 23, 2018 through June 30, 2018, authorizing the Chief Probation Officer to execute the MOU, and authorizing the Auditor-Controller to amend the Fiscal Year 2017/18 budget. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 18-036

Chief Information Officer: Stephen Monaghan

18. [SR 18-0052](#) Resolution continuing the proclamation of a Local Emergency in Nevada County due to the Wind Complex Fires and related evacuations in the affected communities and requesting that the Governor continue to maintain a State of Emergency for the County of Nevada. (Emergency Services)
Adopted.
Enactment No: RES 18-037
19. [SR 18-0030](#) Resolution approving the acceptance and final completion of three of five Solar Energy Systems located at the Nevada County Carl F. Bryan Juvenile Hall, Eric Rood Administrative Center, and the Wayne Brown Correctional Facility, for the Engineering, Procurement and Construction Agreement between the County of Nevada and SunPower Corporation, Systems for the Nevada County Energy Conservation Project (Res. 16-177), with contract costs totaling \$3,913,553, and authorizing the Chair of the Board of Supervisors to execute the Certificates of Final Completion for these three systems. (Facilities)
Adopted.
Enactment No: RES 18-038
20. [SR 18-0049](#) Resolution declaring certain County property as surplus (obsolete electronic equipment), and authorizing the Purchasing Agent to sell, or otherwise dispose of, surplus property. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 18-039

County Counsel: Alison Barratt-Green

21. [SR 18-0108](#) Letter of support of County Law Libraries request for funding in the Governor's 2018 proposed budget and in successive State budgets.
Approved.

County Executive Officer: Richard Haffey

22. [SR 18-0111](#) Resolutions authorizing the examination of Sales or Transactions and Use Tax Records, and superceding all previous Resolutions, including Resolution 01-476.
Adopted.
Enactment No: RES 18-040

Clerk of the Board: Julie Patterson Hunter

23. [SR 18-0103](#) Acceptance of resignations from Mr. Willard Drown, District III representative, and Mr. Daniel DiSanto, District IV representative, from the Nevada County Fish and Wildlife Commission.
Accepted.
24. [SR 18-0105](#) Reappointment of Ms. Cindy Tobiassen as a Member-at-Large to the Nevada County Fish and Wildlife Commission, for a four-year term expiring January 31, 2022.
Reappointed.
25. [SR 18-0106](#) Reappointments of Ms. Mali Dyck and Mr. Gary Brown as Citizens-at-Large, and Mr. Thomas Jacobs as the Citizen Knowledgeable of Hazardous Waste Disposal Practices, to the Nevada County Solid and Hazardous Waste Commission, for two-year terms expiring January 1, 2020.
Reappointed.
26. [SR 18-0097](#) Appointment of Mr. Andrew Burton as an At-Large member to the Nevada County Transportation Commission, for a four-year term expiring January 1, 2022.
Appointed.
27. [SR 18-0031](#) Acceptance of Board of Supervisors Summary Minutes for December 12, 2017.
Accepted.

ACTION TAKEN: Chairman Scofield introduced the consent calendar. Agenda Items #10 and 15 pulled from consent by Mr. Matthew Coulter.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Miller, to approve the consent calendar less Agenda Items #10 and 15. On a roll call vote, the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

10. [SR 18-0050](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Hansen Brothers Enterprises for the Brunswick Road Emergency Slide Repair Project - County Contract No. 440821 (Res. 17-386), with contract costs totaling \$674,672.44, and directing the Clerk of the Board of Supervisors to record this Notice in accordance with Civil Code Section 9208. (Dist. III) (Pulled from consent by Mr. Matthew Coulter, District I resident)

Adopted.

Enactment No: RES 18-041

ACTION TAKEN: Mr. Matthew Coulter, District I resident, reported that the road was sloughing at the curb. Ms. Trisha Tillotson, Public Works Director responded that staff would take a look at the issue and repair it as needed.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to adopt Resolution 18-041. On a roll call vote the motion passed unanimously.

