

COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District (Chair)

Ed Scofield, 2nd District

Dan Miller, 3rd District (Vice-Chair)

Susan Hoek, 4th District

Richard Anderson, 5th District

Julie Patterson Hunter, Clerk of the Board

Alison Lehman, County Executive Officer

Katharine L. Elliott, County Counsel



BOARD OF SUPERVISORS

950 Maidu Avenue

Nevada City, CA 95959-8617

(530) 265-1480

Fax: (530) 265-9836

bdofsupervisors@co.nevada.ca.us

SUMMARY MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, November 17, 2020	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 attended by remote:

Heidi Hall, 1st District

Ed Scofield, 2nd District

Dan Miller, 3rd District

Susan Hoek, 4th District

Richard Anderson, 5th District

STANDING ORDERS:

Chair Hall called the meeting to order at 9:00 A.M.

Pledge of Allegiance held.

Corrections and/or deletions to agenda.

ACTION TAKEN: Ms. Julie Patterson Hunter, Clerk of the Board, noted that an Errata Agenda was posted on Thursday, November 12, 2020 to clarify options for public comment and an Addendum Agenda was posted November 12, 2020 to add one closed session item.

CONSENT CALENDAR:**Behavioral Health Director: Phebe Bell**

1. [SR 20-3565](#) Resolution approving Amendment 4 to the contract between the County of Nevada and Restpadd Health Corp. for the provision of 24-hour locked acute psychiatric services for residents of Nevada County who meet criteria for 5150 placement (PESN3883; Res. 19-559), increasing the maximum contract price from \$404,180 to \$589,180 due to an increase in services, for the period July 1, 2019 through June 30, 2021, and authorizing the Chair of the Board of Supervisors execute the Amendment.

Adopted.

Enactment No: RES 20-488

Director of Public Works: Trisha Tillotson

2. [SR 20-3575](#) Resolution approving a contract between the County of Nevada and Mark Thomas & Company, Inc., for engineering and design services for the Guardrail Safety Audit Project - County Project No. 225035, in the amount of \$216,689.01, for the period November 17, 2020 through November 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the contract. (Dists. I, II, III and IV)

Adopted.

Enactment No: RES 20-489

3. [SR 20-3574](#) Resolution approving bidding documents for the Egress/Ingress Fire Safety Project-County Contract 715001, authorizing the Chair of the Board of Supervisors to sign the documents, and instructing the Purchasing Division 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, III, IV, V)

Adopted.

Enactment No: RES 20-490

Chief Probation Officer: Michael Ertola

4. [SR 20-3563](#) Resolution approving an agreement between the County of Nevada and the County of El Dorado to house youth from Nevada County at the El Dorado County Juvenile Treatment Center upon closure of the Nevada County Youth Center, at a rate of \$125 per bed day for non-reserved bed and \$150 per day for JTC Challenge commitments, for the period beginning November 1, 2020 with a term of three years, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 20-491

Director of Human Resources : Steven Rose

5. [SR 20-3568](#) Resolution approving Amendment 1 to the agreement between the County of Nevada and ReliaStar Life Insurance Company pertaining to Basic and Supplemental Life insurance for employees and their dependents (Res. 20-337), increasing the maximum Basic Life and AD&D insurance policy coverage for Class 1 employees to \$500,000, increasing the Basic Life only premium rate for all employees covered under the Basic Life plan effective November 1, 2020 from \$.07 to \$.095 per \$1,000 of coverage, for an annual premium increase of \$6,723, authorizing the Chair of the Board of Supervisors to execute the Amendment, and authorizing the Human Resources Director to execute annual renewal documents.

Adopted.

Enactment No: RES 20-492

Chief Information Officer: Stephen Monaghan

6. [SR 20-3566](#) Resolution approving the bid construction documents and specifications for the Nevada County Dispatch Remodel Project located at the Carl F. Bryan II Juvenile Hall, 15434 Highway 49, Nevada City, CA, authorizing the Chair of the Board of Supervisors to sign the documents, and directing the Purchasing Agent to solicit bids for this Project. (Facilities)

Adopted.

Enactment No: RES 20-493

Clerk of the Board: Julie Patterson Hunter

7. [SR 20-3594](#) Resolution proclaiming December 12, 2020 as "Nevada County Food and Toy Run" Day.

Adopted.

Enactment No: RES 20-494

8. [SR 20-3560](#) Selection of representative-elect, Amador County Supervisor Richard Forster, as Group 1 Supervisor Representative to the County Medical Services Program Governing Board, for a term beginning January 1, 2021 and ending December 31, 2023, and direction to the Clerk of the Board of Supervisors to complete the ballot.

Approved.

