

COUNTY OF NEVADA

STATE OF CALIFORNIA

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

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



BOARD OF SUPERVISORS

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SUMMARY MINUTES

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

REGULAR MEETING: 9:00 AM

Rollcall

The following Supervisors present:

Heidi Hall, 1st District
Ed Scofield, 2nd District
Lisa Swarthout, 3rd District
Susan Hoek, 4th District
Hardy Bullock, 5th District

STANDING ORDERS:

Chair Scofield called the meeting to order at 9:00 a.m..

Pledge of Allegiance was held.

No corrections and/or deletions to agenda were noted.

PUBLIC COMMENT:

[SR 23-0558](#) Public comment received.

Chair Scofield opened the opportunity for general public comment, and comments were received from the public. There being no additional members of the public waiting to speak, Chair Scofield closed public comment.

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

1. [SR 23-0254](#) Resolution approving Amendment 1 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), adjusting hourly rates and budget within the existing contract maximum amount of \$179,420, for the period July 1, 2022 through June 30, 2024, and authorizing the Director of Behavioral Health and the Quality Assurance Program Manager to execute the amendment.

Adopted.

Enactment No: RES 23-125

2. [SR 23-0370](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Common Purpose for the provision of recovery residence services for Nevada County Medi-Cal beneficiaries (Res. 22-300), increasing the maximum contract price from \$161,428 to \$194,400 due to a growing need for services, authorizing the Chair of the Board of Supervisors to execute the agreement, and directing the Auditor-Controller to amend the Fiscal Year 2022/23 Behavioral Health budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 23-126

Interim Public Health Director: Erin Mettler

3. [SR 23-0373](#) Resolution approving Amendment A01 to Agreement 22-10266 between the County of Nevada and the California Department of Public Health for the Women, Infants, and Children Supplemental Nutrition Program (Res. 22-398), increasing the maximum funding level from \$2,368,284 to \$2,402,799, for the period October 1, 2022 through September 30, 2025, authorizing the Chair of the Board of Supervisors to execute the amendment, and directing the Auditor-Controller to amend the Fiscal Year 2022/23 Public Health Department budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 23-127

Director of Social Services: Rachel Peña

4. [SR 23-0034](#) Resolution approving Amendment 1 to the Memorandum of Understanding between the Nevada County Health and Human Services Agency, Probation Department, Department of Public Health, Department of Social Services, Behavioral Health Department, Nevada County Superintendent of Schools, and Alta California Regional Center pertaining to an integrated continuum of interagency services for children and families (Res. 21-372), to include child abuse prevention, name the Interagency Leadership Team as the governing body for the Families First Prevention Services Act, and include the Special Multi-Agency Resource Team as part of the Children's System of Care, for the period July 1, 2021 through December 31, 2024, and authorizing the Chair of the Board of Supervisors to execute the amendment.

Adopted.

Enactment No: RES 23-128

Child Support Services, Collections, and Housing Director: Mike Dent

5. [SR 23-0195](#) Resolution approving a sub-recipient agreement between the County of Nevada and Freed Center for Independent Living (FREED) as awarded through Community Development Block Grant Standard Agreement 21-CDBG-HA-00002 pertaining to housing repair and modification services for low-income individuals with disabilities and/or seniors, in the maximum amount of \$325,000, for the period March 14, 2023 through June 30, 2025, authorizing the Director of Housing and Community Services to execute the agreement, and directing the Auditor-Controller to amend the Fiscal Year 2022/23 Housing and Community Services budget. (4/5 affirmative vote required) (Housing)

Adopted.

Enactment No: RES 23-129

6. [SR 23-0265](#) Resolution accepting funds from Advocates for Human Potential, Inc. for the Department of Health Care Services Behavioral Health Continuum Infrastructure Program for the acquisition and expansion of Behavioral Health infrastructure, in the maximum amount of \$1,999,975, for the period beginning on the commencement of the effective date through June 30, 2027, authorizing the Housing and Community Services Director to execute the agreement, and directing the Auditor-Controller to amend the Fiscal Year 2022/23 Housing and Community Services budget. (4/5 affirmative vote required) (Housing)

Adopted.

