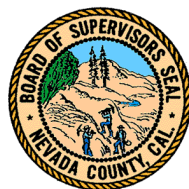


COUNTY OF NEVADA

STATE OF CALIFORNIA

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



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

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, December 13, 2016	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:

Nathan H. Beason, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

STANDING ORDERS:

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

Pledge of Allegiance led by Alison Lehman, Assistant 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 on Friday, December 9, 2016, adding "Fish & Wildlife Commission" to Agenda Item #4 and adding Agenda Item #31a.

PUBLIC COMMENT: 9:01 A.M.

ACTION TAKEN: Mr. Eddie Garcia, District II resident, bid farewell to Supervisor Beason and thanked him for his many years serving Nevada County.

Ms. Ann Guerra, Executive Director, Connecting Point, thanked Supervisor Beason for his pragmatic and compassionate work on behalf of seniors in Nevada County.

SCHEDULED ITEMS: 9:02 A.M.

1. [SR 16-1009](#) Resolution proclaiming January 12-16, 2017 as South Yuba River Citizen's League's (SYRCL) 15th Annual Wild and Scenic Film Festival. (Mr. Caleb Dardick, Executive Director, SYRCL)

Adopted.

Enactment No: RES 16-558

ACTION TAKEN: Chairman Miller read the Resolution into the record and the Board members congratulated South Yuba River Citizen's League (SYRCL) on their 15th Annual Wild and Scenic Film Festival, and the Board members congratulated Mr. Caleb Dardick, Executive Director, SYRCL on the success of SYRCL and the success of the Film Festival, which has become a nationally recognized event.

Mr. Caleb Dardick thanked the Board for recognizing SYRCL. He introduced Ms. Melinda Booth, Director of the Film Festival for the last six years who shared some of the highlights of the upcoming festival.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Weston, to adopt Resolution 16-558. On a roll call vote the motion passed unanimously.

3. [SR 16-0963](#) Ms. Karen Hayden, District Ranger, Yuba River Ranger District, Tahoe National Forest, informational report on the 2017 Land and Resource Management Plan (Forest Plan).

ACTION TAKEN: Ms. Karen Hayden, District Manager, Yuba River Ranger District, Tahoe National Forest provided an informational report on the current activities of the 2017 Land and Resource Management Plan.

2. [SR 16-1040](#) Presentation of a Certificate of Recognition to Mr. Steven Castleberry, Director of Public Works, upon his retirement, for his many years of service and dedication to the citizens of Nevada County.

ACTION TAKEN: Chairman Miller read the Certificate of Recognition into the record. The Board presented the certificate to Mr. Steven Castleberry, Director of Public Works, and thanked him for excellent leadership of the Public Works Department, his dedication to his job, and his years of service to the citizens of Nevada County.

4. [SR 16-1038](#) Recognition by District 1 Supervisor Nate Beason of his representatives on the Airport Commission, Building & Accessibility Standards Board of Appeals, Fish & Wildlife Commission, Nevada County Historical Landmarks Commission, Planning Commission, and Sewage Disposal Technical Advisory Group.

ACTION TAKEN: Supervisor Beason thanked his District 1 representatives for their work on the Airport Commission, Building & Accessibility Standards Board of Appeals, Fish & Wildlife Commission, Nevada County Historical Landmark's Commission, Planning Commission and Sewage Disposal Technical Advisory Group, and presented them with Certificates of Recognition.

5. [SR 16-1039](#) Recognition of Supervisor Nate Beason, District 1 Supervisor, for his contributions while serving as a member of the Board of Supervisors.

ACTION TAKEN: Chairman Miller read the Certificate of Recognition for Supervisor Nate Beason into the record. The Board members each thanked him for his twelve years of service as District I Supervisor and presented the certificate to him. Supervisor Beason shared some thoughts regarding his years as a Supervisor.

Ms. Jennifer Horne, Deputy District Director, Congressman Doug LaMalfa's office, presented Supervisor Beason with a Certificate of Appreciation for his commitment and public service to the citizens of his District and the County of Nevada.