15. [SR 18-0090](#) (Waive further reading/Adopt) An Ordinance adding Subsection J to Section G-IV 3.A.8 of Article 3.A of Chapter IV of the Nevada County General Code adding a Parking Prohibition on Via Vista. [No vehicle parking between the hours of 8:00 a.m. and 4:00 p.m. on school days upon the County right-of-way on Via Vista between Ridge Road and 200 feet east of its intersection with Echo Ridge Drive.] (Dist. I) (Pulled from consent by Mr. Matthew Coulter, District I resident)

Waived further reading and adopted.

Enactment No: ORD-2446

ACTION TAKEN: Mr. Matthew Coulter, District I resident, commented on the parking issues in the Via Vista neighborhood. Ms. Trisha Tillotson, Public Works Director, responded that the revision from two hours to no parking between 8:00 and 4:00 for the ten parking spaces and compliance would be addressed through law enforcement.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Anderson, to waive further reading and adopt Ordinance 2446. On a roll call vote the motion passed unanimously.

DEPARTMENT HEAD MATTERS:**County Executive Officer: Richard Haffey**

28. [SR 18-0119](#) Presentation on the results of Nevada County's National Citizen Survey. (Michelle Kobayashi, Vice President, National Research Center, Inc.)
Presentation provided.

ACTION TAKEN: Chairman Scofield introduced the agenda item and Ms. Mali Dyck, Interim Deputy County Executive Officer, introduced Ms. Michelle Kobayashi, Vice President, National Research Center, Inc. Ms. Dyck reviewed the purpose of the Survey and Ms. Kobayashi provided a PowerPoint presentation regarding the 2017 Citizen Survey process, the questions they asked, and she shared an overview of the key findings. 1,800 surveys were sent out to households spread across the County, and 545 were returned, which is a 32% response rate. Ms. Kobayashi noted that this is a high rate of return, which suggests that Nevada County citizens feel positively about the community. She added that the Board can expect a 4% margin of error. She reviewed the eight key areas of focus and reported that the Survey responses showed that the main concerns of the community are Safety, the Economy, and protecting the County's Natural Environment. The identified challenges include the lack of employment opportunities, and the cost and quality of housing. Other challenges noted were fire safety and issues surrounding the homeless population. Moving forward, Ms. Kobayashi encouraged the Board to work with the data and utilize the Citizen Survey to improve the lives of Nevada County's citizens.

Board questioning and discussion ensued.

Ms. Dyck verified that the survey results would be available on the County's website at the County Executive Office web page.

Supervisor Anderson requested this survey be marked with which findings were from Eastern County.

Chairman Scofield provided an opportunity for public comment.

Ms. Diana Gamzon, District I resident, asked about findings regarding connectivity in the County. Ms. Kobayashi and Ms. Dyck responded there were some supplemental questions around Broadband.

Mr. Matthew Coulter, District I resident, asked for results relating to the County's homeless issue as compared to other counties of the same size. Ms. Kobayashi responded that they do not have benchmark information on the homeless issue.

There being no further public comment Chairman Scofield closed public comment and thanked Ms. Kobayashi for the presentation.

Director of Public Works: Trisha Tillotson and Planning Director: Brian Foss

29. [SR 18-0107](#) Resolution approving an Infrastructure Reimbursement Agreement between the County of Nevada and KKP-Lake of the Pines, LLC pertaining to development of the Higgins Marketplace Project, located on State Highway 49 and Woodridge Court, and authorizing the Chair of the Board of Supervisors to execute the Agreement. (Dist. II)

Adopted.

Enactment No: RES 18-042

ACTION TAKEN: Chairman Scofield introduced the agenda item and Ms. Trisha Tillotson, Director of Public Works and Mr. Brian Foss, Planning Director, provided a PowerPoint presentation regarding the Infrastructure Reimbursement Agreement for the Higgins Marketplace Project in South County. Mr. Foss reviewed the history of the Project on the corner of Highway 49 and Combie Road, and the proposed development.