Enactment No: RES 23-130

Auditor-Controller: Gina Will

7. [SR 23-0571](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Clifton Larsen Allen LLP for review of Fire Safe Council's contract processes, controls and procedures (PESQ4522), increasing the contract by \$24,500 for a total amount not to exceed \$64,500, authorizing the Chair of the Board of Supervisors to execute the amendment, and directing the Auditor-Controller to amend the Fiscal Year 2022/23 Auditor-Controller budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 23-131

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

8. [SR 23-0398](#) Resolution of Intent to amend assessments of the existing parcel charge assessments within County Service Area (CSA) 22-6B Ranch Estates, Zone 1, hold a public hearing on May 23, 2023 at 11:00 a.m., and conduct an assessment ballot proceeding amending the annual assessment for the purpose of providing road maintenance services within CSA 22-6B Ranch Estates, Zone 1. (Dist. IV)

Adopted.

Enactment No: RES 23-132

Agricultural Commissioner: Chris de Nijs

9. [SR 23-0567](#) Resolution approving renewal Agreement 22-1720-000-SG between the County of Nevada and the California Department of Food and Agriculture for County Insect Pest Detection/Emergency Projects Trapping services, accepting funding in the total amount not to exceed \$32,592.34, for the period July 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the agreement and the Agricultural Commissioner to execute additional documents necessary for implementation of the program.

Adopted.

Enactment No: RES 23-133

Information and General Services Agency Director: Stephen Monaghan

10. [SR 23-0582](#) Resolution approving Amendment 2 to the contract between the County of Nevada and James White Construction for snow removal services at the Truckee Library, Truckee Government building, and the Joseph Center (PESQ4625), increasing the maximum contract price by \$30,000 for a new amount not to exceed \$80,000, for the period of July 1, 2022 and June 30, 2023, authorizing the Purchasing Agent to execute the amendment, and directing the Auditor-Controller to amend the Fiscal Year 2022/23 budget. (4/5 affirmative vote required) (Facilities Management)
Adopted.
Enactment No: RES 23-134
11. [SR 23-0531](#) Resolution declaring certain County property as surplus, and authorizing the Purchasing Agent to sell or otherwise dispose of those certain items of surplus property listed on Exhibit A as "Assets to be Sold or Recycled." (4/5 affirmative vote required) (Purchasing)
Adopted.
Enactment No: RES 23-135

County Librarian: Nick Wilczek

12. [SR 23-0672](#) Resolution authorizing the Nevada County Librarian to submit a grant application to the Library Services and Technology Act (LSTA) Local and Collaborative Grant Program for funding in the amount of \$100,000 to expand and strengthen community resources in alignment with the Recreation and Climate Resilience Board Objectives, and authorizing the County Librarian to execute and submit any other documents required to obtain the grant funding.
Adopted.
Enactment No: RES 23-136

Director of Human Resources : Steven Rose

13. [SR 23-0562](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Liebert Cassidy Whitmore for legal employment services (PESQ4885), increasing the contract by \$75,000 for a maximum contract price of \$97,725, authorizing the Chair of the Board of Supervisors to execute the amendment, and directing the Auditor-Controller to amend the Fiscal Year 2022/23 Human Resources budget. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 23-137

14. [SR 23-0420](#) Resolution amending the Nevada County Personnel Code, effective March 28, 2023.

Adopted.

Enactment No: RES 23-138

County Counsel: Katharine L. Elliott

15. [SR 23-0180](#) (Introduce/Waive further reading) Ordinance amending, adding and repealing non-substantive sections of the Nevada County General Code.

First reading held.

County Executive Officer: Alison Lehman

16. [SR 23-0673](#) Resolution authorizing the County Executive Officer to submit a grant application to the Governor's Office of Planning and Research, Integrated Climate Adaptation and Resiliency Program - Adaptation Planning Grant Program, for funding in the amount of \$350,000, to partner with the Climate Transformation Alliance to advance key objectives related to climate resilience in western Nevada County. (Pulled from consent by Supervisor Bullock)

Adopted.

Enactment No: RES 23-139

Clerk of the Board: Julie Patterson Hunter

17. [SR 23-0573](#) Acknowledgement of the resignation of Andrew Burton from Area 4 Agency on Aging Governing Board, effective December 31, 2022.

Acknowledged.