CONSENT CALENDAR:

Behavioral Health Director: Rebecca Slade

6. [SR 16-0991](#) Resolution accepting funds in the amount of \$15,948 for the renewal Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) for the Projects for Assistance in Transition from Homelessness (PATH) Grant Program for Fiscal Year 2016/17.

Adopted.

Enactment No: RES 16-559

7. [SR 16-0989](#) Resolution approving a Contract for Services between the County of Nevada and the County of Placer pertaining to Nevada County Behavioral Health Department providing Crisis Stabilization Unit (CSU) Services to Placer County referred clients through its subcontractor, Sierra Mental Wellness Group, for a total contractual obligation not to exceed \$75,000, for the period December 13, 2016 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Contract.

Adopted.

Enactment No: RES 16-560

8. [SR 16-1015](#) Resolution approving a renewal contract between the County of Nevada and Nevada County Housing Development Corporation (NCHDC) for services related to the Behavioral Health Department's community-based housing projects, housing for residents with a mental health disability, and reimbursement for lease/rental agreements for authorized program participants, in the maximum amount of \$201,848, for the period January 1, 2017 through December 31, 2017, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 16-561

Public Health Director: Jill Blake

9. [SR 16-0984](#) Resolution accepting funds in the amount of \$63,750 for three eligible professionals (\$21,250/each) for the first incentive payments for Fiscal Year 2016/17 under the Medicaid EHR (Electronic Health Records) Incentive Program, and up to a maximum of \$212,500 over the life of the Program through 2021.

Adopted.

Enactment No: RES 16-562

Sheriff-Coroner/Public Administrator: Keith Royal

10. [SR 16-0925](#) Resolution approving Amendment 5 to the contract between the County of Nevada and Telmate, LLC for the provision of inmate phone services (Res. 11-161), extending the contract termination date from December 31, 2016 to June 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 16-563

11. [SR 16-0972](#) Resolution authorizing the Nevada County Sheriff to submit an application to the California Department of Boating and Waterways for reimbursement of boating safety enforcement costs, in the amount of \$245,987.07, pertaining to reimbursement of costs associated with the Boating Safety and Enforcement Program, for the period July 1, 2017 to June 30, 2018.

Adopted.

Enactment No: RES 16-564

Clerk-Recorder/Registrar of Voters: Gregory Diaz

12. [SR 16-1020](#) Resolution adopting the certified statement of the Nevada County Clerk-Recorder/Registrar of Voters, of the results of the November 8, 2016 General Election held in the County of Nevada. (Elections)

Adopted.

Enactment No: RES 16-565

13. [SR 16-1022](#) Resolution authorizing and directing the Nevada County Clerk-Recorder/Registrar of Voters to conduct the March 7, 2017 Special Election of the Mystic Mine Road Community Services District in Nevada County, and to bill the District for the cost of the election. (Elections)

Adopted.

Enactment No: RES 16-566

Community Development Agency Director: Sean Powers

14. [SR 16-1011](#) Resolution approving Amendment 2 to the contract between the County of Nevada and TruePoint Solutions, LLC for implementation of Accela software (Res. 15-155), increasing the contract amount by \$37,500 for a maximum amount not to exceed \$318,300, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Community Development Agency budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 16-567

Agricultural Commissioner: Chris Flores

15. [SR 16-0986](#) Resolution approving the amended and restated Joint Exercise of Powers Agreement between Sutter, Nevada, and Yuba Counties (Res. 89-95) for the purpose of purchasing and maintaining a Weight Truck, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

Adopted.

Enactment No: RES 16-568

Building Director: Craig Griesbach

16. [SR 16-0938](#) (Waive further reading/Adopt) An Ordinance amending Chapter V of the Land Use and Development Code of the County of Nevada, adopting the 2016 California Building Standards, and local amendments thereto; and adoption of express findings of reasonable necessity for changes and modifications to the California Building Standards Code based on local climatic, geological, or topographical conditions.

Waived further reading and adopted.