Ms. Tillotson reviewed other associated projects, including the Combie Road Improvement Project, which includes the widening of Combie Road, installing a signal at Combie and Higgins Roads, and installation of a sewer line in Higgins and Combie Roads. These projects will precede the Marketplace Project and provide an opportunity to improve the infrastructure in the area. She reviewed the purpose and benefits of the project, the method of funding, and the elements of the Infrastructure Reimbursement Agreement. The Developer for the Marketplace Project will provide either securities or reimbursement for their share of the improved infrastructure as laid out in the proposed agreement. Ms. Tillotson recommended the Board approve the proposed Resolution.

Board questioning and discussion ensued.

Supervisor Hall asked for clarification regarding how the reimbursement will be implemented. Ms. Tillotson responded that the Economic Development Infrastructure funds are being used to help spur economic improvements in the area. As soon as Building 1 is constructed and occupied, the Developer would no longer be responsible for 66% of the cost. What would be reimbursed is the Developer's posted security funds. As the developer completes construction and the buildings are occupied, the County will be releasing portions of the security. The County is using the Economic Development Infrastructure funds to build the sewer line which will ultimately result in an economic benefit to the entire community along Combie Road. Ms. Tillotson explained that if the developer does not follow through with the construction of the buildings or complete construction on time, then he would pay his fair share of the improvement costs to Combie Road. She reviewed the associated costs and explained how the reimbursement falls into place.

Board discussion ensued.

Chairman Scofield provided an opportunity for public comment.

Mr. Matthew Coulter, District I resident, provided comments regarding sidewalks and walking availability to connect projects and neighborhoods together.

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

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Miller, to adopt Resolution 18-042. On a roll call vote the motion passed unanimously.

SCHEDULED ITEMS: 10:15 A.M.

(Video-conferencing for public hearing located at the District V Board of Supervisors Conference Room, Nevada County Sheriff's Substation, 10879A Donner Pass Road, Truckee, California)

30. [SR 18-0053](#) Public hearing to consider approval of proposed increases in the Truckee Fire Protection District 2017/18 Capital and Mitigation Fees. The proposed fee increase is based on Truckee Fire Protection District Capital Improvement Plan and Mitigation Fee 5-Year Expenditure Plan and 5-Year Findings Report for Fiscal Year 2017/2018, and Truckee Fire Protection District Ordinance No. 23-2017. (Dist. V)

Resolution adopting Development Impact Mitigation Fees for the Truckee Fire Protection District, pursuant to Nevada County Land Use and Development Code Section L-IX 2.3, effective March 24, 2018: Residential - Single Family \$0.79 per square foot, Multi-family \$1.19 per square foot; Nonresidential - Industrial \$0.58 per square foot, Retail/Commercial \$0.81 per square foot, and Office \$1.16 per square foot.

Adopted.

Enactment No: RES 18-043

ACTION TAKEN: Following a short break, Chairman Scofield introduced the agenda item and reviewed the proposed fee increases.

Mr. Brian Foss, Planning Director, reviewed the staff report for the proposed increases to the Truckee Fire Protection District 2017/18 Capital and Mitigation Fees. He clarified that the Board of Supervisors are required, as part of the Assembly Bill (AB) 1600 program, to approve any fee increases as proposed by special districts.

Fire Chief Bill Saline, Truckee Fire Protection District, requested the Board approve the proposed fee increases.

Board discussion ensued.

Chairman Scofield opened the public hearing for public comment.

Mr. Matthew Coulter, District I resident, asked for clarification on the percentage of the increase. Fire Chief Saline responded with the process used to figure the fee increase.

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

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Weston, to adopt Resolution 18-043. On a roll call vote the motion passed unanimously.