18. [SR 23-0584](#) Appointment of Lindy Beatie as an Adult and Family Services Commission member representative to the Area 4 Agency on Aging Advisory Council, for an unexpired three-year term ending June 30, 2024.

Appointed.

19. [SR 23-0574](#) Reappointment of Theo de Tombe, as Forest and Related Industries representative, and Seth Rosmarin, as Agricultural Interests representative, to the Agricultural Advisory Commission, for four-year terms ending March 31, 2027.

Reappointed.

20. [SR 23-0560](#) Acceptance of Board of Supervisors Summary Minutes for March 7, 2023.

Accepted.

Approval of the Consent Agenda

Adopted.

ACTION TAKEN: Chair Scofield introduced the consent calendar, provided an opportunity for public comment on the consent calendar, and no comments were received. Chair Scofield closed public comment. Supervisor Bullock requested Agenda Item no. 16 be pulled from consent for discussion.

MOTION: Motion made by Supervisor Bullock, and seconded by Supervisor Hall, to adopt the consent calendar, less Agenda Item no. 16. On a roll call vote, the motion passed unanimously.

***ITEMS PULLED FROM THE CONSENT CALENDAR:**

County Executive Officer: Alison Lehman

16. [SR 23-0673](#) Resolution authorizing the County Executive Officer to submit a grant application to the Governor's Office of Planning and Research, Integrated Climate Adaptation and Resiliency Program - Adaptation Planning Grant Program, for funding in the amount of \$350,000, to partner with the Climate Transformation Alliance to advance key objectives related to climate resilience in western Nevada County. (Pulled from consent by Supervisor Bullock)
Enactment No: RES 23-139

ACTION TAKEN: Supervisor Bullock clarified that climate resilience is a countywide initiative, and although the staff report outlines objectives for western County, the grant application is for a countywide Climate Transformation Alliance, which will also benefit eastern County.

Chair Scofield provided an opportunity for public comment on the item, and no comments were received. Chair Scofield closed public comment.

MOTION: Motion made by Supervisor Bullock, and seconded by Supervisor Hall, to adopt Resolution 23-139, authorizing submittal of the grant application to the Governor's Office of Planning and Research, Integrated Climate Adaptation and Resiliency Program - Adaptation Planning Grant Program for funding to advance objectives related to climate resilience in Nevada County. On a roll call vote, the motion passed unanimously.

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

ACTION TAKEN: Chair Scofield recessed as the Nevada County Board of Supervisors and called the regular meeting of the Nevada County Sanitation District No. 1 Board of Directors to order. All Directors were present.

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Consent:

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

21a. [SR 23-0926](#) Resolution approving the purchase of a Kohler KG100 Generator in the amount of \$56,902.56, and directing the Auditor-Controller to amend the Fiscal Year 2022/23 Wastewater Zone 4 budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES SD23-003

Clerk of the Board: Julie Patterson Hunter

21b. [SR 23-0924](#) Acceptance of Nevada County Sanitation District No. 1 Summary Minutes for January 24, 2023.

Accepted.

Approval of the Consent Agenda

Adopted.

ACTION TAKEN: Chair Scofield introduced the consent calendar and provided an opportunity for public comment. No comments were received, and Chair Scofield closed public comment.

MOTION: Motion made by Director Hoek, and seconded by Director Swarthout, to adopt the Sanitation District's consent calendar. On a roll call vote, the motion passed unanimously.

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Public comment:

[SR 23-0925](#) No public comment received.

ACTION TAKEN: Chair Scofield opened the opportunity for general public comment, and no comments were received. Chair Scofield closed public comment.

Supervisor Hoek took a moment to commend the Department of Public Works' NCSD1 staff on their efforts during February's extreme snowstorms.

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Adjournment:

ACTION TAKEN: Chair Scofield adjourned as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

***DEPARTMENT HEAD MATTERS:**

Interim Public Health Director: Erin Mettler

22. [SR 23-0590](#) Resolution proclaiming April 3 through 9, 2023 as Public Health Week in Nevada County.

Adopted.

