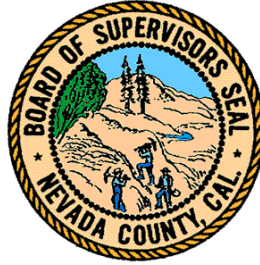


COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District
Ed Scofield, 2nd District (Chair)
Dan Miller, 3rd District
Wm. "Hank" Weston, 4th District
Richard Anderson, 5th District (Vice-Chair)



BOARD OF SUPERVISORS

950 Maidu Avenue
Nevada City, CA 95959-8617
(530) 265-1480
Fax: (530) 265-9836
bdofsupervisors@co.nevada.ca.us

Julie Patterson Hunter, Clerk of the Board
Richard A. Haffey, County Executive Officer
Alison Barratt-Green, County Counsel

AGENDA

| Date | Time | Location |
|---------------------------|---------|---|
| Tuesday, January 23, 2018 | 9:00 AM | Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California |

This meeting is broadcast live on NCTV Channel 17 in the Western County and on Truckee-Tahoe Community TV (TTCTV) Channel 18 in the Eastern County and can be viewed live through the web at <https://nevco.legistar.com/Calendar.aspx>.

Video Conferencing at 9:05 a.m. for Public Comment located at the District V Board of Supervisors Conference Room
Nevada County Sheriff's Substation, 10879A Donner Pass Road, Truckee, California

The Board of Supervisors welcomes you to its regular meetings that are scheduled the second and fourth Tuesdays of every month. Your interest is encouraged and appreciated.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Please approach the rostrum and, after receiving recognition from the Chair, give your name and comments or questions as all meetings are recorded. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. Time limitations are explained on the last page of the agenda.

The meeting room is accessible to people with disabilities. Anyone requiring reasonable accommodation to participate in the meeting should contact the Clerk of the Board's office by calling (530) 265-1480 at least four days prior to the meeting. TTY/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

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 <http://www.mynevadacounty.com/nc/bos/cob>. 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.

SCHEDULED ITEMS: 9:01 A.M.

1. [SR 18-0059](#) Resolution proclaiming February 2018 as "Grand Jury Awareness Month" in Nevada County. (Nevada County Grand Jury)
2. [SR 18-0110](#) Certificate of Recognition for Mr. Jeff Dunning for his wide ranging work on fire safety and prevention, and as a member of the Board of Directors of the Fire Safe Council of Nevada County. (Ms. Joanne Drummond, Executive Director, Fire Safe Council of Nevada County)

PUBLIC COMMENT: 9:05 A.M.

Members of the public shall be allowed to address the board on items not appearing on the agenda that are of interest to the public and are within the subject matter jurisdiction of the Board.

(Video-Conferencing for the public comment portion of the meeting is also available in Truckee at the District V Board of Supervisors Conference Room, east (left) side of the Sheriff's Substation at 10879A Donner Pass Road.)

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, staff member or interested party may request that an item be removed from the consent calendar for discussion.

Sheriff-Coroner/Public Administrator: Keith Royal

3. [SR 18-0038](#) Resolution eliminating administrative fees pertaining to the Home Detention Program for participants 21 years of age and younger, as required by Senate Bill (SB) 190 (2017/2018).
4. [SR 18-0007](#) Resolution approving an agreement between the County of Nevada and Systems and Space Inc. for the purchase and installation of a Spacesaver mechanical assisted heavy-duty mobile storage system to be located at the Sheriff's Property unit, in the maximum amount of \$72,589.27 to be classified as a capital asset in Fiscal Year 2017/2018, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Auditor-Controller: Marcia Salter

5. [SR 18-0057](#) Resolution authorizing the closure of the Purchasing Agent's Revolving Fund bank account and the Agricultural Commissioner's Revolving Fund bank account, and rescinding Resolutions 90-262 and 97-112.
6. [SR 18-0058](#) Resolution authorizing the Mystic Mine Road Community Service District to replace its annual audit with an annual financial review combined with a required audit to be performed every third year, beginning with the fiscal year ending June 30, 2017.