31a. [SR 18-0056](#) Public hearing to consider the Planning Commission's December 14, 2017, 4-0, 1 absent recommendation to introduce, waive further reading and adopt ORD17-2 regarding proposed amendments to Land Use and Development Code Section L-II 3.3 Agricultural Uses to add a definition and permitting requirements for Agritourism activities in Nevada County. The ordinance amendment also includes an amendment to Nevada County's definition of Agricultural Products to exclude cannabis and cannabis-related products.

Resolution adopting a Negative Declaration for Ordinance ORD17-2 amending Section L-II 3.3 of Article 3 of the Nevada County Land Use and Development Code to adopt a Definition and Permitting Standards for Agritourism, making findings 1 through 4, and directing the Clerk of the Board of Supervisors to file a Notice of Determination. (File Nos. ORD17-2 and EIS17-0009).

Continued.

31b. [SR 18-0116](#) (Introduce/Waive further reading/Adopt) An Ordinance amending Chapter II of the Nevada County Land Use and Development Code, Tables L-II 2.2.1.B and 23.D of Article 2 and Section L-II 3.3 of Article 3 to establish a Definition and Permitting Standards for Agritourism (ORD17-2).

Continued.

31c. [SR 18-0120](#) Close Board Order BO17-01.

Continued.

ACTION TAKEN: Chairman Scofield introduced the public hearing item, including the proposed Resolution, Ordinance and closure of Board Order BO17-01. He read the title of the Ordinance into the record.

Mr. Tyler Barrington, Senior Planner, reviewed the staff report and provided a PowerPoint presentation regarding the implementation of Agritourism within Nevada County as recommended by the Planning Commission. Mr. Barrington clarified that products relating to cannabis or cannabis products are not included within this recommendation, and will be reviewed as part of an Ordinance relating to implementation of a new County Cannabis Ordinance. He requested the Board adopt the Resolution and Ordinance and close the associated Board Order.

Supervisor Anderson requested the Residential-Agricultural (RA) zoning not be included in the Ordinance, as not to degrade the quality of life within that particular zoning district. Mr. Barrington responded that this is up to the Board's discretion.

Mr. Chris De Nijs, Agricultural Commissioner, responded to questioning regarding a recognized commercial farm or working ranch. He explained that when his Department receives an application for a farm or ranch to be certified, staff does a site visit to determine whether a farm or ranch is actually in the production of commercial agricultural products.

Chairman Scofield opened the public hearing for public comment.

Mr. Terry Jochim, Chair, Agricultural Advisory Commission, provided comments regarding RA zoning within the Ordinance. They did not set a minimum, but went with County standard for the size of an RA zoned property. The Commissioner does review farming and operations to verify that they fall into compliance. It is up to the Board to decide if a requirement regarding the size of a parcel should be included in the Ordinance.

Ms. Diana Gamzon, District I resident and Cannabis Alliance Executive Director, requested cannabis and cannabis related products be included within the proposed Ordinance.

Mr. Matthew Coulter, District I resident, asked questions regarding permitting to create a new "working" farm or ranch.

Mr. Jonathon Collier, District I resident, commented that cannabis products will have an alternate avenue for moving forward, but suggested it should not be left out of consideration and that the job opportunities it provides should be kept in mind.

Mr. Foss clarified that a person can establish a working ranch but would need to become certified in order to qualify for Agritourism. He also clarified that Cannabis is being included in other County codes, this section of the Ordinance also does not include weddings or camping and other commercial activities, which just means that a person would have to look elsewhere in the code to find the applicable regulations.

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

Supervisor Anderson requested continuing the item to another date to make changes removing the RA zoning districts, or exclude them today, prior to adopting. The request was supported by Supervisor Miller. Supervisor Anderson wanted RA residential zoning to be respected and recognized as residential in its focus.

Mr. De Nijs responded to the concerns; he believed that the proposed Ordinance does address issues relating to RA zoning districts and mitigates some of the concerns.

Board questioning and discussion ensued.

Supervisor Hall stressed that the proposed Ordinance gives relief to farmers and ranchers in the County and allows them to take advantage of the growing agritourism in Nevada County, and would like to see it move forward as it is written.