Enactment No: ORD-2424

Environmental Health Director: Amy Irani

17. [SR 16-1021](#) Resolution approving Amendment 1 to the agreement between the Nevada County Environmental Health Department and Map Associates dba Northstar Engineering for development and submittal of a Local Area Management Plan (LAMP) as required under AB 885 by the California Water Resources and Control Board (Res. 15-315), extending the contract termination date to June 30, 2018, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Environmental Health budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 16-569

Director of Public Works: Steven Castleberry

18. [SR 16-1018](#) Resolution approving Summary Vacation (Abandonment) of a portion of the public right-of-way shown as Charles Drive on that certain map for the Loma Rica Industrial Park recorded June 23, 1960 in Book 8 of Subdivision Maps at Page 121 and as accepted by the Nevada County Board of Supervisors Resolution 09-047, and directing the Clerk of the Board of Supervisors to record the Resolution of Summary Vacation. (Dist. I)

Adopted.

Enactment No: RES 16-570

19. [SR 16-1019](#) Resolution approving Summary Vacation (Abandonment) of a portion of the public right-of-way shown as Nevada City Avenue and Charles Drive on that certain map for the Loma Rica Industrial Park recorded June 23, 1960 in Book 1 of Subdivision Maps at Page 121 and as accepted by the Nevada County Board of Supervisors Resolution 09-047, and directing the Clerk of the Board of Supervisors to record the Resolution of Summary Vacation. (Dist. I)
Adopted.
Enactment No: RES 16-571

Chief Probation Officer: Michael Ertola

20. [SR 16-1014](#) Resolution approving a Regional Facility Agreement between the County of Nevada and the County of Inyo to house certain juvenile wards in the Nevada County Carl F. Bryan II Juvenile Hall facility with a rate payable in the amount of \$90 per day, rescinding Resolution 16-405, and authorizing the Chair of the Board of Supervisors to execute the Agreement.
Adopted.
Enactment No: RES 16-572

21. [SR 16-1013](#) Resolution accepting a grant from the Federal Substance Abuse and Mental Health Services Administration (SAMHSA), in the amount of \$324,345, for the expansion of Nevada County Collaborative Courts' Substance Abuse Treatment Programs, for the period September 30, 2016 through September 29, 2019.
Adopted.
Enactment No: RES 16-573

Chief Information Officer: Stephen Monaghan

22. **SR 16-1000** Resolution approving the official change of name of the Nevada County-owned airport located at 13083 John Bauer Avenue, Grass Valley, from "Nevada County Air Park" to "Nevada County Airport." (Airport)
Postponed. (Pulled from consent by Supervisor Scofield.)
Pulled.

23. [SR 16-1004](#) Resolution awarding and approving a contract between the County of Nevada and Crusader Fence Company, Inc. for construction of Phase I (Base Bid) of a new Perimeter Fence and Gate System at the Nevada County Airport located at 13083 John Bauer Avenue, Grass Valley, in the amount of \$996,393, inclusive of contingency, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Airport budget. (4/5 affirmative vote required.) (Airport)
Adopted.
Enactment No: RES 16-574
24. [SR 16-1001](#) Resolution authorizing the Airport Manager to submit an application for a Federal Aviation Administration grant in the amount of \$115,157 to fund the design of the Taxiway A, Ramps 1, 2, and 5, Pavement Preservation and Service Road Paving Project at the Nevada County Airport, and authorizing the Chief Information Officer to execute the application. (Airport)
Adopted.
Enactment No: RES 16-575
25. [SR 16-1003](#) Resolution approving a contract between the County of Nevada and C&S Engineers, Inc. pertaining to construction management services for Phase I (Base Bid) of the Perimeter Fence and Gate System Upgrades Project at the Nevada County Airport, in the amount of \$125,495, for the period July, 1, 2016 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the contract. (Airport)
Adopted.
Enactment No: RES 16-576
26. [SR 16-1002](#) Resolution authorizing the Airport Manager to submit an application for a Federal Aviation Administration grant in the amount of \$1,196,054 to fund the second phase of construction of a New Perimeter Fence and Gate Project at the Nevada County Airport, and authorizing the Chief Information Officer to execute the application. (Airport)
Adopted.
Enactment No: RES 16-577
27. [SR 16-0974](#) Resolution recognizing the continuing proclamation of a local emergency in Nevada County due to extreme tree mortality, and directing a certified copy of this Resolution be forwarded to the Governor of California with a request he proclaim the County of Nevada to be in a state of emergency. (Emergency Services)
Adopted.
Enactment No: RES 16-578

28. [SR 16-0995](#) Resolution approving a contract between the County of Nevada and Pro-Line Cleaning Services, Inc., pertaining to janitorial services at various Nevada County facilities, up to a maximum amount of \$120,000, for the period January 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the contract. (Facilities)

Adopted.

