

COUNTY OF NEVADA

STATE OF CALIFORNIA

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

Jeffrey Thorsby, Chief of Staff/Clerk of the Board
Alison Lehman, County Executive Officer
Katharine L. Elliott, County Counsel



BOARD OF SUPERVISORS

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AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, March 26, 2024	9:00 AM	Board Chamber, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

The Board of Supervisors welcomes you to their regular meeting.

The County of Nevada will hold its regularly scheduled meeting of the Board of Supervisors from inside the Board Chamber, located at the Eric Rood Administrative Center, 950 Maidu Avenue, First Floor, Nevada City, CA 95959. This meeting is open to in-person attendance.

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 Optimum Channels 18 and 78 in eastern County, or through the web at www.nevadacountyca.gov/boardmeetings and www.YouTube.com/c/CountyofNevadaCA. 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 Board Chamber 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. Closed Captioning is available for hearing impaired viewers.

The agenda and all supporting documents are available for review during regular business hours at the Clerk of the Board office, 950 Maidu Avenue, 2nd Floor, Suite 200, Nevada City, California. This agenda and certain supporting documents may be obtained on the Clerk of the Board's website 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.

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 24-0328](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Nevada County Housing Development Corporation for services related to community-based housing projects and specialized housing programs (Res. 23-306) increasing the maximum contract price from \$1,246,016 to \$2,791,167, revising Exhibit "A" Schedule of Services to incorporate additional master leased housing, amending Exhibit "B" Schedule of Charges and Payments to reflect this increase and to add funds for fiscal year 2024/25, extending the contract termination date from June 30, 2024, to June 30, 2025, and authorizing the Chair of the Board of Supervisors to execute the amendment.
2. [SR 24-0323](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Turning Point Community Programs, Inc. for the provision of Adult Assertive Community Treatment Program, Respite, Case Management, and Housing Services (Res. 23-293), increasing the contract price from \$5,996,518 to \$6,036,518, revising Exhibit "A" Schedule of Services to incorporate the purchase and utilization of a vehicle, amending Exhibit "B" Schedule of Charges and Payments to reflect the increase in the contract maximum amount, and authorizing the Chair of the Board of Supervisors to execute the amendment.
3. [SR 24-0322](#) Resolution approving Amendment A1 to Agreement No. 21-10099, known as the County Mental Health Services Performance Contract, between the County of Nevada and the California Department of Health Care Services for the provision of mental health program services (Res. 21-321), extending the term of the agreement one year to the new term July 1, 2021, through June 30, 2025, and retroactively authorizing the Director of Behavioral Health to execute the amendment.

4. [SR 24-0329](#) Resolution approving Amendment 2 to the contract between the County of Nevada and SPIRIT - Peers for Independence and Recovery, Inc. for the expansion of services at the Commons Resource Center at Sutton Way (Res. 23-292) (Res. 23-567), increasing the contract price from \$369,065 to \$402,644, revising Exhibit “A” Schedule of Services to incorporate expanded operations, amending Exhibit “B” Schedule of Charges and Payments to reflect the increase in the maximum contract price, authorizing the Chair of the Board of Supervisors to execute the amendment, and directing the Auditor-Controller to amend the fiscal year 2023/24 Behavioral Health budget. (4/5 Affirmative vote required)
5. [SR 24-0306](#) Resolution authorizing Amendment 2 to the Participation Agreement between the County of Nevada and the California Mental Health Services Authority for the Behavioral Health Quality Improvement Program (Res. 22-363) (Res. 23-125), clarifying the application of the CalMHSA administrative fee, and authorizing the Director of Behavioral Health and the Quality Assurance Program Manager to execute the amendment.