Clerk-Recorder/Registrar of Voters: Gregory Diaz

7. [SR 18-0064](#) Resolution approving Amendment 3 to the contract between the County of Nevada and Harris Local Government Solutions, Incorporated pertaining to software maintenance services for the Nevada County Clerk-Recorder's OnCore Recording and Accounting System (Res. 08-564), increasing the maximum contract amount from \$151,485.60 to \$201,135.60, extending the termination date to June 30, 2018, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Clerk-Recorder's Fiscal Year 2017/18 budget. (4/5 affirmative vote required)

Environmental Health Director: Amy Irani

8. [SR 18-0092](#) Resolution approving Amendment 2 to Grant Agreement EETAG1502 between the County of Nevada and the California Environmental Protection Agency (CalEPA) for the Environmental Enforcement and Training Account Grant Program (EETAG), extending the grant period through June 30, 2018 to complete qualified expenditures, in the amount of \$34,900 for a new period of September 1, 2015 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Director of Public Works: Trisha Tillotson

9. [SR 18-0045](#) Resolution approving the 2018 Nevada County Department of Public Works Road Maintenance and Capital Improvement Program Five Year Plan, Fiscal Years 2017/2018 through 2021/2022, and authorizing the Director of Public Works to proceed with implementation of the Plan.
10. [SR 18-0050](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Hansen Brothers Enterprises for the Brunswick Road Emergency Slide Repair Project - County Contract No. 440821 (Res. 17-386), with contract costs totaling \$674,672.44, and directing the Clerk of the Board of Supervisors to record this Notice in accordance with Civil Code Section 9208. (Dist. III)

11. [SR 18-0051](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Welco Underground Construction for the Brunswick Road Emergency Slip Repair Project, with contract costs totaling \$36,000 (Res. 17-125), and directing the Clerk of the Board of Supervisor to record this Notice in accordance with Civil Code Section 92058. (Dist. III)
12. [SR 18-0061](#) Resolution approving an updated Authorized Agent Form for the California Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Program, authorizing the Director of Public Works and the Transit Services Manager to to execute the application(s) and all required documents of the PTMISEA Program, and authorizing the County Executive Officer to execute the PTMISEA Authorized Agent Form. (Transit)
13. [SR 18-0062](#) Resolution approving an updated Authorized Agent Form for the Low Carbon Transit Operations Program (LCTOP), authorizing the Director of Public Works and the Transit Services Manager to execute the application(s) and all required documents with the California Department of Transportation, and authorizing the County Executive Officer to execute the LCTOP Authorized Agent Form. (Transit)
14. [SR 18-0063](#) Resolution approving an updated Authorized Agent Form for the California Governor's Office of Emergency Services (Cal OES), Proposition 1B, California Transit Security Grant Program, California Transit Assistance Fund (CTSGP-CTAF), authorizing the Chair of the Board of Supervisors to appoint the Director of Public Works and the Transit Services Manager to execute the application(s) and all required documents of the CTSGP-CTAF Program, and any amendments with Cal OES on behalf of the County of Nevada. (Transit)
15. [SR 18-0090](#) (Waive further reading/Adopt) An Ordinance adding Subsection J to Section G-IV 3.A.8 of Article 3.A of Chapter IV of the Nevada County General Code adding a Parking Prohibition on Via Vista. [No vehicle parking between the hours of 8:00 a.m. and 4:00 p.m. on school days upon the County right-of-way on Via Vista between Ridge Road and 200 feet east of its intersection with Echo Ridge Drive.] (Dist. I)

Chief Probation Officer: Michael Ertola

16. [SR 18-0048](#) Resolution to eliminate juvenile probation fees and certain fees associated with probation services for those under 21 years of age, pursuant to passage of Senate Bill (SB) 190.
17. [SR 18-0055](#) Resolution approving a Memorandum of Understanding (MOU) between the Nevada County Probation Department and the Nevada County Superior Court for the implementation of an integrated document management system, effective January 23, 2018 through June 30, 2018, authorizing the Chief Probation Officer to execute the MOU, and authorizing the Auditor-Controller to amend the Fiscal Year 2017/18 budget. (4/5 affirmative vote required)

Chief Information Officer: Stephen Monaghan

18. [SR 18-0052](#) Resolution continuing the proclamation of a Local Emergency in Nevada County due to the Wind Complex Fires and related evacuations in the affected communities and requesting that the Governor continue to maintain a State of Emergency for the County of Nevada. (Emergency Services)
19. [SR 18-0030](#) Resolution approving the acceptance and final completion of three of five Solar Energy Systems located at the Nevada County Carol F. Bryan Juvenile Hall, Eric Rood Administrative Center, and the Wayne Brown Correctional Facility, for the Engineering, Procurement and Construction Agreement between the County of Nevada and SunPower Corporation, Systems for the Nevada County Energy Conservation Project (Res. 16-177), with contract costs totaling \$3,913,553, and authorizing the Chair of the Board of Supervisors to execute the Certificates of Final Completion for these three systems. (Facilities)
20. [SR 18-0049](#) Resolution declaring certain County property as surplus (obsolete electronic equipment), and authorizing the Purchasing Agent to sell, or otherwise dispose of, surplus property. (4/5 affirmative vote required)

County Counsel: Alison Barratt-Green

21. [SR 18-0108](#) Letter of support of County Law Libraries request for funding in the Governor's 2018 proposed budget and in successive State budgets.