MOTION: Motion made by Supervisor Hall, seconded by Chairman Scofield, to waive further reading and adopt the Ordinance. Motion to adopt the Ordinance failed. (Hall, Scofield - Aye; Miller, Weston, Anderson - No.)

Item returned to staff and the Agricultural Advisory Commission to; consider a minimum parcel size, reconsider the RA zoning, residential versus rural, potentially tying the use to a specific General Plan Land Use Designation, and to take into consideration and report back regarding the impact of removing or restricting the RA zoning district for this use.

SCHEDULED ITEM: 11:00 A.M.

Clerk-Recorder/Registrar of Voters: Gregory Diaz

- 32a. [SR 18-0121](#)** Presentation by Mr. Alex Padilla, California Secretary of State, "Nevada County Pioneering the California Voter's Choice Act."
Presentation provided.

ACTION TAKEN: Chairman Scofield introduced the agenda item, and Mr. Gregory Diaz, Clerk-Recorder/Registrar of Voters, introduced Mr. Alex Padilla, California Secretary of State.

Secretary Padilla provided clarification regarding implementation of Senate Bill (SB) 450, the California Voter's Choice Act (VCA). He described how the legislation works, allowing the voting public to vote from home by mail. Pilot programs have shown an increase in voter turn-out, plus lowered costs. Ballots are automatically sent out one month prior to voting day to every registered voter. Additionally, polling places will be modernized to become vote centers, where the public will be able to deliver their ballots and receive assistance if needed. These voting centers will be open 11 days prior to election day, including over the weekend, providing more flexibility.

Voters can access any voting center, they are not limited only to the Polling Place nearest their home. Additionally, same-day registration will be available at the vote centers. Secretary Padilla reported that additional funding will be made available from the State in order to help provide education to the public, and there is funding proposed for the next State fiscal year to help the counties update their voting equipment. He urged the Board to support the item.

32b. [SR 18-0054](#) Presentation on the Nevada County implementation of the California Voter's Choice Act, All-mailed Ballot/Vote Center Election model, and request for a budget amendment. (Mr. Gregory J. Diaz, Clerk-Recorder/Registrar of Voters)

Resolution authorizing the Nevada County Clerk-Recorder/Registrar of Voters to present information pertaining to implementation of the California Voter's Choice Act, Senate Bill 450, for the All-Mailed Ballot/Vote Center Election model to conduct the June 5, 2018, Statewide Direct Primary Election, with a one-time cost in the approximate amount of \$164,142 and \$138,999 in ongoing Election Administration costs, and directing the Auditor-Controller to amend the Elections Office Fiscal Year 2017/18 budget. (4/5 affirmative vote required)

Denied.

ACTION TAKEN: Mr. Diaz provided a presentation regarding the California Voter's Choice Act (VCA). He stressed the importance of public participation in democracy by voting, and reviewed the key elements, explaining that all voters will receive a ballot mailed 29 days prior to the election. Two vote centers will be open ten days prior as well as on election day, five additional vote centers will be open 5 days prior as well as on election day.

Mr. Diaz explained that the location of the vote centers and drop box locations will be decided as election day approaches. He reviewed the potential cost reductions as a result of implementation of the VCA, and spoke to security of the elections and prevention of voter fraud.

Ms. Teal Caddy, Clerk-Recorder Assistant II, read a Union editorial article into the record, and Mr. Diaz concluded the presentation.

Chairman Scofield requested clarification regarding the two voter centers open before the election. Mr. Diaz responded that the Eric Rood Administrative Center will be open 29 days before the election and that in Truckee the first vote center will be open 11 days before the election. Also, the drop box centers will all be open 28 days before the election.

Board questioning ensued.

Secretary Padilla and Mr Diaz responded to Board questioning regarding SB450 and the voting process.