Child Support Services and Housing Director: Mike Dent

6. [SR 24-0368](#) Resolution authorizing submission of the 2022/2023 Home Investment Partnerships Program application to the California State Department of Housing and Community Development for funding in the amount not to exceed \$12,200,000; and if awarded, the execution of a standard agreement, any amendments thereto, and other related documents necessary to participate and comply with in the home investment partnerships program. (Housing)
- 7a. [SR 24-0307](#) Resolution authorizing submission of an application for funding under the Local Housing Trust Fund grant program, certifying use of a future award of Local Housing Trust Funds in accordance with applicable state and federal statutes, rules, regulations, and laws regarding the program, compliance with any and all contracts with the California department of Housing and Community Development, complying with matching requirements under the award, authorizing the Western Nevada County Regional Housing Trust Fund to act as trustee in connection with the funds to eligible projects, and authorizing the Director of Child Support, Collections, Housing and Community Services to execute the associated documents. (Housing)
- 7b. [SR 24-0645](#) Resolution authorizing Housing and Community Services to select Local Housing Trust Fund projects for preliminary awards from the Request for Proposal process, issue preliminary awards to developers, and publish preliminary awards on the Western Nevada County Regional Housing Trust Fund’s website, with final approval of projects by the Board of Supervisors upon notification of a successful application and award. (Housing)

8. [SR 24-0321](#) Resolution approving Amendment 1 to the Memorandum of Understanding (MOU) between the County of Nevada and the Nevada County Continuum of Care CA-531 pertaining to the designation of Collaborative Applicant and Lead Agency positions for Homeless Housing, Assistance and Prevention Program grant funding (Res. 23-207), incorporating AB 129 requirements for applicants of Housing, Assistance and Prevention Program Round 5 and future rounds, extending the agreement end date from June 30, 2024, to June 30, 2026, and authorizing the Housing and Community Services Director to execute the amendment and to amend the MOU as required by State statute for future rounds. (Housing)

Community Development Agency Director: Trisha Tillotson

9. [SR 24-0560](#) Resolution approving submittal of a letter of commitment for the grant application to the U.S. Environmental Protection Agency Climate Pollution Reduction Grant program led by the Sacramento Metropolitan Air Quality Management District which requests funding for the regional Going Beyond Green: Cultivating Community, Connections, and Crops application with Nevada County as a subrecipient, and authorizing the Community Development Agency Director or their designee to execute the letter of commitment and other required documents.

Acting Public Works Director: George Schureck

10. [SR 24-0517](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Nelson Engineering for professional surveying services (Res. 23-260), for an increased not-to-exceed contract amount of \$145,000 for County Surveyor functions, authorizing the Chair of the Board of Supervisors to execute the amendment, and directing the Auditor-Controller to amend the fiscal year 2023/24 Surveyor budget. (4/5 Affirmative vote required)
11. [SR 24-0518](#) Resolution approving Amendment 2 to the contract between the County of Nevada and JPB, LLC for heavy duty vehicle and equipment repair (Res. 22-552) (PESR4133), for fiscal year 2023/24, increasing to a total not-to-exceed amount of \$115,000, authorizing the Chair of the Board of Supervisors to execute the amendment, directing the Auditor-Controller to amend the Fleet Services budget, and authorizing the Purchasing Agent to increase the encumbrance. (4/5 Affirmative vote required) (Fleet)
12. [SR 24-0512](#) Resolution authorizing the Chair of the Board of Supervisors to sign the Invitation to Bid and authorizing the Purchasing Agent to solicit bids for the 2024 Road Rehabilitation Project (County Project No. 450012). (Dist. I, III and IV)
13. [SR 24-0516](#) Resolution authorizing the Chair of the Board to sign the Invitation to Bid and authorizing the Purchasing Agent to solicit bids for the 2024 Nevada County Annual Striping Project (County Project No. 426642). (All dist.)

14. [SR 24-0378](#) Resolution rescinding the Regional Surface Transportation Program fiscal year 2023/24 unused allocations in the amount of \$14,774.50 for the Donner Pass Road Improvement Project and reallocating those funds to General Maintenance (Res. 23-155). (All dist.)

Director of Office of Emergency Services: Craig Griesbach

15. [SR 23-4177](#) Resolution accepting state and federal funds in the amount of \$345,631.03 for reimbursement of River Fire response and recovery costs.