Enactment No: RES 16-579

29. [SR 16-0996](#) Resolution approving a contract between the County of Nevada and The Boland Group, Inc., dba Out of Sight Cleaning pertaining to janitorial services at various Nevada County Facilities, up to an amount of \$120,000, for the period January 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the contract. (Facilities)

Adopted.

Enactment No: RES 16-580

County Librarian: Laura Pappani

30. [SR 16-1023](#) Resolution authorizing acceptance of a grant from the Northern Sierra Air Quality Management District (NSAQMD) in the amount of \$20,600 to provide downloadable audio and eBooks, authorizing the Chair of the Board of Supervisors to execute Agreement AB 2016-02, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Library budget. (4/5 affirmative vote required.)

Adopted.

Enactment No: RES 16-581

County Counsel: Alison Barratt-Green

31. [SR 16-1005](#) (Waive further reading/Adopt) An Ordinance amending Appendix I of Section A-II 22.3 of Article 22 of Chapter II of the County of Nevada Administrative Code regarding the County's Conflict of Interest Code.

Waived further reading and adopted.

Enactment No: ORD-2425

County Executive Officer: Richard Haffey

- 31a. [SR 16-1025](#) Resolution approving a Tax Neutrality Agreement between the County of Nevada and the Pacific Forest and Watershed Lands Stewardship Council for lands located near Lake Spaulding (APNs 64-140-02, 64-130-08 and a portion of 64-140-06).

Adopted.

Enactment No: RES 16-582

Clerk of the Board: Julie Patterson Hunter

32. [SR 16-0983](#) Resolution approving reappointment of Mr. Robert Ingram and Ms. Susan Hoek, and appointment of Mr. James Drew, as Directors to the Nevada County Resource Conservation District, for four-year terms expiring November 27, 2020.
Adopted.
Enactment No: RES 16-583
33. [SR 16-0966](#) Acceptance of Board of Supervisors Summary Minutes for November 8 and 15, 2016.
Accepted.

ACTION TAKEN: Supervisor Scofield requested Agenda Item #22 be pulled from consent.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson to approve the consent calendar less Agenda Item #22. On a roll call vote, the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

Chief Information Officer: Stephen Monaghan

22. **SR 16-1000** Resolution approving the official change of name of the Nevada County-owned airport located at 13083 John Bauer Avenue, Grass Valley, from "Nevada County Air Park" to "Nevada County Airport." (Airport)
Postponed. (Pulled from consent by Supervisor Scofield.)

ACTION TAKEN: Supervisor Scofield shared information regarding Mr. Errol MacBoyle who originally owned the Idaho Maryland Mine and the Loma Rica Ranch which included the land where the airport now is located. Mr. MacBoyle built the first airfield here which he used to fly gold to the mint in San Francisco. Mr. Gage McKinney has written a book on Mr. MacBoyle and he is working on getting name recognition for him. Mr. McKinney will be contacting Mr. Lee Ocker, Airport Manager, and the Airport Commission to make a presentation. Supervisor Scofield asked for staff to postpone this item until after the presentation has been made.

Chairman Miller asked for any objections to postponing the item? There were none.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Anderson, to to postpone Agenda item #22. On a voice vote the motion passed unanimously.

Chairman Miller 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.

Chairman Miller called the meeting to order. All Directors present.

34. Consent:

34a. [SR 16-0994](#) Resolution approving the Clean Water State Revolving Fund Small Community Loan Agreement CWSRF Project No. C-06-8077-110/ between Nevada County Sanitation District No. 1 and the State Water Resources Control Board for the Cascade Shores Community Leachfield Project, in the amount of \$2.2 million with \$1.1 million of that to be forgiven, authorizing the District Administrator to execute the Agreement, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Capital Improvement budget for Cascade Shores Zone 8. (4/5 affirmative vote required) (Dist. I) (Pulled from consent by Supervisor Beason)

Adopted.

