

COUNTY OF NEVADA

STATE OF CALIFORNIA

Nate Beason, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District (Chair)
Wm. "Hank" Weston, 4th District (Vice-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, April 26, 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 Ms. Jill Blake, Director of Public Health

Corrections and/or deletions to agenda.

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

PUBLIC COMMENT: 9:01 A.M.

ACTION TAKEN: Mr. Donn Coenen, District II resident, provided comments regarding forest fire danger and fire safety during the upcoming summer. He mentioned the many dead and dying trees we have in our forests, and suggested that reviving the lumber industry would be a way to prevent the destruction caused by forest fires. He noted the many benefits of the logging industry, and shared his belief that environmentalism has shut down the industry in Nevada County.

Mr. Matthew Coulter, District III resident, provided comments regarding forest fires, and the homeless issue in Nevada County. Speaking to the trash contract with Waste Management, Mr. Coulter wondered why they are not being held responsible to uphold their contract by reopening recycling centers and addressing the trash on County roadways that is caused by their trucks.

Lieutenant Sidney Salcido, Salvation Army representative, spoke on behalf of the Continuum of Care (COC) program. COC's main purpose is to provide services that help people get from homelessness to stability so they can be a part of the community. In the past year \$590,000 was received from the State and distributed to Nevada County Non-profit Organizations. Housing & Community Development has been redesigned to reach out to larger cities, which will impact small, rural communities. The State's suggested allotment for this year is \$188,000, which is a lot less. Lt. Salcido shared his concerns that Hospitality House and Salvation Army will no doubt lose funding this year.

Dr. Kelly Reuss, DC, District V resident, provided comments regarding government patents that concern Nevada County; silver iodide spraying; cannabis and its medicinal benefits; the rights of Nevada County citizens; and banning certain items that she believes are harmful to the citizens.

Mr. Michael School, District III resident, asked to schedule a meeting with his Supervisor. He also provided comments regarding a Nevada County officer that is under investigation, and whether or not Mr. Richard Haffey swore an Oath prior to becoming County Executive Officer.

Supervisor Miller responded that he has tried to reach Mr. School and the phone number that he left has been disconnected.

CONSENT CALENDAR:

Behavioral Health Director: Rebecca Slade

1. [SR 16-0313](#) Resolution authorizing execution of Amendment 1 to contract with Nancy M. Callahan, Ph.D., dba IDEA Consulting for consultation services related to quality assurance, grant development and facilitation/implementation services for the SB 82 grant projects, and Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) and Innovation (INN) Programs (Res. 15-255), increasing the maximum contract price from \$131,000 to \$181,000 to reflect additional services provided, for the period July 1, 2015 through June 30, 2016, and directing the Auditor-Controller to release fund balance and amend Behavioral Health Department's budget for Fiscal Year 2015/16. (4/5 affirmative vote required.)

Adopted.

Enactment No: RES 16-159

2. [SR 16-0309](#) Resolution accepting funds in the amount of \$129,234 for the renewal Substance Abuse and Mental Health Services Administration (SAMHSA) Center for the Community Mental Health Services Block Grant (MHBG) Program to provide services to individuals with co-occurring addictive and mental disorders, for Fiscal Year 2015/16.

Adopted.

Enactment No: RES 16-160

Public Health Director: Jill Blake

3. [SR 16-0317](#) Resolution authorizing execution of Amendment A01 to Standard Agreement 14-90039 with California Department of Health Care Services (CDHCS) for the Medi-Cal Administrative Activities (MAA) Program (Res. 14-245), increasing the total contract maximum from \$450,000 to \$820,000, for a maximum funding amount of \$170,000 for Fiscal Year 2014/15, \$250,000 for Fiscal Year 2015/16, and \$400,000 for Fiscal Year 2016/17, for the three-year contract period of July 1, 2014 through June 30, 2017. (Pulled from consent by Supervisor Scofield.)

Pulled.

Enactment No: RES 16-172

Director of Social Services: Mike Dent

4. [SR 16-0312](#) Resolution proclaiming May 2016 as Older Americans Month in Nevada County, and urging every citizen to take time this month to recognize older adults and the people who serve and support them as powerful and vital citizens who greatly contribute to the community.
Adopted.
Enactment No: RES 16-161
5. [SR 16-0304](#) Resolution authorizing execution of a renewal contract with Nevada-Sierra Regional In-Home Supportive Services (IHSS) Public Authority pertaining to operating a Market Match Program at Farmers' Markets in Nevada County, providing for a one-time \$30 voucher to CalFresh participants to be redeemed at participating Farmers' Markets, in the maximum amount of \$80,811, for the period May 1, 2016 through February 28, 2017.
Adopted.
Enactment No: RES 16-162

Sheriff-Coroner/Public Administrator: Keith Royal

6. [SR 16-0314](#) Resolution authorizing execution of Amendment 5 to the Cooperative Law Enforcement Agreement 12-LE-11051360-005 between the Nevada County Sheriff's Office and the U.S. Forest Service, Tahoe National Forest, pertaining to reimbursement for law enforcement services provided by Sheriff deputies on National Forest Service lands (Res. 12-035), adding a new Exhibit A for campground patrol operations in the amount of \$7,000, and a new Exhibit B for controlled substances enforcement in the amount of \$7,000, for the operational period effective from the last signature date, for the estimated period beginning October 1, 2015 and ending September 30, 2016. (Pulled from consent by Mr. Matthew Coulter, District III resident.)
Pulled.
Enactment No: RES 16-173

