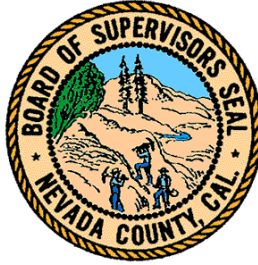


COUNTY OF NEVADA

STATE OF CALIFORNIA

Supervisor Heidi Hall, District I
Chair Ed Scofield, District II
Supervisor Lisa Swarthout, District III
Supervisor Susan Hoek, District IV
Vice-Chair Hardy Bullock, District V

Julie Patterson Hunter, Clerk of the Board
Alison Lehman, County Executive Officer
Katharine L. Elliott, County Counsel



BOARD OF SUPERVISORS

950 Maidu Avenue, Suite 200
Nevada City, CA 95959-8617
(530) 265-1480
Fax: (530) 265-9836
bdofsupervisors@nevadacountyca.gov

ERRATA AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, February 28, 2023	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue, Suite 200 Nevada City, California

The Board of Supervisors welcomes you to their regular meeting.

Pursuant to Governor Gavin Newsom's Executive Order pertaining to the convening of public meetings in response to the COVID-19 pandemic, the County of Nevada will hold its regularly scheduled meeting of the Board of Supervisors from inside the Board Chambers, located at the Eric Rood Administrative Center, 950 Maidu Avenue, First Floor, Nevada City, CA 95959. This meeting is open to in-person attendance. To remain in compliance with state public health guidance, face coverings are strongly recommended to be worn by all individuals while indoors, except those specifically exempt pursuant to CDPH guidance. Members of the public who are unable to attend in person may watch this meeting live on Nevada County Media Comcast Channel 17 in western County and on Suddenlink Channels 17 and 78 in eastern County, through the web at www.nevadacountyca.gov/boardmeetings and www.YouTube.com/c/CountyofNevadaCA, or listen by calling 1 (415) 655-0001 (you will be prompted to provide Meeting ID# 2551 826 0346 & Password# 642 99 677). Closed Captioning is available for hearing impaired viewers.

Public comment for items not on the agenda will be taken following the Standing Orders, or as soon thereafter as possible. Please refer to Page 10 for information on how to participate in the meeting, as well as the various options being made available for members of the public to provide comment in both western and eastern County.

The meeting room is accessible to people with disabilities. Anyone requiring reasonable accommodation to participate in the meeting should contact the Clerk of the Board's office by calling (530) 265-1480 at least four days prior to the meeting. (TTY/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.) This agenda and certain supporting documents may be obtained at www.nevadacountyca.gov/boardmeetings. To view the supporting documents on this agenda for a particular item, click on the SR number to the left of the item. Please note that the on-line agenda may not include all related or updated documents. Proposed actions and supporting documents are considered draft until acted upon by the Board. All items listed on the agenda may be acted upon by the Board of Supervisors.

REGULAR MEETING: 9:00 AM**STANDING ORDERS:**

Call the meeting to order.

Pledge of Allegiance.

Corrections and/or deletions to agenda.

PUBLIC COMMENT:

[SR 23-0183](#) Members of the public shall be allowed to address the Board of Supervisors on items not appearing on the agenda that are of interest to the public and are within the subject matter jurisdiction of the Board. (Please refer to Page 10 for information on the various options being made available for members of the public to provide comment in both western and eastern County.)

CONSENT CALENDAR:

These items are expected to be routine and noncontroversial. The Board of Supervisors will act upon them at one time without discussion. Any Board member may request that an item be removed from the consent calendar for discussion. Members of the public wishing to ask questions or hear discussion on items listed under the consent agenda, may raise their concerns to the Board members prior to the consent agenda being introduced. The Supervisors will take the concerns under consideration and decide if there is adequate reason to remove the item from consent.

Behavioral Health Director: Phebe Bell

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

Interim Public Health Director: Erin Mettler

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

Sheriff-Coroner/Public Administrator: Shannan Moon

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

Auditor-Controller: Gina Will

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

Clerk-Recorder/Registrar of Voters: Natalie Adona

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

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

6. [SR 23-0167](#) Resolution authorizing the Chair of the Board to sign the Invitation to Bid for the 2023 Nevada County Thermoplastic and MMA Safety Project, County Project Number 225037, granting the Public Works Director authority to incorporate any final changes into the bid documents before advertising for bids, and instructing the Purchasing Agent to advertise for bids in accordance with the applicable regulations with the bid opening date to be set by the Director of Public Works. (All Dists.)
7. [SR 23-0199](#) Resolution authorizing the Chair of the Board to sign the Invitation to Bid for the 2023 Nevada County Annual Striping Project, County Project Number 426641, granting the Public Works Director authority to incorporate any final changes into the bid documents before advertising for bids, and instructing the Purchasing Agent to advertise for bids in accordance with the applicable regulations with the bid opening date to be set by the Director of Public Works. (All Dists.)
8. [SR 23-0206](#) Resolution authorizing the Chair of the Board to sign the Invitation to Bid for the 2023 Road Rehabilitation Project, County Project Number 450011, granting the Public Works Director authority to incorporate final changes into the bid documents before advertising for bids, and instructing the Purchasing Agent to advertise for bids in accordance with the applicable regulations with the bid opening date to be set by the Director of Public Works. (Dists. I, II, and IV)