Enactment No: SD16-018

34b. [SR 16-1017](#) Resolution approving Amendment 2 to Grant Agreement 13-829-550 between Nevada County Sanitation District No. 1 and the State Water Resources Control Board for the Penn Valley Sewer System Connection Project (Res. SD14-004), increasing the funding amount from \$5,000,000 to \$6,000,000, revising the Project completion date from June 2017 to October 2017, and authorizing the District Administrator to execute the Amendment. (Dist. IV)

Adopted.

Enactment No: SD16-017

34c. [SR 16-1006](#) Acceptance of Nevada County Sanitation District No. 1 Summary Minutes for October 25, 2016. (Clerk of the Board)

Accepted.

Approval of the Consent Agenda

Adopted.

ACTION TAKEN: Supervisor Beason requested Agenda Item #34a be pulled from consent.

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

#####

ITEMS PULLED FROM THE CONSENT CALENDAR:

Director of Public Works: Steven Castleberry

34a. [SR 16-0994](#) Resolution approving the Clean Water State Revolving Fund Small Community Loan Agreement CWSRF Project No. C-06-8077-110/ between Nevada County Sanitation District No. 1 and the State Water Resources Control Board for the Cascade Shores Community Leachfield Project, in the amount of \$2.2 million with \$1.1 million of that to be forgiven, authorizing the District Administrator to execute the Agreement, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Capital Improvement budget for Cascade Shores Zone 8. (4/5 affirmative vote required) (Dist. I) (Pulled from consent by Supervisor Beason)

Adopted.

Enactment No: SD16-018

ACTION TAKEN: Chairman Miller introduced the agenda item.

Supervisor Beason wanted to take a moment to thank Public Works staff for their hard work and effort to get to this point.

Ms. Marcia Salter, Auditor-Controller, noted that there is an Administrative charge included in the Agreement that was not added to the staff report.

MOTION: Motion made by Director Beason, seconded by Director Scofield, to adopt Resolution SD16-018. On a roll call vote the motion passed unanimously.

#####

Public comment:

ACTION TAKEN: No public comment received.

#####

Adjournment:

ACTION TAKEN: Chairman Miller 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 MATTERS:**Public Health Director: Jill Blake**

35. [SR 16-0992](#) Resolution approving a Grant Agreement between the County of Nevada and the County Medical Services Program (CMSP) Governing Board for services related to the County Wellness & Prevention Pilot Project, in the maximum amount of \$225,000, for the period January 1, 2017 through June 30, 2020, authorizing the Chair of the Board of Supervisors to execute the Agreement, and directing the Auditor-Controller to amend the Public Health Department's Fiscal Year 2016/17 budget. (4/5 affirmative vote required.)

Adopted.

Enactment No: RES 16-584

ACTION TAKEN: Ms. Jill Blake, Public Health Director, presented a PowerPoint Presentation on the County Medical Services Program (CMSP) Wellness and Prevention Pilot Project Request for Proposals. She reported that these are grant funds which will be dedicated to programs focused on chronic disease in Nevada County and that staff is recommending a Pre-diabetes Prevention Project. Ms. Blake reviewed the Public Health strategies to address this health issue that affects many County residents and noted that the County would be working with a number of community organizations such as the Interfaith Food Ministry, Project MANA, Sierra Nevada Memorial Hospital, Tahoe Forest Hospital and others.

Board questions and discussion ensued.

Supervisor Weston wanted to be sure that Family Resource centers in both Western and Eastern Nevada County would be included in the Project. Ms. Blake responded that all centers would be included.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to adopt Resolution 16-584. On a roll call vote the motion passed unanimously.

Environmental Health Director: Amy Irani

36. [SR 16-1029](#) Resolution approving the Martis Valley Groundwater Basin (MVGB) Alternative Plan submittal to the State Department of Water Resources in accordance with the Sustainable Groundwater Management Act (SGMA) by County of Nevada Environmental Health Department in concurrence with the parties of the Martis Valley Groundwater Basin Group (MVGBG).

Adopted.