Director of Public Works: Steven Castleberry

7. [SR 16-0303](#) Resolution awarding bid and authorizing execution of contract with Chrisp Company for the Roadside Safety Signage Audit, Sign Installation Project, County Contract No. 225028, Federal Project No. HRRRL-5917 (088) (Res. 16-047), in the amount of \$281,580 plus a ten percent contingency, for a grand total of \$309,738.
Adopted.
Enactment No: RES 16-163

8. [SR 16-0308](#) Resolution approving the plans, specifications and cost estimate for construction of the Retrac Way Bridge Replacement Project, BRLO-5917(069), Contract No. 224018, authorizing the Chair of the Board of Supervisors to sign the documents, and instructing the Purchasing Division to advertise for bids with the bid opening date to be set by the Director of Public Works and upon final approval from the State to advertise this Project for bids. (Dist II)
Adopted.
Enactment No: RES 16-164
9. [SR 16-0319](#) Resolution authorizing submittal of Applications, Grant ID 6861-0002, to the California Governor's Office of Emergency Services (Cal OES), Proposition 1B, California Transit Security Grant Program, California Transit Assistance Fund (CTS GP-CTAF), for funds in the amount of \$72,167 for a multi-phased bus stop improvement and equipment project to improve and enhance transit system safety and security, for Fiscal Year 2015/16. (Transit Services)
Adopted.
Enactment No: RES 16-165

Human Resources Director: Charlie Wilson

10. [SR 16-0324](#) Resolution amending Authorized Personnel Staffing Resolution 15-242, adopted June 16, 2015, revising staffing patterns for various County departments with the number of FTE totaling 778.70, effective April 26, 2016.
Adopted.
Enactment No: RES 16-166
11. [SR 16-0326](#) Resolution amending Authorized Personnel Salary Resolution 15-243, adopted June 16, 2015, pertaining to staffing changes in various County departments, effective April 26, 2016.
Adopted.
Enactment No: RES 16-167

Chief Probation Officer: Michael Ertola

12. [SR 16-0321](#) Resolution authorizing execution of Amendment 1 to contract with Community Recovery Resources (CoRR) pertaining to alcohol/drug treatment services and transitional housing services for Nevada County Probation Department clients (Res. 15-270), modifying the scope of work to clarify Outside Pass procedures, and increasing the maximum contract amount not to exceed \$90,000, for the period July 1, 2015 through June 30, 2016.

Adopted.

Enactment No: RES 16-168

Chief Information Officer: Stephen Monaghan

13. [SR 16-0318](#) Resolution authorizing execution of Amendment 1 to contract with Scope Landscape Management, Inc. for professional landscape maintenance services at various Nevada County facilities (PESJ2921), increasing the contract amount from \$23,520 to \$38,520, with all other respects of the prior agreement remaining in full force and effect. (Facilities)

Adopted.

Enactment No: RES 16-169

14. [SR 16-0328](#) Resolution awarding bid and authorizing execution of contract with DMCE Concrete & Engineering, Inc. for the Grass Valley Veterans Memorial Building Sidewalk Improvements Project located at 255 South Auburn Street, Grass Valley (Res. 16-132), in the amount of \$67,733 plus a contingency of \$6,774, for a total contract amount of \$74,507. (Facilities)

Adopted.

Enactment No: RES 16-170

Clerk of the Board: Julie Patterson Hunter

15. [SR 16-0320](#) Resolution proclaiming June 25, 2016 as the annual North San Juan Cherry Festival Day.

Adopted.

Enactment No: RES 16-171

16. [SR 16-0316](#) Acknowledge Supervisor Weston's acceptance of the resignation from Mr. David Long as District IV representative on the Sewage Disposal Technical Advisory Group.

Acknowledged.

17. [SR 16-0315](#) Acceptance of resignation from Ms. Christine Foster as Realtor representative on the Sewage Disposal Technical Advisory Group.

Accepted.

18. [SR 16-0332](#) Appointment of Mr. Andrew Burton as Non-Supervisor member to the Area 4 Agency on Aging Governing Board, for a two-year term expiring December 31, 2017.
Appointed.
19. [SR 16-0325](#) Acceptance of Board of Supervisors Summary Minutes for April 12, 2016.
Accepted.

Approval of the Consent Agenda

Adopted.

MOTION: Motion was made by Supervisor Anderson, seconded by Supervisor Scofield, to approve the Consent Agenda, less Agenda Items #3 and #6. On a roll call vote, the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

Public Health Director: Jill Blake

3. [SR 16-0317](#) Resolution authorizing execution of Amendment A01 to Standard Agreement 14-90039 with California Department of Health Care Services (CDHCS) for the Medi-Cal Administrative Activities (MAA) Program (Res. 14-245), increasing the total contract maximum from \$450,000 to \$820,000, for a maximum funding amount of \$170,000 for Fiscal Year 2014/15, \$250,000 for Fiscal Year 2015/16, and \$400,000 for Fiscal Year 2016/17, for the three-year contract period of July 1, 2014 through June 30, 2017. (Pulled from consent by Supervisor Scofield.)
Adopted.
Enactment No: RES 16-172

ACTION TAKEN: Supervisor Scofield asked for additional clarification regarding the large amount of money; how did the money get here and what impact will it have on our budgets.