Director of Facilities Management: Justin Drinkwater

16. [SR 23-4934](#) Resolution approving the Notice of Acceptance and Completion of the contract with Maxwell Asphalt Inc. for the Taxiway A and Ramps 1, 2 and 5 Pavement Rehabilitation Project at the Nevada County Airport with contract costs totaling \$297,446.87, directing the Clerk of the Board to record the notice in accordance with Civil Code section 9208, and authorizing the Airport Manager to execute Federal and State Grant reimbursement documents related to the Pavement Rehabilitation Project. (Airport)

County Executive Officer: Alison Lehman

17. [SR 24-0578](#) Resolution approving the contract between the County of Nevada and Litter Works for litter abatement services in parts of unincorporated East County, in the total amount of \$14,750 for the period of April 1, 2024, through March 31, 2025, and authorizing Chair of the Board of Supervisors to execute the contract.

Chief of Staff: Jeffrey Thorsby

18. [SR 24-0607](#) Appointment of Cynthia Hamilton as Consumer Member representative to the Nevada-Sierra Connecting Point Public Authority Governing Board for an unexpired three-year term ending June 30, 2024.
19. [SR 24-0525](#) Reappointment of Deborah Gibbs and Shirley Freriks as Citizens at Large, and Lauren Scott Fisher as Local Business Representative, to the Solid and Hazardous Waste Commission for two-year terms ending January 31, 2026.
20. [SR 24-0526](#) Reappointment of Superintendent Scott Lay to the First 5 Nevada County Children and Families First Commission as Member representing the interests of local school districts for a two-year term ending February 28, 2026.
21. [SR 24-0606](#) Acknowledgement of the resignation of JoAnn Marie as Private Sector Member from the Adult and Family Services Commission effective March 11, 2024.
22. [SR 24-0385](#) Acknowledgement of Supervisor Swarthout's acceptance of the resignation of Elinor Barnes as District III representative from the Nevada County Historical Landmarks Commission, effective April 1, 2024.

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

Recess as the Nevada County Board of Supervisors and convene as the Nevada County Sanitation District No. 1 Board of Directors.

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.

Acting Public Works Director: George Schureck

23. [SR 24-0527](#) Resolution authorizing the Nevada County Sanitation District No. 1 to purchase Stakkaboxes and lids for Zone 6 for \$15,362 and a septic tank for Zone 7 for \$11,578, and directing the Auditor-Controller to amend the fiscal year 2023/24 budget and to release fund balances. (4/5 Affirmative vote required)

Chief of Staff: Jeffrey Thorsby

24. [SR 24-0524](#) Reappointment of James Hattrup as Owner of Mountain Lakes Estates Property, Zone 7 Service Area Regular Member to the Nevada County Sanitation District No. 1 Advisory Committee for a two-year term ending June 30, 2025.

Public comment:

[SR 24-0647](#) Members of the public shall be allowed to address the Board of Directors 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.)

Adjournment:

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

PUBLIC COMMENT:

[SR 24-0646](#) 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.)

DEPARTMENT HEAD MATTER:*Director of Social Services: Rachel Peña**

25. [SR 24-0317](#) Resolution proclaiming April 8 through April 12, 2024, as "Eligibility and Employment Week" in Nevada County.

SCHEDULED ITEM: 10:00 AM**Sheriff-Coroner/Public Administrator: Shannan Moon**

26. [SR 24-0020](#) Public Community Forum regarding the TRUTH Act, pursuant to Government Code sections 7283 to 7283.2, to provide information to the public about Immigration and Customs Enforcement access to individuals, and to receive and consider public comment.

DEPARTMENT HEAD MATTER:*Community Development Agency Director: Trisha Tillotson**

27. [SR 24-0103](#) Resolution adopting the Economic Development Final Action Plan 2024-2026. (Economic Development)

COMMUNITY PRESENTATION:*Chief of Staff: Jeffrey Thorsby**

28. [SR 24-0609](#) Presentation from the Arts Collaborative of Nevada County, dba Nevada County Arts Council, on its activities in 2023 and upcoming work in 2024.