Enactment No: RES 16-585

ACTION TAKEN: Chairman Miller introduced the agenda item, and Ms. Amy Irani, Environmental Health Director, provided a PowerPoint presentation regarding the Martis Valley Groundwater Basin Alternative Plan that will be submitted to the State Department of Water Resources (DWR) by January 1, 2017 in accordance with the Sustainable Groundwater Management Act (SGMA). She provided a brief oversight of the Basin, and reviewed the Plan. She requested the Board approve submittal of the Alternative Plan.

Board questioning and discussion ensued.

Ms. Irani confirmed the procedure, and the estimated cost, that would be required if the Alternative Plan were rejected by the State Department of Water Resources.

Chairman Miller opened the item for public comment. There being none he closed the item.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Scofield, to adopt Resolution 16-585. On a roll call vote the motion passed unanimously.

Chief Probation Officer: Michael Ertola

37. [SR 16-1007](#) Resolution to formally participate in the "Stepping Up" initiative, a nationwide initiative to provide coordinated support to counties to help people living with mental illnesses stay out of jail and start on the path to recovery.

Adopted.

Enactment No: RES 16-586

ACTION TAKEN: Chairman Miller introduced the agenda item and Mr. Michael Ertola, Chief Information Officer, who introduced Mr. Jeff Goldman, Program Manager. Mr. Goldman provided an overview of the "Stepping Up" Initiative.

Mr. Goldman reviewed the status of mental health in Nevada County and how it affects the jails resulting in overutilization due to very few facilities or services for the mentally ill. He reported on the procedure of the new crisis intervention program to assess people as they arrive at the jail.

Board discussion ensued.

Chairman Miller provided an opportunity for public comment.

Ms. Lael Walz, President, Nevada County National Alliance on Mental Illness (NAMI), provided comments in support of the "Stepping Up" initiative.

Ms. Michelle Hendricks, Vice-President, NAMI, provided comments regarding her personal experience with a member of her family suffering from mental illness. She requested the Board support the probation Department and adopt the Resolution.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Beason, to adopt Resolution 16-586. On a roll call vote the motion passed unanimously.

Chief Information Officer: Stephen Monaghan

38. [SR 16-0998](#) Resolution adopting and implementing a Countywide Enterprise Information Security Program.

Adopted.

Enactment No: RES 16-587

ACTION TAKEN: Chairman Miller introduced the agenda item and Mr. Steven Monaghan, Chief Information Officer, reviewed the staff report proposing to implement a Countywide Enterprise Information Security Program. This program helps County employees manage any confidential information they may need to handle, and helps employees know how to keep within the legal framework required by local and state regulations. He requested the Board adopt the Resolution.

Board questioning and discussion ensued.

MOTION: MOTION: Motion made by Supervisor Beason, seconded by Supervisor Weston, to adopt Resolution 16-587. On a roll call vote the motion passed unanimously.

Clerk of the Board: Julie Patterson Hunter

39. [SR 16-1008](#) Resolution denying the refund of appeal fees in the amount of \$1,374.20 related to the appeal filed by James Powell and Carol Fuller Powell on August 5, 2016 regarding the Nevada County Planning Commission's July 28, 2016 decision to approve the Byers Warehouse Project.

Adopted.

Enactment No: RES 16-588

ACTION TAKEN: Chairman Miller introduced the agenda item and Ms. Julie Patterson-Hunter, Clerk of the Board, reviewed the staff report.

Ms. Carol Fuller-Powell, spoke on their behalf and requested return of the entire appeal fee. She stressed that none of the parking issues have been corrected as a result of their appeal and the "No Parking" sign has not been installed. Based on the lack of corrections she felt the fee should be refunded.

Ms. Alison Barratt-Green, County Counsel, explained the parameters per County Code for the return of the appeal fee. New evidence must have been submitted at the appeal hearing that raised issues of substantial merit, causing affirmative change in the decision of the Planning Commission.

Supervisor Anderson spoke to the two changes to the Project resulting from the appeal hearing, and suggested that they do have merit and deserved discussion.

Supervisor Beason did not believe substantial changes were made as a result of the appeal.