9. [SR 23-0208](#) Resolution authorizing the Nevada County Public Works Director to submit the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application for grant funding in the total amount of \$1.4 million to fund the Rough and Ready Highway/Ridge Road/Adams Avenue Intersection Improvement Project. (Dist. III)
10. [SR 23-0256](#) Resolution approving submittal of an application to the National Forests Foundation's 2023 Innovative Finance for National Forests grant program for funding in the amount of \$150,000 to fund an economic and financial feasibility study of in-depth cross-jurisdictional financing models and partnerships to support implementation of recreation and resiliency projects on Tahoe National Forest public lands in Nevada County, and authorizing the Community Development Agency Director to execute the application and other required documents. (Recreation)
11. [SR 23-0202](#) Resolution authorizing the Chair of the Nevada County Board of Supervisors to execute Federal Fiscal Year 2023 Certifications and Assurances for Federal Transit Administration (FTA) Assistance Programs, including but not limited to sections 5309, 5310, 5311, 5311(f) and 5339, to support operating assistance projects for non-urbanized public transportation systems. (Transit Services)

Acting Director of Cannabis and Code Compliance: Kelsey Hess

12. [SR 23-0250](#) Resolution accepting award of the California Governor's Office of Business and Economic Development, Local Jurisdiction Assistance grant funding in the amount of \$755,895.55 (Res. 22-579), for the Local Equity Grant Fund Program to assist local equity applicants and licensees through its local equity program for commercial cannabis activity, and authorizing the Community Development Agency Director to execute the grant agreement.

Director of Information and General Services Agency: Stephen Monaghan

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

Director of Office of Emergency Services: Craig Griesbach

- 14a. [SR 23-0263](#) Resolution accepting the Office of Emergency Services' request to terminate the Local Emergency and Local Public Health Emergency for the August 2021 River Fire (Res. 21-364).
- 14b. [SR 23-0338](#) Resolution accepting the Office of Emergency Services request to terminate the local emergency for the December 2021 winter storm (Res. 21-541).

County Counsel: Katharine L. Elliott

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

County Executive Officer: Alison Lehman

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

Clerk of the Board: Julie Patterson Hunter

17. [SR 23-0209](#) Approval by Board of Supervisors of the County of Nevada to delegate the Board's authority to the Planning Department to make determinations of Public Convenience or Necessity (PCN) for persons/premises applying for an Alcohol Beverage Control (ABC) license.
18. [SR 23-0196](#) Acknowledge Supervisor Swarthout's reappointment of Elinor Barnes and Gerald Martini as District III representatives to the Nevada County Historical Landmarks Commission effective January 20, 2023.
19. [SR 23-0191](#) Approve the reappointments of Dee Murphy, as Chair to the Board of Supervisors representative, and Maralee Nelder and Jeffrey Guyton as Board of Supervisors representatives to the Board of Trustees of the Law Library for one-year terms ending January 31, 2024.
20. [SR 23-0270](#) Acknowledge the resignation of Edy Cassell as Public Sector Member from the Adult and Family Services Commission, effective February 13, 2023.
21. [SR 23-0267](#) Acknowledge the resignation of Susan Healy-Harman as Public Member from the Nevada-Sierra Connecting Point Public Authority Governing Board, effective February 1, 2023.
22. [SR 23-0210](#) Acceptance of Board of Supervisors Summary Minutes for January 10 and 24, 2023; and acceptance of Board of Supervisors Summary Workshop Minutes for January 25, 26, and 27, 2023.

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

Adjourn as the Nevada County Board of Supervisors and call the regular meeting of the Nevada County Sanitation District No. 1 Board of Directors to order.

Consent:

These items are expected to be routine and noncontroversial. The Board of Directors will act upon them at one time without discussion. Any Board member may request that an item be removed from the consent calendar for discussion. Members of the public wishing to ask questions or hear discussion on items listed under the consent agenda, may raise their concerns to the Board members prior to the consent agenda being introduced. The Directors will take the concerns under consideration and decide if there is adequate reason to remove the item from consent.