Ms. Jill Blake, Public Health Director, provided background information regarding the additional federal fund reimbursement for the Medi-Cal Administrative Activities (MAA) Program.

Some of these reimbursable programs include medical outreach, care coordination for the Medi-Cal eligible population, program planning, policy development and non-emergency transportation. Recently, the Public Health Department has invested resources into growing and developing the MAA specific programs and is therefore able to apply for more of the MAA funds to reimburse these activities. This is where the increase in funds is coming from. These revenues help to support a variety of work within the Department as well; such as the Public Health Officer position, accreditation activities, HIV case management, clinic activities and others. Ms. Blake reported that the MAA revenue is included in the budget.

Board questioning ensued.

Mr. Richard Haffey, County Executive Officer, explained that the additional funding will help to relieve the pressure on other funds, such as Realignment. He provided additional information regarding how this funding effects the County budget.

Ms. Blake added that her Department just recently began growing the MAA Program, and are beginning to map out specifically how the revenue will be utilized. She would be happy to report back at a later date on how it is being utilized, once it comes in.

Supervisor Anderson asked who would be served by this source of revenue. Ms. Blake responded that the revenues support activities across her Department, including Immunization Clinics, HIV Case Management Program services, California Children's Services Program, as well as many others.

Supervisor Beason asked if Medi-Cal is client driven. Ms. Blake responded that it is separate from Medi-Cal billing; it has more to do with administrative activities, such as outreach and planning. She added that the funding benefits those that are already on Medi-Cal or are Medi-Cal eligible.

Chairman Miller provided an opportunity for public comment.

Mr. Richard Ulery, District II resident, suggested it was a massive increase and asked if it covers benefits and income for those administering the programs. Ms. Blake explained that these are not expenditures and clarified that it is a revenue agreement, which is increasing revenues as we develop a more sophisticated MAA program.

Mr. Haffey complimented Ms. Blake on her leadership that results in additional revenue coming into Nevada County. He explained that it is revenue the County was not accessing in the past and is for activities that the County is already performing.

Mr. Haffey stressed that there are no new positions and no new expenses associated with this revenue contract.

Ms. Blake noted that additional departments will be able to access the MAA program, such as Veterans Services and possibly the Probation Department.

Part of the increase in reimbursement funds is due to the other departments that will be able to access the program.

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

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Weston, to adopt Resolution 16-172. On a roll call vote, the motion passed unanimously.

Sheriff-Coroner/Public Administrator: Keith Royal

6. [SR 16-0314](#) Resolution authorizing execution of Amendment 5 to the Cooperative Law Enforcement Agreement 12-LE-11051360-005 between the Nevada County Sheriff's Office and the U.S. Forest Service, Tahoe National Forest, pertaining to reimbursement for law enforcement services provided by Sheriff deputies on National Forest Service lands (Res. 12-035), adding a new Exhibit A for campground patrol operations in the amount of \$7,000, and a new Exhibit B for controlled substances enforcement in the amount of \$7,000, for the operational period effective from the last signature date, for the estimated period beginning October 1, 2015 and ending September 30, 2016. (Pulled from consent by Mr. Matthew Coulter, District III resident.)
Enactment No: RES 16-173

ACTION TAKEN: Mr. Matthew Coulter, District III resident, shared his concerns regarding the amount of money the Sheriff's office continues to request, although he agreed that the Sheriff does need to patrol the campgrounds. Mr. Coulter inquired as to the types of drugs the Sheriff is identifying as a priority; he was more concerned about heroin and methamphetamine and the related crimes, than he was about marijuana use.

Chairman Miller explained that the contract is regarding National Forest Lands; the patrols are in cooperation with the Forest Service and Federal government.

Mr. Rolf Kleinhans, Sheriff's Chief Fiscal/Administrative Officer, explained that the item is a revenue contract for patrol services provided by the Sheriff's office on National Forest lands. Mr. Kleinhans noted that it is clear that there are illegal activities in the Federal lands, which is addressed in the contract. Mr. Kleinhans reported that when calls come in the Sheriff's office responds, and clarified that the contract is broken out into two pieces; surveillance aimed at illegal narcotics activity and direct patrols of campground areas and off-road vehicles.

Supervisor Beason explained that Federal funding comes in at various times throughout the year for different programs including Public Health, Behavioral Health and Sheriff's programs. There is nothing new about this contract; it is for Sheriff's patrols in campgrounds in National forests within Nevada County and has been renewed every year for the past several years.

Supervisor Anderson noted that there is a drop in funding this year and asked for the reason for the difference. Mr. Kleinhans responded that the Federal government is reducing its funding in a variety of areas and he assumed this was a similar situation.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Scofield, to adopt Resolution 16-173. On a roll call vote, the motion passed unanimously.