Enactment No: RES 23-140

ACTION TAKEN: Erin Mettler, Interim Public Health Director, provided a presentation proclaiming the week of April 3 through 9 as Public Health Week in Nevada County. Public Health is an organized field based in foundational Public Health services, which includes communicable disease control, chronic disease, environmental public health, maternal child and family health, and access and linkage to critical care. The estimated economic burden of chronic disease in Nevada County totals \$288,307,516. Nevada County Public Health (NCPH) Department serves a population of 100,000 on an annual budget of \$12 million. NCPH is nationally accredited, and is one of 26 out of 62 local health jurisdictions that are accredited. NCPH prevents the spread of disease, injury, and other health conditions; promotes healthy behaviors and healthy environments; protects against environmental and natural disasters; and responds to public health emergencies and disaster events as they occur.

Interim Public Health Director Mettler reported on NCPH's COVID-19 response, which included communication; outreach and education; interpretation of state guidance; support for businesses and schools; support for health care systems and facilities; testing resources; disease mitigation; quarantine and isolation support; vaccinations; and support for those who were disproportionately impacted.

Chair Scofield provided an opportunity for public comment and no comments were received. The opportunity for public comment was closed.

The Board members recognized Public Health staff in the audience, and questioning and discussion ensued.

MOTION: Motion made by Supervisor Hall, and seconded by Supervisor Bullock, to adopt Resolution 23-140 proclaiming April 3 through 9, 2023 as Public Health Week in Nevada County. On a roll call vote, the motion passed unanimously.

Director of Social Services: Rachel Peña

23. [SR 23-0203](#) Resolution proclaiming April 10 through 14, 2023 as "Eligibility and Employment Week" in Nevada County.

Adopted.

Enactment No: RES 23-141

ACTION TAKEN: Rachel Peña, Director of Social Services, provided a presentation regarding "Eligibility and Employment Week" highlighting the work of Nevada County's Eligibility and Employment Team. The Team administers public assistance programs that reduce food insecurity, strengthen health outcomes, provide safety and security, and develop valuable workplace skills to support local families towards self-sufficiency. Over the past year they have provided 1,220 emergency foods bags to customers in eastern and western County; supported 55 families with permanent housing and 45 with transitional housing; placed 40 participants in subsidized employment positions; provided 9,059 individuals with CalFresh or food benefits; provided 25,725 individuals with health care coverage through Medi-Cal; and issued over \$43,989,241 federal and state funds that were spent in our community supporting economic development.

Director Peña shared a recruitment video that celebrated the work of the Team.

Lisa Hay, Human Services Specialist I, shared the story of her experience as a client of Social Services, and spoke of the sense of purpose she experienced as an intern in the Department of Social Services. Lisa Hay reported that the intern experience ultimately inspired her to return to school to obtain her AA degree, which resulted in her position as a Human Services Specialist in the Department of Social Services.

Chair Scofield provided an opportunity for public comment and no comments were received.

Board questioning and discussion ensued.

MOTION: Motion made by Supervisor Hoek, and seconded by Supervisor Hall, to adopt Resolution 23-141, proclaiming April 10 through 14, 2023 as Eligibility and Employment Week in Nevada County. On a roll call vote, the motion passed unanimously.

Sheriff-Coroner/Public Administrator: Shannan Moon

24. [SR 23-0583](#) Resolution approving a contract between the County of Nevada and Flock Group Inc. for software services and access to Flock hardware that will provide capabilities for searching video files for the purpose of law enforcement investigations, in the amount of \$78,750, for the twelve-month period beginning the date of execution, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2022/23 Sheriff's office budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 23-142

ACTION TAKEN: Following a short break, Chair Scofield called the meeting back into order.

Sheriff Moon provided an introduction of the item, and Captain Sam Brown provided a PowerPoint presentation regarding the proposed contract between the County of Nevada and Flock Group Inc. for software services and access to Flock hardware that will provide capabilities for searching video files for the purpose of law enforcement investigation. Local agencies have already implemented the system, and others are in process. Flock's mission is to eliminate crime; provide ethical service; limited data retention; and provide objective evidence. Deputies cannot be everywhere at all times as the County spans 957 square miles. The system will assist the Sheriff's office in meeting community expectations by providing the ability to capture and distribute objective evidence.

Captain Brown reported that the Flock system does not identify warrants for an individual's arrest; it only identifies vehicles. In addition, Governor Newsom has protections in place to prevent arrests of this nature. Captain Brown reported that the technology provides for license plate recognition; gathers objective evidence and facts about vehicles, not people; alerts police of wanted vehicles; is used to solve crime; and adheres to all state laws. Additionally, the system does not provide facial recognition; does not tie to personal identifiable information; is not used for traffic enforcement; and the data is not stored beyond 30 days.