Mr. James Powell, Appellant, added that the Byers Leafguard Project was a complicated proposal, and the only way they could get the County to take a closer look at the issues was to file the appeal. He spoke to the parking issues on State property.

Supervisors Scofield and Weston stressed that the changes made were made by the Board, and were not a direct result of the appeal. Also, Supervisor Scofield noted that the changes that are to be made will take time to happen.

Supervisor Weston noted that the staff report incorrectly stated that the Board vote on the Appeal was 5 to 1, although the correct vote was 4 to 1.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Weston, to adopt Resolution 16-588. On a roll call vote the motion passed unanimously.

Recessed for lunch at 11:17 a.m.

AFTERNOON SESSION

SCHEDULED ITEM: 1:30 P.M.

County Counsel: Alison Barratt-Green

40. [SR 16-1027](#) (Introduce/Waive Further Reading) An Ordinance adding subsections G-IV 5.2.X, G-IV 5.3.CC, G-IV 5.3.DD, G-IV 5.4.M and 5.4.N to Article 5 of Chapter IV of the Nevada County General Code regarding Indoor Personal Marijuana Cultivation.

First reading held.

ACTION TAKEN: Chairman Miller called the meeting to order and read the title of the Ordinance into the record.

Ms. Amanda Uhrhammer, Assistant County Counsel, reviewed the staff report, clarifying the changes that need to be made to the current interim Ordinance resulting from the voter's approval of Proposition 64 (commonly known as the Adult Use Marijuana Act). These changes amend the current Ordinance to bring the it into alignment with Proposition 64, which allows for cultivation of 6 plants within areas where indoor cultivation is currently prohibited in a private residence or accessory structure to a private residence. This amendment is not in any way intended to supersede or in any way supplant the community discussion regarding the long term Marijuana Ordinance. It is simply to address the changes for Proposition 64.

Board questioning and discussion ensued.

Chairman Miller provided an opportunity for public comment.

Mr. Paul Hastings, District 1 resident, asked if, as a rental property owner, he would have to rent to people who grow marijuana. Ms. Uhrhammer responded that Proposition 64 stops jurisdictions from preventing cultivation, but does not prevent property owners from preventing cultivation on their property.

Mr. John Nash, District III resident, questioned 1) what is the definition of Marijuana related activities; and 2) why the Ordinance is not an Urgency Ordinance. Ms. Uhrhammer responded that Proposition 64 is not being currently enforced as any violation of the Ordinance, so it did not appear to be an Urgency. It could be re-agendized as an Urgency Ordinance, although that would have to be re-noticed on the agenda in January. This simply clarifies the County's Ordinance is not in conflict with the state law.

Mr. Nash was concerned that County Ordinances conflict with the dates when fines can be imposed. Chair Miller confirmed that the County cannot enforce any grows of 6 plants in a domicile, so there would not be any fines for this type of cultivation.

Ms. Song Kowbell, District IV resident, asked about her property setback and if she is now able to cultivate marijuana. Ms. Uhrhammer responded that the setbacks no longer apply and she is legally able to cultivate up to 6 plants within her residence.

Ms. Diana Gamzon, District 1 resident and representative of the Nevada County Cannabis Alliance, provided comments in support of the cultivation of marijuana as allowed by Proposition 64. She requested a move toward improvements for the upcoming 2017 growing season and looks forward to the implementation of a new Ordinance through the adhoc subcommittee process.

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

Board questioning and discussion ensued.

Supervisor Weston wanted to add a section that clarifies that the indoor cultivation amount allowed under Proposition 64 is not an additional amount of plants on top of what the County's current Ordinance allows. He suggested a statement that says "...are not additional..." to the maximum amount set forth in the Ordinance. Ms. Uhrhammer responded that it could easily be added.

First reading held, amending the language to add: G-IV 5.4 (M)(c) To the extent Indoor Cultivation is permitted under this Article, the Cultivation allowances under this subsection are not additional to the maximum plant counts set forth in section G-IV 5.4(E)(1)(b)(ii)-(iv), G-IV 5.4(E)(2)(c)-(e).

***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 Miller adjourned the meeting at 1:56 P.M.

Signature and Attestation

Dan Miller, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board