- 23a.** [SR 23-0201](#) Resolution amending various Nevada County Sanitation District No. 1 budgets for Fiscal Year 2022/23. (4/5 affirmative vote required)
- 23b.** [SR 23-0211](#) Acceptance of Nevada County Sanitation District No. 1 Summary Minutes for December 6 and 13, 2022.

Public comment:

- [SR 23-0372](#) Members of the public shall be allowed to address the Board on items not appearing on the agenda that are of interest to the public and are within the subject matter jurisdiction of the Board. (Please refer to Page 10 for information on the various options being made available for members of the public to provide comment.)

Adjournment:

Adjourn as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvene as the Nevada County Board of Supervisors.

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

- 24.** [SR 23-0176](#) Resolution proclaiming March 2023 as "Nevada County Women's History Month."
- 25.** [SR 23-0255](#) Resolution acknowledging February 11, 2023 as "International Day of Women and Girls in Science."

SCHEDULED ITEM: 10:15 A.M.**Planning Director: Brian Foss**

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

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

DEPARTMENT HEAD MATTERS:*Public Defender: Keri Klein**

27. [SR 22-1664](#) Resolution proclaiming March 18, 2023 as "Public Defense Day" in Nevada County.

Community Development Agency Director: Trisha Tillotson

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

Director of the Office of Emergency Services: Craig Griesbach

29. [SR 23-0119](#) (Introduce/Waive further reading) An Ordinance amending Article 7 of Chapter IV of the Nevada County General Code regarding Hazardous Vegetation Abatement.

***CLOSED SESSION:**

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

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

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

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

***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.

ADJOURNMENT:

**(The Board of Supervisors can discuss these items at any time during the meeting.)*

This agenda was posted on bulletin boards 72 hours in advance of the meeting at the following locations:

- 1. Eric Rood Administrative Center; outside Board office, outside Board Chambers, and outside main entrance.*
- 2. Truckee Town Hall Administrative Center, 10183 Truckee Airport Road, Truckee, CA 96161.*
- 3. Outside the District V Board of Supervisors office, Truckee Town Hall Administrative Center.*
- 4. Online at www.nevadacountyca.gov/boardmeetings and nevco.legistar.com/Calendar.aspx.*

Posted: February 23, 2023.

WAYS TO WATCH AND LISTEN DURING THE FEBRUARY 28, 2023 MEETING:

- 1) Watch from inside the Board Chambers (face coverings are strongly recommended for all individuals while indoors, except those specifically exempt pursuant to CDPH guidance).
- 2) Listen by calling 1 (415) 655-0001 (Meeting ID# 2551 826 0346 and Password# 642 99 677).
- 3) View at www.nevadacountyca.gov/boardmeetings and www.YouTube.com/c/CountyofNevadaCA.
- 4) View on Nevada County Media Channel 17 in western County.
- 5) View on Suddenlink Channels 17 and 78 in eastern County.

PROVIDE PUBLIC COMMENT BEFORE THE FEBRUARY 28, 2023 MEETING BY:

- 1) Leaving an eComment at www.nevadacountyca.gov/boardmeetings.
- 2) Writing a letter to the Board of Supervisors at 950 Maidu Ave, Suite 200, Nevada City, CA 95959.
- 3) Emailing BOS.PublicComment@nevadacountyca.gov.

Written or emailed public comments received by 4:00 p.m. the day prior to the meeting will be provided to the Board members electronically or in written format and will become part of the public record.

PROVIDE PUBLIC COMMENT DURING THE FEBRUARY 28, 2023 MEETING BY:

- 1) In-Person:

Eric Rood Administrative Center: Members of the public can provide comment in-person inside the Board of Supervisors' Board Chambers at the Eric Rood Administrative Center (face coverings are strongly recommended for all individuals: vaccinated and unvaccinated, except those specifically exempt pursuant to CDPH guidance)

- 2) Over the Phone:

Members of the public can call (530) 270-3474 and will be placed in a call-in queue until they are permitted into the meeting for comment. (Please note that the 1 (415) 655-0001 number is only for listening to the meeting.)

Please provide your name, City or District of residence, and the agenda item you wish to comment on.

PERSONS DESIRING TO ADDRESS THE BOARD**CONTROL OF MEETING:**

The Board Chairperson shall first caution any person at the meeting who is abusive, disruptive, or out of order, and then ask that person to leave if the person will not stop; additionally, the Chair reserves the right to recess the meeting until the person leaves or is escorted out and order is restored.

PUBLIC COMMENT:

Matters on the Agenda: The Board shall allow public comment on items appearing on the agenda when the agenda item is considered by the Board. The Chair may limit the total amount of time for comment on any agenda item and may limit any individual desiring to address the Board to no more than three (3) minutes at the Chair's discretion. Comments by the public must be relevant to the item on the agenda being considered by the Board. This includes: a. Consent Agenda; b. Community Presentations; c. Department Head Matters; d. Individual Board Member Items; and e. Scheduled Items.