The recorded footage is owned and maintained by the Nevada County Sheriff's office and will never be sold or shared by Flock; 3-day data retention then deleted; short retention period ensures that all data associated with a crime is automatically deleted; takes human bias out of crime-solving; no personal identifiable information is contained in the system; and it is not used for traffic enforcement.

Chair Scofield provided an opportunity for public comment and comments were received. Chair Scofield closed public comment.

Board questioning continued.

Supervisor Hall stressed that she does have trust in the Nevada County Sheriff's office. However, she shared her concerns regarding civil rights and the gathering of data on innocent people. Supervisor Hall's concerns include the criminalization of women from other states seeking health care in California. Captain Brown responded to the concerns regarding the sharing of data, and reiterated that there is a process of controls, including Governor Newsom's safeguards that are in place throughout the State of California. He had confidence that women's rights would be protected.

MOTION: Motion made by Supervisor Hoek, and seconded by Supervisor Swarthout, to adopt Resolution 23-142, approving the contract with Flock Group Inc. On a roll call vote the motion passed as follows: Ayes: Supervisors Scofield, Swarthout, Hoek, and Bullock. Noes: Supervisor Hall.

Director of Human Resources : Steven Rose

25. [SR 23-0675](#) Resolution authorizing the process to select a Treasurer-Tax Collector to fill the vacancy due to the retirement of the current Treasurer-Tax Collector Tina Vernon, through the term ending January 4, 2027, at noon.

Adopted as amended.

Enactment No: RES 23-143

ACTION TAKEN: Steven Rose, Director of Human Resources, reviewed the staff report regarding the selection process for appointment an Interim Treasurer-Tax Collector to fill the vacancy due to the retirement of current Treasurer-Tax Collector Tina Vernon, through the term ending January 4, 2027, at noon. Options include: 1) the Board makes a direct appointment to begin once the vacancy occurs after April 28, 2023; or 2) the Board advertises the position as a recruitment using an Ad Hoc selection committee appointed by the Chair of the Board.

Director Rose explained that if the Board appoints a successor candidate, that individual will hold office until the term ends at Noon on January 4, 2027. Director Rose reviewed steps for both options. If no appointment is made by the time Tina Vernon leaves office, the Assistant Treasurer-Tax Collector would fulfill the role as Interim Assistant Treasurer-Tax Collector until an appointment is made.

Board discussion and questioning ensued.

Chair Scofield opened the opportunity for public comment and comments were received. Chair Scofield closed public comment.

Board questioning and discussion continued. Supervisor Swarthout shared concerns regarding the process of appointing a replacement for an elected official, and stressed the need for consistency and transparency. She believed that whatever action is taken should take into consideration the public's trust in the Board's decision-making. Supervisor Swarthout noted that past appointments have included an interview process rather than a direct appointment, and asked her colleagues how this situation differed from the process used a couple of years ago with the appointment of the District Attorney (DA).

Chair Scofield clarified the process for appointment of the DA differed since the DA's term was close to coming to an end, and there were multiple candidates that had expressed an interest in the appointment. The appointment of the Auditor-Controller did follow the direct appointment process.

The Supervisors discussed the option of appointing the Assistant Treasurer-Tax Collector to fill the position on an interim basis through the end of the Treasurer-Tax Collector's current term ending January 24, 2027 at noon.

MOTION: Motion made by Supervisor Bullock, and seconded by Supervisor Hoek, to fill the Treasurer-Tax Collector's position by direct appointment through the term of January 4, 2027 at noon.

Supervisor Swarthout asked for clarification of the motion. Chair Scofield explained that the motion was to approve the process only.

On a roll call vote, the motion passed as follows: Ayes: Supervisors Hall, Scofield, Hoek, and Bullock. Noes: Supervisor Swarthout.

Chair Scofield requested staff provide the correct procedure for making a direct appointment. Katharine Elliott, County Counsel, explained that the Board could go ahead and make a motion to appoint an Interim Treasurer-Tax Collector based on the discussion, amending the Resolution to reflect the Board's intent, to begin on April 29, 2023 at noon.