DEPARTMENT HEAD MATTER:

Treasurer-Tax Collector: Tina Vernon

20. [SR 16-0329](#) Resolution authorizing Sierra Valley Energy Authority (mPower Program) to accept applications from property owners, conduct contractual assessment proceedings, levy contractual assessments and provide financing within the unincorporated territory of the County of Nevada, authorizing execution of an Amendment to the Joint Powers Agreement (JPA) for the establishment of the Sierra Valley Energy Authority for the purpose of accepting associate memberships, authorizing execution of the Cooperative Agreement with Sierra Valley Energy Authority for administration of the Property Assessed Clean Energy (PACE) Program, and authorizing related actions.

Adopted.

Enactment No: RES 16-174

ACTION TAKEN: Ms. Tina Vernon, Treasurer-Tax Collector, reviewed the staff report for the Sierra Valley Energy Authority (mPower Program) and administration of the unincorporated Property Assessed Clean Energy (PACE) Program. PACE allows local governments the authority to designate boundaries within their jurisdictions to establish programs for property owners to enter into contractual assessments to finance the installation of renewable energy efficient projects. Once the project is complete, the financing is placed on the tax roll for a period of five to twenty years, depending on the project financed. Some of the types of projects covered for financing include solar, water conservation, siding, windows, energy efficient roof systems, HVAC systems and many more. These projects will help retrofit Nevada County homes, increase property values, generate jobs, and create the opportunity to invest locally in our community. Ms. Vernon reported that the County has been researching this Program since 2008, but at that time it was found that Nevada County was too small to operate a program. Efforts were stalled again in 2010 when other program administrators suspended their residential programs, due to push-back from Fannie Mae and Freddie Mac, who argued that PACE liens should not be superior on secured property. This issue has remain unchanged since that time, although PACE administrators around the country have reinstated and grown the number of residential programs statewide. Today, a large number of counties offer the PACE Program to their residents. In June 2015, the Board directed staff to prepare the documents necessary to bring the Program to Nevada County. Subsequently, Nevada County issued a request for proposal for the administration of the PACE program. mPower Placer was chosen as the provider for Nevada County. mPower Placer offers the highest level of consumer information, education and protection. In addition to their highest safeguards on consumer protection, mPower Placer also offered the greatest accessibility to local contractors, the best opportunity for local investment, the lowest fixed rate financing for all project types, direct experience with PACE liens as a local government entity, and their close proximity to Nevada County. Ms. Vernon noted that the County will incur no cost or expense relating to administration of the Program. She explained that the County's roll will be to place the special assessments on the tax roll and collect the revenue via the property tax bill. Ms. Vernon reported that the cities of Grass Valley and Nevada City, and the Town of Truckee are ready to adopt similar resolutions, pending the outcome of today's meeting. She concluded her report and introduced Ms Jenine Windeshausen, Placer County Treasurer-Tax Collector.

Ms. Windeshausen reviewed Placer County's program. Since August 2013, they have provided almost \$50 million in financing. She estimated that they have created about 1,000 local jobs. Ms. Windeshausen explained that the program is completely voluntary. The application process starts off with a consumer protection seminar that all applicants must attend. The seminar covers selection of a contractor, checking references and licensing. They inform the applicants of other financing that is available, which they should also consider to make sure they are choosing the financing that is right for them. They thoroughly explain how the process works and provide disclosures related to the FHFA issue, and potential issues should the homeowner

decide to refinance or sell their property. It is possible that a lender may require the PACE lien be paid off. She reviewed the process to make the program operational in Nevada County and estimated a period of 3-5 months to become operational in Nevada County. Assuming the Board approves the proposal, they will work in earnest to try and make the 3-month time period.

Board questioning ensued.

Supervisor Beason asked for clarification regarding Fannie Mae and Freddie Mac's objections about the priority on property liens. Ms. Windeshausen responded that the Federal Housing Finance Authority (FHFA) is both the regulator and conservator of Fannie Mae and Freddie Mac. They issued a bulletin in July 2010, which red-lined communities with active PACE Programs. It indicated that if there was an active PACE Program then mortgage underwriters should assume that every property within a jurisdiction has the maximum PACE lien and they should include that in their debt to income ratios. At that time Placer County suspended their Program in order to protect property owners. Subsequently, the State led a lawsuit against FHFA, and other counties continued to issue PACE liens. In 2013 Placer County started up the residential Program again, and there is now over one-billion in loans through the PACE Program in California.

Board questioning continued.

Supervisor Beason asked if a homeowner has a PACE lien on their property, what happens if they decide to sell their home. Ms. Windeshausen responded that under California law, the lien should transfer and stay with the property. However, Fannie Mae and Freddie Mae are not going to allow the lien to stay, and they may place a condition on the lien that requires it be paid off during a sale. This requirement has to be disclosed during the sale. She added that Placer County's experience prior to September 2015 was that in about 91% of the refinancing scenarios the PACE lien remained. As of last September it seems to have changed to a requirement that the PACE lien has to be paid off. Ms. Windeshausen stressed that this information is provided during the property owner seminar.

Board questioning and discussion ensued.

Chairman Miller provided an opportunity for public comment.

Mr. Ross Yassine, District II resident, was interested in applying for an mPower loan right away. If he has to wait the 3-5 months PG&E would have already changed its net energy metering rules, which will increase his monthly payment. He urged the Board to pass the item quickly.