9. [SR 20-3569](#) Resolution appointing members to the Special District Boards with Insufficient Candidates: Mr. Richard Thickens, Higgins Area Fire Protection District; Mr. Michael Covert and Ms. Michele Roush Rowe, San Juan Ridge County Water District; and Ms. Amy Boyle and Ms. Alyssa Wittler, Washington County Water District.
Adopted.
Enactment No: RES 20-495
10. [SR 20-3572](#) Approval of the Conflict of Interest Code for the Twin Ridges Home Study Charter School.
Approved.
11. [SR 20-3570](#) Acceptance of resignation from Ms. Jennifer Morrill as a Private Sector Representative member on the Adult and Family Services Commission.
Accepted.

ACTION TAKEN: Chair Hall introduced the consent calendar. No public comment received regarding consent calendar items.

Approval of the Consent Agenda

Adopted.

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

Chair Hall recessed as the Board of Supervisors and convened as the Board of Directors of the Nevada County Sanitation District No. 1.

Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.

Meeting called to order. All Directors present.

Consent:

Director of Public Works: Trisha Tillotson

- 12a. [SR 20-3576](#) Resolution amending various Nevada County Sanitation District No. 1 budgets for Fiscal Year 2020/21. (4/5 affirmative vote required) (Dist. IV)
Adopted.
Enactment No: SD20-006

Clerk of the Board: Julie Patterson Hunter

12b. [SR 20-3585](#) Acceptance of Nevada County Sanitation District No. 1 Board of Directors Summary Minutes for October 27, 2020.

Accepted.

ACTION TAKEN: Chair Hall introduced the consent calendar. No public comment received regarding Nevada County Sanitation District No. 1 consent calendar items.

Approval of the NCSD#1 Consent Agenda.

Adopted.

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

#####

Public comment:

ACTION TAKEN: No public comment received regarding Nevada County Sanitation District No. 1.

#####

Adjournment:

#####

Chair Hall adjourned as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

Following a short technical break, Chair Hall called the meeting to order and read the following statement into the record: In the last few weeks, Nevada County has seen a rapid rise in COVID-19 cases, with over six times as many new cases in the second week of November as in the second week of October. Over this last weekend alone, we saw nearly 30 Nevada County residents per day test positive for COVID-19. Yesterday, the State pulled the “emergency break” and announced that Nevada County’s COVID-19 data falls into the most restrictive Purple Tier, meaning that COVID-19 is considered “widespread” in our county. This jump from the Orange (“Moderate”) Tier to the Purple (“Widespread”) Tier, which became effective at noon yesterday, significantly impacts local businesses by increasing restrictions, reducing occupancy, and closing indoor operations for many businesses that are considered “non-essential.” The State’s tiered system connects these business sector restrictions to COVID-19 conditions on the ground. As Nevada County residents, we each play a role in stopping the spread of COVID-19 and ensuring that our local businesses can get back to work. Wash your hands, wear a face covering if you can, maintain six feet of distance from anyone outside of your household, and cut out unnecessary risks like social gatherings. Even if you are mildly symptomatic, please stay home and don’t assume it is allergies or a cold. These are actions we can each take to minimize exposures and get back to less restrictive tiers.

PUBLIC COMMENT:**[SR 20-3583](#)**

The following members of the provided comment: MaryAnn Coleman, District I resident; Mike Shea, District III resident; Maria Ramos Byers, District I resident and Owner, Maria's and Kane's Restaurants; Ray Byers, District I resident and Owner, Byers Enterprises; Thomas O'Toole, District II resident; Henry Ramos Junior, District III resident; Ron Custer, District III resident; Pamela Custer, District III resident and New California State movement representative; Monique Derenia, District I resident; Trudy Nye, District III resident; Christine Peterson, District III resident; and Trish Funk, District III resident. Ms. Julie Patterson Hunter read the following letters into the record: Roger Schutt, District I resident; Mary Menconi, District III resident; Nancy Taylor Rojo, District I resident; and Deborah Gibbs, District IV resident.

DEPARTMENT HEAD MATTERS:*Director of Public Works: Trisha Tillotson**

13a. **[SR 20-3573](#)** Resolution authorizing Environmental Clearance for an amendment to Section A-II 42.5.1 of Chapter II of the Nevada County Administrative Code, pertaining to Planning Commission Jurisdiction, Powers and Duties, removing the Planning Commission's authority to review the Capital Improvement Plan (CIP) and delegate it to the Planning Director as allowed under Government Code section 65403, and authorizing the Nevada County Department of Public Works to file Notice of Exemption with the Nevada County Clerk-Recorder's office. (All Dists.)

Adopted.

Enactment No: RES 20-496

ACTION TAKEN: Ms. Trisha Tillotson, Public Works Director, reviewed the staff report regarding agenda items #13 a. and #13b., authorizing Environmental Clearance for an amendment to the Nevada County Administrative Code, pertaining to Planning Commission Jurisdiction, Powers and Duties, proposing to remove the Planning Commission's authority to review the Capital Improvement Plan, and delegating the authority to the Planning Director. She clarified that the amendments would bring County code in line with State code.