MOTION: Motion made by Supervisor Bullock, and seconded by Supervisor Hall, amending the Resolution to appoint Assistant Treasurer-Tax Collector Michelle Bodley as Interim Treasurer-Tax Collector, effective April 29, 2023, with a term ending January 4, 2027. On a roll call vote the motion passed unanimously.

***CLOSED SESSIONS:**

[SR 23-0671](#) Pursuant to Government Code section 54957.6, a closed session of the Board of Supervisors will be held for the purpose of reviewing its position and instructing its designated labor negotiations representatives regarding employee salaries, salary schedules, fringe benefits, and all other matters within the statutory scope of representation. The designated labor negotiation representatives for Nevada County are Ryan Gruver, Director of Health & Human Services, Steven Rose, Human Resources Director, and Lisa Charbonneau, Labor Attorney. The labor negotiations concern the In-Home Supportive Services workers (United Workers of America (UDW), District 6). **Closed Session held.**

[SR 23-0677](#) Pursuant to Government Code section 54956.8, County Counsel is requesting a closed session regarding real property negotiations. The negotiator for the County is Steve Monaghan, Chief Information Officer/Director of Information and General Services. Items under negotiation concern the price and terms of payment, and the property interest to be obtained, the (up to 34 acres) located at 12022 La Barr Meadows Road, Grass Valley, CA (APN:022-160-006) and 12270 La Barr Meadows Road, Grass Valley, CA (APN: 022-160-033). The negotiator for the property is agent Jon Blinder. **Closed Session held.**

[SR 23-0575](#) Pursuant to Government Code section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case: Willman, Loren v County of Nevada, Nevada County Superior Court, Case No. CU0000460. **Closed Session held.**

[SR 23-0576](#) 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.

Closed Session held.

[SR 23-0580](#) Pursuant to Government Code section 54956.9(d)(4), County Counsel is requesting a closed session to determine whether litigation should be initiated by the County in two matters.

Closed Session held.

ACTION TAKEN: Katharine Elliott, County Counsel, read the closed session items into the record.

Chair Scofield provided an opportunity for public comment and no comments were received. Chair Scofield closed public comment. The Board members entered into closed session, and returned following the lunch break.

Recess for lunch:

AFTERNOON SESSION: 1:30 P.M.

ACTION TAKEN: Following the lunch break, Chair Scofield called the meeting back into order at 1:30 p.m. Katharine Elliot, County Counsel, reported that during closed session the following closed session items were addressed as follows:

SR 23-0671: Information was provided to the Board.

SR 23-0677: The Board gave negotiating authority.

SR 23-0575: Information was provided to the Board.

SR 23-0576: Information was provided to the Board.

SR 23-0580: Direction was given.

DEPARTMENT HEAD MATTERS:*Planning Director: Brian Foss**

26a. [SR 23-0589](#) Review and acceptance of the 2022 General Plan Annual Progress Report to the Board of Supervisors, substantially in the form attached, pursuant to State of California Government Code section 65400, and directing staff to submit the report to the Office of Planning and Research as shown in Attachment 1.
Accepted.

26b. [SR 23-0569](#) Review and acceptance of the 2022 Housing Element Annual Progress Report to the Board of Supervisors, substantially in the form attached, pursuant to State of California Government Code Section 65400, and directing staff to submit the report to the California Department of Housing and Community Development and the Office of Planning and Research as shown in Attachment 1.
Accepted.

ACTION TAKEN: Brian Foss, Planning Director, and Kyle Smith, Senior Planner, provided a PowerPoint presentation regarding the annual progress reports (APRs) for General Plan and Housing Element. (2022 calendar year)

Senior Planner Smith reported that the State of California requires that Counties prepare an Annual Progress Report (APR) regarding the status of the County's General Plan, along with the Housing Element that is included are part of the General Plan. The APRs are to be presented to the local legislative body for review and acceptance and submitted to the governor's Office of Planning and Research (OPR), and to the Department of Housing and Community Development (HCD) by April 1 of each year. Nevada County's General Plan APR summarizes the implementation activities within the unincorporated area of the County throughout calendar year 2022.