Mr. Brandon Davis, California Solar Electric Company representative, commented that California Solar has worked with Placer County and the PACE Program and they are excited to see it coming to Nevada County. Mr. Davis stressed that this is a huge opportunity for the creation of local jobs in Nevada County. He provided comments in support of adoption of the Program.

Mr. Donn Coenen, District II resident, asked if contractor recommendations are provided and if they keep track of them by means of an approval list. Ms. Windeshausen responded that she refers to it as a dynamic process; they don't just qualify. They have to go through training, and with each application Placer County checks the status of their contractor's license, bonding, and workers compensation. This sets a very clear expectation on the part of the contractors. They have not had many problems and have not received a lot of complaints associated with their contractors.

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

Supervisor Anderson requested clarification regarding Proposition (Prop) 13; if improvements are made to a property resulting from the Program would it trigger a property reassessment event. Ms. Windeshausen explained that solar does not trigger a reassessment. However, when the property is sold the solar improvements will be incorporated into the new value.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Beason, to adopt Resolution 16-174. On a roll call vote, the motion passed unanimously.

Following a short break, Chairman Miller called the meeting to order.

SCHEDULED ITEMS: 10:30 A.M.

Chief Information Officer: Stephen Monaghan

21. [SR 16-0310](#) Public hearing as required by Section 4217.12(a) of the California Government Code, to consider information concerning proposed contracts with Climatec LLC and Sunpower Corporation, Systems, respectively, for energy conservation and solar energy generation at various Nevada County facilities.

Public hearing held.

ACTION TAKEN: Chairman Miller introduced the agenda item.

Mr. Stephen Monaghan, Chief Information Officer, introduced Ms. Mary Ross, Information and General Services (IGS) Chief Fiscal/Administrative Officer and Mr. Tom Coburn, Facilities Program Manager, as well as representatives from Climatec LLC and SunPower Corporation, Systems. Mr. Monaghan provided a PowerPoint presentation and summarized the previous contract for the engineering phase of the Project which began July 2015. The overall goal is to perform energy upgrades; reduce energy consumption and costs; and address deferred maintenance.

Mr. Monaghan reported that the County is committed to reducing its energy usage, and lower greenhouse gas emissions. Staff is working with Climatec LLC, an Energy Services Company (ESCO). Mr. Monaghan explained that the energy savings is expected to pay for the cost of the Project and provide for a return to the County. He reviewed the specific projects and the County facilities that use the highest amount of energy, and explained that the County uses approximately \$1 million dollars per year in electricity. Their goal is to mitigate that cost and save money. Mr. Monaghan reviewed some of the associated projects: 1) automation of the buildings which gives more control over the power used; 2) lighting upgrades to new LED technology; 3) HVAC upgrades, which will alleviate deferred maintenance; and 4) installation of a new roof at the Crown Point facility. He reviewed the solar upgrades proposed for various County facilities, including the Eric Rood Administrative Center, Wayne Brown Correctional Facility, Carl F. Bryan II Juvenile Hall, Lake of the Pines Wastewater Treatment Plant, and the Highway 49 Ranch property. The Ranch property will be a renewable energy self-generation site, which will generate electricity; the energy will be allocated to as many as fifty other County facilities, such as the libraries, Grass Valley Veterans Memorial Hall, Brighton Greens, etc. and will generate reduced energy cost credits.

Ms. Ross introduced the contracts, proposed resolutions and finances of the Project, as well as the cost allocation of the Program. Ms. Ross reviewed the six separate contracts proposed for approval. She reviewed the cost of implementation, which will be less than the expected cost savings. She explained that two of the contracts will guarantee that the Program will exceed costs, and the associated contracts cover the installation, performance, operation and maintenance of the systems. She reviewed the financial highlights of the Program; the total project cost of \$12.78 million, which includes \$2.4 million in energy efficiency projects and \$9.7 million in solar projects. The overall Program is expected to achieve positive cash flow by the 3rd year, and by the 20th year the Project should save the County \$5.5 million. Ms. Ross reported that the solar systems will be financed by Clean Renewable Energy Bonds (CREBS) and the energy efficiency projects will be financed with tax-exempt municipal lease bonds. The financing team for this plan includes KNN Public Finance who will be acting as the County's financial advisor. Ms. Ross reviewed the financing timeline and final execution of the bond documents, which they expect to have

completed by mid-July. She provided an overview of the environmental and land use planning process, and explained that IGS has been working with the Planning Department to complete the process. Archaeological and biological studies have been done at the sites, including a wetlands impact management plan at the ranch property and a landscaping plan to mitigate the visual impact of the solar panels from residents at the Eden Ranch subdivision. The planning application 30-day comment period begins May 1st; upon approval by the Planning Commission there will be a 35-day California Environmental Quality Act (CEQA) comment period, which will bring the process to mid-July at which time the financing process and implementation activities will be under way. Cost and savings will be allocated to all impacted budgets, and all County departments with meters involved in this Program will achieve savings. Ms. Ross concluded staff's presentation.

Board questioning ensued.

Mr. Monaghan, Ms. Ross, Mr. Kevin Johnston, Senior Project Development Manager, SunPower Corporation, Systems, and Mr. Tyler Girtman, Senior Account Executive, Climatec LLC, responded to the questioning.

Chairman Miller opened the public hearing for public comment.