Board questioning and discussion ensued.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to adopt Resolution 20-496. On a roll call vote the motion passed unanimously.

- 13b. [SR 20-3595](#) (Introduce/Waive further reading) An Ordinance amending Section A-II 42.5.1 of Chapter II of the Nevada County Administrative Code, pertaining to Planning Commission Jurisdiction, Powers, and Duties.
First reading held.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hoek, to introduce and waive further reading of the Ordinance. On a roll call vote the motion passed unanimously.

County Counsel: Katharine L. Elliott

14. [SR 20-3586](#) (Introduce/Waive further reading) An Ordinance repealing Articles 22 and 23 of Chapter II of Title 1 of the Administrative Code of the County of Nevada regarding the County's Conflict of Interest Code and the Conflict of Interest Code for the Nevada County Board of Supervisors.
First reading held.

ACTION TAKEN: Ms. Katharine Elliot, County Counsel, reviewed the staff report regarding updates and changes to be made to Nevada County's Conflict of Interest Code, repealing the County's Conflict of Interest Code and making it a stand alone code, and changing the process enabling for approval of future updates by the Board of Supervisors from ordinance to resolution. She also corrected clerical typographical errors, which will be removed prior to the second reading.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Hoek, to introduce and waive further reading of the Ordinance. On a roll call vote the motion passed unanimously.

Chief Information Officer: Stephen Monaghan

15. [SR 20-3457](#) Acceptance of the wildfire preparedness informational presentation to the Board of Supervisors by Office of Emergency Services and Stakeholders.
Accepted.

ACTION TAKEN: Following a short break, Mr. Paul Cummings, Office of Emergency Services Program Manager, provided the monthly PowerPoint presentation in response to the Board's Wildfire Board objectives.

Mr. Phillip Arndt, Director of Government Affairs, Comcast Cable Corporation, provided an update on Comcast's Public Safety Power Shutoffs (PSPS) efforts over the past year. Comcast has increased their outreach to the public and government officials regarding their process, and is working closely with Pacific Gas & Electric (PG&E) as they require commercial power to run the network. Mr. Arndt explained that when the power goes down, they are only able to continue providing services to critical facilities within the County. To keep their service areas to running during PSPS events, it would require thousands of generators installed throughout the County, which would be costly and additionally could be a potential fire danger. PG&E will continue to review their process for improvements, and they are open to learning how they can improve their communication with local officials and their customers.

Mr. Arndt and Mr. Cummings responded to the Board's questions regarding Comcast's processes.

Chair Hall provided an opportunity for public comment, and Ms. Ann Westling, District I resident, provided comments.

MOTION: Motion made by Supervisor Hoek, seconded by Supervisor Miller, to accept the wildfire preparedness informational report. On a voice vote the motion passed unanimously.

16. [SR 20-3579](#) (Introduce/Waive further reading) An Ordinance amending Article 6 of Chapter XVI of the Nevada County Land Use And Development Code to extend the prohibition of outdoor burning during fire season in the Yuba River Corridor as a pilot program until the end of declared fire season in 2021. (4/5 affirmative vote required) (Emergency Services)
First reading held.

ACTION TAKEN: Mr. Paul Cummings, Office of Emergency Services Program Manager, continued his presentation, focusing on the Ordinance proposing to renew the outdoor burning ban within the South Yuba River Corridor. Mr. Cummings responded to Board questioning.

MOTION: Motion made by Supervisor Hoek, seconded by Supervisor Miller, to introduce and waive further reading of the Ordinance. On a roll call vote the motion passed unanimously.

***CLOSED SESSIONS:**

[SR 20-3604](#) Pursuant to Government Code section 54956.9(d)(2), County Counsel is requesting a closed session with the Board of Supervisors to discuss one matter in which there is a significant threat of litigation against the County.

ACTION TAKEN: Ms. Katharine Elliott, County Counsel, read the title of the closed session into the record and the Board entered into closed session.

Following closed session, Ms. Katharine Elliot, County Counsel, reported that the Board of Supervisors met in closed session to discuss the matter of Tuck's Restaurant and Bar, Kenneth R. Paige; Chad Paige; Buckman Enterprises, LLC, Robin Buckman; and the Nevada County Restaurant Coalition lawsuit against the State and the individual Supervisors in their official capacity, Dr. Richard Johnson, in his official capacity and Ms. Amy Irani and Ms. Katharine Elliot, in both their official capacity and personally. Direction was given to staff.

***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: Announcements not held.

ADJOURNMENT:

ACTION TAKEN: Chair Hall adjourned the meeting at 11:33 A.M.

Signature and Attestation

Heidi Hall, Chair

ATTEST:

By:

Lelia Lucchetti-Loomis, Deputy Clerk to the Board