The General Plan APR includes: 1) Introduction; 2) General Plan Elements; and 3) Permits, Applications, and Significant Projects. Highlights included in the APR reflect an approximate total of 4,500 ministerial permits processed, 271 administrative land use entitlements processed, and 34 discretionary land use entitlements processed. Projects that were approved by the Planning Commission or Board of Supervisors include: Lone Oak Phase 2 Senior Apartments; 49er Self-Storage; Cannabis Ordinance amendments; Quick Quack Car Wash; and the Ranch House.

Switching to the Housing Element APR, Senior Planner Smith reported that it also summarizes implementation activities for the unincorporated areas of the County. A primary component of the Housing Element APR is recording steps towards achieving the County's Regional Housing Need Allocation Process. During calendar year 2022, 32 units received land use entitlements; 112 dwelling units were issued building permits; and 106 dwelling units received their certificates of occupancy and were entered into the Countywide housing stock. In addition, the Greater Higgins Area Plan was adopted in 2023, and the Master Building Plans project is in progress and expected to be released in Spring 2023.

Senior Planner Smith requested the Board approve the reports and direct staff to submit them to HCD.

Director Foss and Senior Planner Smith responded to Board questioning and discussion ensued.

Chair Scofield provided an opportunity for public comment and no comments were received. Chair Scofield closed public comment.

MOTION: Motion made by Supervisor Swarthout, and seconded by Supervisor Bullock, to accept the 2022 General Plan Annual Progress Report. On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Hoek, and seconded by Supervisor Swarthout, to accept the 2022 Housing Element Annual Progress Report. On a roll call vote, the motion passed unanimously.

Director of the Office of Emergency Services: Craig Griesbach

27. [SR 23-0883](#) (Introduce/Waive further reading) An Ordinance amending Article 7 of Chapter IV of the Nevada County General Code regarding Hazardous Vegetation Abatement.
First reading held.

ACTION TAKEN: Craig Griesbach, Director of the Office of Emergency Services (OES), reported that the item before the Board are the proposed updates to the County's Hazardous Vegetation and Combustible Material Abatement Ordinance.

The amendments reflect feedback provided by the Board members, and a multi-year stakeholder engagement process. The Ordinance will help better prepare the community for the threat of wildfire, and to prepare for winter storms by removing hazardous vegetation from around structures and roadways.

Paul Cummings, OES Program Manager, and Patrick Mason, Fire Marshall, Nevada County Consolidated Fire District, provided a PowerPoint presentation regarding the proposed amendments to the Nevada County General Code, Hazardous Vegetation Abatement. Program Manager Cummings recognized the County's Defensible Space Inspector (DSI) Team, the Office of County Counsel, and Nevada City Fire Chief Goodspeed. Program Manager Cummings provided background regarding the process for addressing resident and Board concerns surrounding hazardous vegetation, and reviewed the existing hazardous vegetation Ordinance no. 2477, stressing that the process focuses heavily on education, and Intends to be collaborative rather than punitive.

Fire Marshall Mason explained the cost share program, which currently states that an adjacent property owner can request the reporting party pay 50% of the cost share. Upon this request, OES meets with both parties to review the request. In many cases, the reporting party does not want to pay for the hazardous vegetation removal on the adjacent parcel. Options include both property owners work together to clear the vegetation; or the reporting party pays for vegetation removal. If the reporting party ultimately refuses to pay for the vegetation removal, the case is dropped.

DSI recommendations include: keeping the 50% Cost Share provision; require parcels over 1 acre to fully treat the entire parcel; adopt a 0-5 foot ember resistant zone; and adopt the Ordinance with the proposed updates.

OES Program Manager Cummings recognized challenges that the public is faced with due to the recent extreme weather, and reported on the upcoming green waste drop off days scheduled for April, May, and June; or can drop off green waste at the McCourtney Transfer Station. Additionally there is financial assistance available for low-income, disabled, and/or seniors through the Fire Safe Council of Nevada County.

Staff responded to Board questioning and discussion ensued.

Chair Scofield provided an opportunity for public comment and comments were received

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

***ANNOUNCEMENTS:**

ACTION TAKEN: Updates were provided by board members.

ADJOURNMENT:

ACTION TAKEN: Chair Scofield adjourned the meeting at 3:01 p.m.

Signature and Attestation

Edward C. Scofield, Chair

ATTEST:

By:

Julie Patterson Hunter, Clerk of the Board