Mr. Matthew Coulter, District II resident, had questions regarding where the panels were manufactured, and if the County will receive a buy-back from Pacific Gas and Electric (PG&E) for the power created at County facilities. Mr. Girtman responded to Mr. Coulter's questions, explaining that the panels are manufactured in the Philippines and Mexico. He added that a meter will be installed at the Ranch property, and the County will receive a credit for the power created there. He noted that currently this is available only to municipalities.

Mr. Coulter asked if the County had a coordinated master plan. Mr. Richard Haffey, County Executive Officer, explained that the County has a Master Plan; the Capital Facilities Subcommittee reviews the Plan and updates it every few years.

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

21a. [SR 16-0341](#) Resolution approving and authorizing execution of an Energy Performance Master Contract with Climatec LLC and SunPower Corporation, Systems (SunPower), to implement an Energy Conservation and Solar Energy Generation Program at various Nevada County facilities.

Adopted.

Enactment No: RES 16-175

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to adopt Resolution 16-175. On a roll call vote, the motion passed unanimously.

21b. [SR 16-0342](#) Resolution approving and authorizing execution of Agreement 1 - Non-Solar Installation Agreement with Climatec LLC to coordinate an Energy Conservation and Solar Energy Generation Program, and to implement energy conservation measures at various County facilities, at a cost of \$2,385,597.

Adopted.

Enactment No: RES 16-176

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Scofield, to adopt Resolution 16-176. On a roll call vote, the motion passed unanimously.

21c. [SR 16-0343](#) Resolution approving and authorizing execution of Agreement 2 - Solar Installation Agreement with SunPower Corporation, Systems (SunPower) to engineer, procure, and construct five solar energy generation projects (Eric Rood Administration Center Solar Photovoltaic Facility, Wayne Brown Correctional Facility Solar Photovoltaic Facility, Carl F. Bryan II Juvenile Hall Solar Photovoltaic Facility, Lake of the Pines Wastewater Treatment Plant Solar Photovoltaic Facility, and Highway 49 Ranch Property Solar Photovoltaic Facility), at a total cost of \$9,699,154 with provision for contingency of \$700,000, for a total cost not to exceed \$10,399,154.

Adopted.

Enactment No: RES 16-177

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Scofield, to adopt Resolution 16-177. On a roll call vote, the motion passed unanimously.

21d. [SR 16-0344](#) Resolution approving and authorizing execution of Agreement 3 - Solar System Performance Guarantee Agreement with SunPower Corporation, Systems (SunPower), which provides for SunPower to compensate Nevada County if the actual energy output of said solar generation facilities is less than 90% of the expected energy output, adjusted for atypical meteorological conditions, for a term of five years, renewable for a second term of five years, for a total maximum term of ten years, at a cost to the County of \$4,331 for the first year, and increasing 3% per year thereafter.

Adopted.

Enactment No: RES 16-178

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Scofield, to adopt Resolution 16-178. On a roll call vote, the motion passed unanimously.

21e. [SR 16-0345](#) Resolution approving and authorizing execution of Agreement 4 - Measurement and Verification with Climatec LLC, which provides for Climatec to measure the energy usage of the facilities in which Climatec will, under separate Agreement, implement energy conservation measures, and to compensate the County if the actual energy savings are less than the anticipated energy savings, at a cost to the County of \$12,169 for the first year, and increasing 3% per year thereafter, for a period of up to ten years.

Adopted.

Enactment No: RES 16-179

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Beason, to adopt Resolution 16-179. On a roll call vote, the motion passed unanimously.

21f. [SR 16-0346](#) Resolution approving and authorizing execution of Agreement 5 - Solar Operations and Maintenance Agreement with SunPower Corporation, Systems (SunPower), under which SunPower will perform preventive maintenance and inspections, testing, and corrective maintenance of said solar energy generation facilities, for a term of five years and renewable for a second term of five years, for a total maximum term of ten years, at a cost to the County of \$47,363 for the first year, and increasing 3% per year thereafter.

Adopted.

Enactment No: RES 16-180

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Anderson, to adopt Resolution 16-180. On a roll call vote, the motion passed unanimously.

County Executive Officer: Richard Haffey

22. [SR 16-0331](#) Resolution authorizing execution of contract with KNN Public Finance, LLC for financial advisory services with respect to bond financing transactions for the County Energy Conservation and Generation Program, in the maximum contract price of \$77,500, for the period April 26, 2016 through June 30, 2017.

Adopted.

Enactment No: RES 16-181

ACTION TAKEN: Mr. Martin Polt, Deputy County Executive Officer/Chief Fiscal Officer, reviewed the staff report regarding the contract with KNN Public Finance, LLC. He explained that KNN will be a key player with respect to bond financing for the County's Energy Conservation and Generation Program and will be protecting the County's interests in the transaction. KNN will be advising the County on the terms and structure of the bonds, making sure the County receives the appropriate rates, and will be leading the coordination of the financing team. He requested the Board approve the proposed resolution.

Board questioning ensued.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Weston, to adopt Resolution 181. On a roll call vote, the motion passed unanimously.