DEPARTMENT HEAD MATTER:*Community Development Agency Director: Trisha Tillotson**

29. [SR 24-0106](#) Resolution authorizing a professional service contract between the County of Nevada and the Community Foundation of Nevada County to provide comprehensive services in Western Nevada County that address community challenges and create opportunities, administering the Nevada County Relief Fund, engaging with the Office Emergency Services to explore if a western county Community Organizations Active in Disaster option is feasible, facilitating collaborative engagement with the County of Nevada and the nonprofit sector, coordinating with the Economic Development Office on community initiatives that align with Nevada County objectives, in the amount of \$250,000 (\$83,333 each year), for the period of April 1, 2024, through June 30, 2027, authorizing the Purchasing Agent or their designee to execute the contract, and directing the Auditor-Controller to amend the fiscal year 2023/24 Community Development Agency budget. (4/5 Affirmative vote required) (Economic Development)

***CLOSED SESSIONS:**

30. [SR 24-0654](#) Pursuant to Government Code § 54956.9(d)(2), County Counsel is requesting a closed session with the Board of Supervisors to discuss a matter in which there is a significant threat of litigation against the County.
31. [SR 24-0291](#) Pursuant to Government Code § 54957(a), a closed session is requested for the annual consultation with the Sheriff, or their designee, and Steve Monaghan, Chief Information Officer, concerning matters posing a risk to essential public services.

Recess for lunch:**AFTERNOON SESSION 1:30 PM*****DEPARTMENT HEAD MATTERS:****County Executive Officer: Alison Lehman**

32. [SR 24-0522](#) Report on the results of the National Community Survey for Nevada County by the National Research Center and Polco.

Public Health Director: Kathy Cahill

33. [SR 24-0305](#) Resolution proclaiming April 1 through April 7, 2024, as "Public Health Week" in Nevada County.

Acting Public Works Director: George Schureck

34. [SR 24-0513](#) Resolution approving the Capital Improvement Plan 2024 annual update, and authorizing the Director of Public Works to proceed with implementation of the Plan.

***ANNOUNCEMENTS:**

Pursuant to Government Code section 54954.2, Board members, County Executive Officer and Chief of Staff may make a brief announcement or brief report on his or her activities. Board members, County Executive Officer, and Chief of Staff 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: March 21, 2024.

WAYS TO WATCH AND LISTEN DURING THE MEETING:

This Board of Supervisors meeting is open to the public. Staff and members of the public may observe the meeting using the options listed below. Online streaming of Board of Supervisors meetings is provided to members of the public as a courtesy. If an internet connection falters for any reason and there are no Board members attending the meeting remotely, the Board of Supervisors will continue the public meeting in Chambers without online access.

- 1) Watch from inside the Board Chambers.
- 2) View at www.nevadacountyca.gov/boardmeetings and www.YouTube.com/c/CountyofNevadaCA.
- 3) View on Nevada County Media Channel 17 in western County.
- 4) View on Optimum Channels 18 and 78 in eastern County.

PROVIDE PUBLIC COMMENT BEFORE THE MEETING:

- 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 MEETING:

- 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.

- 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 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 Chair shall first caution any individual at the meeting that their behavior is disrupting the meeting and that failure to cease the disruptive behavior could result in removal. After warning, the Chair will request the individual to leave if the individual does not stop their disruptive behavior. 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. 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. At special meetings of the Board, public comment will only be allowed on matters appearing on the agenda.

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. 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 identify the speaker's supervisorial district.
- 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 general 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.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS (Gov. Code section 84308)

Members of the Board of Supervisors are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the Board member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the County's decision on the agenda item since January 1, 2023. Members of the Board of Supervisors who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a Board member since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount of the campaign contribution and identify the recipient Board member and may be made either in writing to the Clerk of the Board of Supervisors prior to the subject hearing or by verbal disclosure at the time of the hearing.

PUBLIC HEARINGS:

All members of the public shall be allowed to address the Board on 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 with a 4/5 affirmative vote.
- 3) All other 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 and will make any amendments. The public is urged to address ordinances at first readings; as passage of ordinances will be held at second readings, after waiving further reading of the ordinance.

INFORMATIONAL CORRESPONDENCE:

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

REFERENCES:

Board of Supervisors Order and Decorum 2024

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)