Matters not on the Agenda: At regular meetings of the Board, members of the public shall be allowed to address the Board of Supervisors on matters not appearing on the agenda which are of interest to the public and which are within the subject matter jurisdiction of the Board. Pursuant to the Ralph M. Brown Act, the Board shall not take any action or discuss any matter not appearing on the agenda although staff may be asked to briefly respond to or follow up on such items.

The Chair of the Board may limit the total amount of time allocated for public comment; provided, however, the Board will allocate at least fifteen (15) minutes for receiving public comment during regular Board meetings. The Chair of the Board may limit any individual desiring to address the Board to no more than three (3) minutes at the Chair's discretion. Time to address the Board will be allocated on the basis of the order in which the requests were received. The public addressing the Board may be limited in amount of time dependent upon the press of business and the number of persons wishing to address the Board. At special meetings of the Board, public comment will only be allowed on matters appearing on the agenda.

ORDER AND DECORUM:

Individuals or organizations desiring to address the Board shall:

- 1) Address the Board from the designated podium, virtual kiosk, or other designated location, including teleconferencing system(s). Speakers are encouraged but not required to give their name and location of residence before addressing the Board. This is to assist the Board with identifying which supervisorial district the speaker resides in.
- 2) Speakers shall direct their comments to the Board, through the Chair, and not to the audience or staff.
- 3) Speakers may comment on specific matters before the Board with reasons for the position taken.
- 4) The Chair may, at their discretion, increase the allotted time for any given speaker, but shall not be required to do so.
- 5) A speaker may not yield time to another speaker.
- 6) No individual may speak more than once during Public Comment or on an item on the agenda unless recognized by the Chair as having new information.
- 7) In the interest of civil discourse, the rules as specified in this Order and Decorum of Board Business and Robert's Rules of Order, to the extent such rules are not in conflict with the Brown Act, shall apply at all Board meetings. It shall be the responsibility of the Chair to ensure that Public Comment is conducted in such a manner in order to avoid disruptive activity, promote mutual respect, keep comments focused on the subject being discussed, avoid personal attacks, prohibit hate speech and the threat of violence.
- 8) At the start of each meeting, the Chair shall remind the public of the rules and expectations of the public including distinguishing the process for: a) public comment for items on the consent agenda; b) general public comment for items not listed on the agenda; and c) public comment for items on the agenda.
- 9) Applicants, applicant representatives, and appellants desiring to speak shall be permitted to speak first during the public comment portion of a public hearing for no more than ten (10) minutes (or fifteen (15) minutes at Appeal Hearings) unless different rules for conducting the hearing are provided by County Code or other applicable law. Time limits may be modified at the Chair of the Board's discretion.

PUBLIC HEARINGS:

All members of the public shall be allowed to address the Board as to any item which is noticed on the Board's agenda as a public hearing. The Chair of the Board may limit the total amount of time allocated for the public hearing and may limit any individual desiring to address the Board to no more than three (3) minutes. Any person may provide the Board with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the Clerk of the Board. Whenever a public hearing is conducted, the public hearing is closed and the matter is continued to a subsequent meeting for Board deliberation and/or action, the Board shall not allow public comment and/or testimony on that item at the subsequent hearing.

However, at the initial public hearing, prior to taking action, the Board may, at its sole discretion, elect to continue the matter and reopen the public hearing. At the subsequent hearing, all information will be considered. The Board may also, at the initial public hearing, prior to taking action, announce that the public hearing is being continued for specific information and the public testimony will only be heard on new information specific to the Board's direction. If, after the public hearing is closed and the Board later decides to reopen the public hearing for public testimony, appropriate notices must be published.

ORDINANCES:

- 1) By statute, an ordinance may be passed immediately upon introduction only after notice and a public hearing.
- 2) An urgency ordinance may be passed immediately upon introduction.
- 3) Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting unless authorized by statute as indicated above. The Board of Supervisors will address ordinances at first readings. The public is urged to address ordinances at first readings; as passage of ordinances will be held at second readings, after reading the title.
- 4) Adoption of the ordinance is made by majority vote.
- 5) The Board reserves the right to amend any proposed ordinances and to hold a first reading in lieu of a second reading. (Gov. Code Section 25131, et seq.)

INFORMATIONAL CORRESPONDENCE:

The Board may direct any item of informational correspondence to a department head for appropriate action.

REFERENCES:

- Nevada County Resolution 17-084 (Public comment)
- Ralph M. Brown Act, California Government Code Sec. 54950, et. seq. (Open meetings law)
- Nevada County Land Use Code Sec. L-II 5.12 (Appeals)