CLOSED SESSION:

- [SR 16-0335](#) 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. The designated labor negotiation representatives for Nevada County are: Alison Lehman, Assistant County Executive Officer, Charlie Wilson, Director of Human Resources, Joseph Salivar, Undersheriff, and Donna Williamson, Labor Attorney. The labor negotiations concern the following bargaining units: Deputy Sheriff's Association.

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the closed session item 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.

Chairman Miller recessed for lunch at 11:50 a.m.

AFTERNOON SESSION:

SCHEDULED ITEM: 1:30 P.M. Chief Information Officer: Stephen Monaghan

23. [SR 16-0327](#) (Introduce/Waive Further Reading) An Ordinance amending Article 7 of Chapter IV of the Nevada County General Code regarding Hazardous Vegetation Abatement. (Emergency Services)

ACTION TAKEN: Mr. Victor Ferrera, Office of Emergency Services Program Manager, introduced Mr. Sean Powers, Community Development Agency (CDA) Director. Mr. Ferrera reviewed the staff report regarding the amendment to the Nevada County General Code, Hazardous Vegetation Abatement.

Mr. Sean Powers, Community Development Agency Director, provided a PowerPoint presentation and an overview of the workflow regarding how Code Enforcement and local fire officials will work together. He emphasized that this amendment is to provide better tools to help local fire agencies with vegetation abatement, and puts into place a 3-phased process: Inspections, Pre-Abatement/Appeal, and Abatement. The hope is that the process will end with the Phase 1 inspection. Mr. Powers reviewed the process for Phase 1, Inspections. He stressed that self-abatement is better for all involved; they are looking for the property owners and fire officials to work together so the owners can take care of the issues on their own. Staff prefers the self-abatement process which uses no County resources. If it is found that the self-abatement has not taken place, County Code Compliance will need two well-documented inspections from the Fire Agencies prior to moving to Phase 2, Pre-Abatement. Initially in Phase 2, Local Fire Agencies will prepare an abatement report and one more inspection to be sure conditions have not changed on the property. At this point Fire and Code will start to work collaboratively. A Notice to Abate will be filed, which provides the owner 10 days to appeal or 30 days to voluntarily abate.

If an appeal is filed, Code Compliance will work with the Clerk of the Board to conduct an appeal hearing and receive the Hearing Officer's decision. If there is no appeal and no self-abatement in the 30 days, the abatement process will move to Phase 3, Abatement by Code. It will go out to bid for a Contractor to perform the abatement, and the property owner will be billed for the abatement.

Mr. Powers concluded his brief report and asked for Board questions.

Supervisor Anderson asked where financing would come for the Phase 3 abatements, and if it is budgeted for in the 2016/17 budget. Mr. Powers responded that there is budget within the Code Compliance budget to pay for the abatements, although he was not aware of the exact costs associated with abatements.

Supervisor Weston reviewed the timeline for inspections leading to abatements, which could be up to 120 days out. Mr. Powers agreed that it would be anywhere from 90-120 days. Supervisor Weston believed that was excessive and the timeline should be speeded-up. He suggested there could be an absentee owner and it could be difficult following through with the process. Supervisor Weston stressed that the time element of the process does not match the result that is desired.

Supervisor Scofield concurred with Supervisor Weston's concerns, but thought staff should move forward with the process and see how it goes moving forward. Mr. Powers believed that in most cases it would be a self-abatement that would occur within the 60-day window. Although it may be too late for the current year, the property would be ahead of things for the next fire season.

Supervisor Beason asked for clarification of the term "Local Fire Official" under Section G-IV 7.3, Definitions, of the draft Ordinance. For the record, he wanted to verify that the term "trained prevention staff" meant Fire District staff. Mr. Ferrera responded that it is trained staff of the local fire agency. Supervisor Beason noted that there are a couple of Fire Districts that do not have the assets to have fully trained staff, so the word "professional" has to be left out. Mr. Ferrera concurred with Supervisor Beason's comments.

Supervisor Miller asked about the Ordinance being complaint-driven, and if a CalFire or Fire District employee recognizes a potential problem, could they go in without a complaint and contact the property owner? Mr. Ferrera explained that nowhere in the Ordinance does it state that it is complaint-driven; the local fire official has the option of observing something and personally approaching the property owner. Mr. Powers added that a credible complaint could be initiated by a local fire official if it has been determined that there is a nuisance that requires their attention.

Supervisor Miller asked how the community will be informed of the new ordinance and its implementation. Mr. Ferrera responded that there could be an informational press release to the local news media. Supervisor Weston added that a letter from the Fire Marshal, as well as notification in the Friday Memo, could be sent out to educate the public. Mr. Ferrera recommended that the information be added in the special fire section that is added to the Union each year regarding fire safety.

Board questioning and discussion ensued.

Chairman Miller provided an opportunity for public comment.

Mr. Jake Jacobsen, District IV resident, agreed with Supervisor Weston's concerns regarding the amount of personnel needed to complete the fire inspections, and to take care of all of the paperwork. He also was concerned regarding the proposed timeline. He thought this is such an important issue that the process should be expedited if the property owner is not responding to notifications of hazardous vegetation on their property.

Mr. Rick Davis, District II resident, commented on the 2014 Dog Bar Fire which took place on his neighbor's property. He previously filed a number of complaints against them; they are absentee property owners and did not do the necessary brushing. He explained that their residence was unpermitted and there was no way to enforce the abatement. Mr. Davis felt there was no process in place for enforcement, and he spoke in support of the Ordinance and encouraged the Board to do something about these fire dangers.