Chairman Scofield shared his concerns regarding the additional \$300,000 cost to the general fund. Mr. Diaz responded to the concerns, noting that his staff met with each Supervisor and with senior staff regarding the VCA. He believed his office has been transparent with the Board and with members of the community.

Board questioning continued.

Supervisor Hall asked for clarification of what the \$300,000 would purchase. Mr. Diaz listed some of the start-up costs covered by the \$300,000; monies will be going to outreach, purchase and installation of drop boxes, contracting with vote centers, and staffing and training. Most of these are one-time expenditures. Supervisor Hall shared concerns regarding the late request for general fund monies.

Supervisor Weston also had concerns regarding the cost and impacts to the general fund. Mr. Diaz clarified the associated costs, and Secretary Padilla reviewed the proposal for the 50/50 match by the State.

Supervisor Weston requested clarification regarding security of the drop boxes and mentioned the lack of vote centers proposed in the North San Juan area. Mr. Diaz reported that the box requirements are set up by the Secretary of State and staff believes security will not be a problem. Regarding North San Juan, he is looking for other locations there and into the possibility of a mobile vote center. Supervisor Weston suggested the two Fire Departments might work as vote centers.

Chairman Scofield opened the item for public comment.

Ms. Virginia Moran, District II resident, provided comments regarding the security of the suggested locations of the vote centers and raised concerns relating to gerrymandering. Mr. Diaz responded that the public groups they surveyed requested that the drop boxes be in convenient locations such as grocery stores. Secretary Padilla explained that the more votes counted in an area, the more accurate the re-districting would be.

Ms. Helene Hall, District I resident, shared concerns regarding the need to implement the VCA and requested the Board vote no.

Mr. Matthew Coulter, District I resident, provided comments regarding security and the associated costs.

Ms. Janice Bedayn, District III resident and President, League of Women Voters of Nevada County, has been involved with and attended many of the public outreach meetings held by the Elections Department and spoke in support of implementation.

Mr. Bruce Bolinger, District III resident and retired Nevada County Clerk-Recorder, spoke in support of the proposal.

Ms. Rachel, District I resident, spoke in support of the change and in support of new equipment.

Mr. Eric Robins, District III resident, spoke in support of the new process and provided comments regarding the mail process. He asked what a voter should do who does not receive his ballot. Mr. Diaz responded that the voter could call the Elections office and Secretary Padilla added that the voter could go online or to a vote center to get a ballot.

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

Board questioning and discussion continued.

Chairman Scofield suggested that the Board postpone the vote, and request Mr. Diaz meet with the Budget Subcommittee and the County Executive Office staff, to review the funding commitment and look for ways to cut the dollar amount down.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Hall, to adopt the Resolution. On a roll call vote the Motion to adopt the resolution failed. Ayes: Supervisors Hall and Anderson. Noes: Supervisors Weston, Miller and Scofield.

The Board directed the Clerk-Recorder to meet with the Budget Subcommittee to clarify the funding amounts.

***CLOSED SESSIONS:**

[SR 18-0115](#) Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case: Evans, et al, v. County of Nevada, Nevada County Superior Court, Case No. CU15-081064.

[SR 18-0117](#) Pursuant to Government Code Section 54956.9(d)(2), County Counsel is requesting a closed session with the Board of Supervisors to discuss one matter in which there is a significant threat of litigation against the County.

ACTION TAKEN: Ms. Alison Barratt-Green, suggested dropping the second closed session regarding significant threat of litigation against the County due to the time constraints.

Ms. Alison Barratt-Green, County Counsel, read the closed session title regarding Evans, et al, v. County of Nevada into the record and the Board entered into closed session.

Following the closed session, Ms. Barratt-Green reported that nothing occurred in closed session that is required to be reported out by law. (The closed session regarding threat of litigation against the County was not held.)

***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: Not held.

ADJOURNMENT:

ACTION TAKEN: Chairman Scofield adjourned the meeting at 1:05 P.M.

Signature and Attestation

Ed Scofield, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board