Mr. Al Hoffmeyer, District III resident, was head of the County Fire Marshall's office for the County of Santa Clara. He spoke about the dead pine trees on Highway 174, around Union Hill School, as well as in the Tyler Foote Road area. Mr. Hoffmeyer stressed that before the trees are dead, the wood is still good. Once the tree is completely dead, it is no longer useable. He thought 30 days was too much, and he believed the County needs to do something now.

Ms. Joanne Drummond, Executive Director, Fire Safe Council of Nevada County, thanked the Board for discussing the topic and for taking leadership on the issue. In Fire Safe Council's opinion, the Ordinance creates defensible space for all homes regardless of property ownership boundaries and it improves the ingress and egress for fire resources and equipment. Ms. Drummond promised that the Council would work to educate the public and publicize the Ordinance if it passes.

Chairman Miller asked Ms. Drummond to address the tree mortality. Ms. Drummond suggested it has to do with decades of lack of active forest management. She believes it is a crisis and

should be declared so. Ms. Drummond suggested that the Agricultural Commissioner or Resource Conservation District could assist property owners to remove the dead and dying trees, and stressed the need for development and implementation of a forest conservation and management plan. There are too many trees per acre, combined with the drought we need to thin the forest for forest health.

Supervisor Miller informed the Board that the Resource Conservation District is scheduled to give a presentation at our May 24th Board of Supervisors meeting and Mr. Robert Ingram will be talking about the Bark Beetle issue.

Supervisor Anderson asked staff how the Ordinance addresses random dead trees throughout the Nevada County landscape that might fall outside of defensible space requirements. Mr. Ferrera noted that the Ordinance does not address dead trees, but it provides local fire officials the power to direct trees be removed in addition to the defensible space requirements.

Mr. Ferrera reported that the general public seems to believe that the Ordinance addresses 4291 CalFire Inspections. He stressed that it does not. It is only if that 100-foot defensible space from a 4291 inspection is impeded by adjoining property. 4291 inspections for individual properties are still done by CalFire as part of their summer program. Random diseased and dead trees may be addressed through 4291 CalFire Inspections, although it does not fall under the proposed Ordinance.

Mr. Bob Hren, District I resident, commented that he lives on a private road in Nevada County. He specifically addressed safe egress and ingress of abatement along the roadside. Mr. Hren explained that he has 18 neighbors and they agreed together to abate their road, with the exception of one property owner. He was in support of the proposed Ordinance.

Mr. Matthew Coulter, District III resident, asked if PG&E is responsible for fire safety on their easements; if fire abatement costs roll over on to the property tax if the owner does not pay; time limits for the appeals process and how many appeals are allowed; if the ordinance includes the entire property or just the borders of the property; is there a way to let elderly or disabled people know that they can get help paying for the costs of abatement and would the Fire Safe Council be able to do this, if you are not elderly or disabled are there grants available; and are the complaints reported anonymously. The Board members and staff responded to Mr. Coulter's questions.

Ms. Yvonne, County resident, agreed that precaution needed to be taken, but she stressed that fire is a reality in forests. No matter what you do, no matter how much you abate, there will always be fire. She did not want to be threatened to clear her land and is scared that the County is becoming a place where everyone turns their neighbors in. This type of abatement costs a lot

of money. Yvonne mentioned that she already pays money to the State for rural fire safety. She agrees with fire safety and takes measures on her own property.

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

Supervisor Beason referred to Page 12, Section 7.2C the words "...may be responsible..." He suggested that it should say "shall." Supervisor Anderson was in agreement with Supervisor Beason; he asked for County Counsel's opinion on the change.

Ms. Alison Barratt-Green, County Counsel, responded that it is up to the discretion of the Board whether the word is "may" or "shall." She suggested it is an issue of fairness.

Supervisor Weston wanted the "shall," at least to start. It could be adjusted later if need be. He felt that it would require the two neighbors to sit down together and try to figure out a solution.

Supervisor Beason believed the proposed ordinance to be a long time coming. He thought the collaboration between the fire districts, the County and the Office of Emergency Services (OES) has been good and provides a good opportunity to get rid of hazardous vegetation.

Board discussion ensued.

Ms. Yvonne asked for clarification of the motion and vote. Chairman Miller explained that today was the introduction of the proposed Ordinance. It would return to the Board for final adoption at the May 10, 2016 meeting. He added that the public would have an opportunity to come back and address the issue again.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Anderson, to waive further reading of the Ordinance amending Article 7 of the Nevada County General Code regarding Hazardous Vegetation Abatement, as amended, changing the word "may" to "shall" in Section G-IV 7.2C.

***ANNOUNCEMENTS:**

Pursuant to Government Code Section 54954.2, Board members and County Executive Officer may make a brief announcement or brief report on his or her activities. Board members and County Executive Officer may also provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

ACTION TAKEN: Updates were provided by Board members.

ADJOURNMENT: There being no further business, Chairman Miller adjourned the meeting at 2:31 p.m.

Signature and Attestation

Dan Miller, Chairman

ATTEST:

By:

Julie Patterson Hunter, Clerk of the Board