County Executive Officer: Richard Haffey

22. [SR 18-0111](#) Resolutions authorizing the examination of Sales or Transactions and Use Tax Records, and superceding all previous Resolutions, including Resolution 01-476.

Clerk of the Board: Julie Patterson Hunter

23. [SR 18-0103](#) Acceptance of resignations from Mr. Willard Drown, District III representative, and Mr. Daniel DiSanto, District IV representative, from the Nevada County Fish and Wildlife Commission.
24. [SR 18-0105](#) Reappointment of Ms. Cindy Tobiassen as a Member-at-Large to the Nevada County Fish and Wildlife Commission, for a four-year term expiring January 31, 2022.
25. [SR 18-0106](#) Reappointments of Ms. Mali Dyck and Mr. Gary Brown as Citizens-at-Large, and Mr. Thomas Jacobs as the Citizen Knowledgeable of Hazardous Waste Disposal Practices, to the Nevada County Solid and Hazardous Waste Commission, for two-year terms expiring January 1, 2020.
26. [SR 18-0097](#) Appointment of Mr. Andrew Burton as an At-Large member to the Nevada County Transportation Commission, for a four-year term expiring January 1, 2022.
27. [SR 18-0031](#) Acceptance of Board of Supervisors Summary Minutes for December 12, 2017.

DEPARTMENT HEAD MATTERS:**County Executive Officer: Richard Haffey**

28. [SR 18-0119](#) Presentation on the results of Nevada County's National Citizen Survey. (Michelle Kobayashi, Vice President, National Research Center, Inc.)

Director of Public Works: Trisha Tillotson and Planning Director: Brian Foss

29. [SR 18-0107](#) Resolution approving an Infrastructure Reimbursement Agreement between the County of Nevada and KKP-Lake of the Pines, LLC pertaining to development of the Higgins Marketplace Project, located on State Highway 49 and Woodridge Court, and authorizing the Chair of the Board of Supervisors to execute the Agreement. (Dist. II)

SCHEDULED ITEMS: 10:15 A.M.

30. [SR 18-0053](#) Public hearing to consider approval of proposed increases in the Truckee Fire Protection District 2017/18 Capital and Mitigation Fees. The proposed fee increase is based on Truckee Fire Protection District Capital Improvement Plan and Mitigation Fee 5-Year Expenditure Plan and 5-Year Findings Report for Fiscal Year 2017/2018, and Truckee Fire Protection District Ordinance No. 23-2017. (Dist. V)

Resolution adopting Development Impact Mitigation Fees for the Truckee Fire Protection District, pursuant to Nevada County Land Use and Development Code Section L-IX 2.3, effective March 24, 2018: Residential - Single Family \$0.79 per square foot, Multi-family \$1.19 per square foot; Nonresidential - Industrial \$0.58 per square foot, Retail/Commercial \$0.81 per square foot, and Office \$1.16 per square foot.

- 31a. [SR 18-0056](#) Public hearing to consider the Planning Commission's December 14, 2017, 4-0, 1 absent recommendation to introduce, waive further reading and adopt ORD17-2 regarding proposed amendments to Land Use and Development Code Section L-II 3.3 Agricultural Uses to add a definition and permitting requirements for Agritourism activities in Nevada County. The ordinance amendment also includes an amendment to Nevada County's definition of Agricultural Products to exclude cannabis and cannabis-related products.

Resolution adopting a Negative Declaration for Ordinance ORD17-2 amending Section L-II 3.3 of Article 3 of the Nevada County Land Use and Development Code to adopt a Definition and Permitting Standards for Agritourism, making findings 1 through 4, and directing the Clerk of the Board of Supervisors to file a Notice of Determination. (File Nos. ORD17-2 and EIS17-0009).

- 31b.** [SR 18-0116](#) (Introduce/Waive further reading/Adopt) An Ordinance amending Chapter II of the Nevada County Land Use and Development Code, Tables L-II 2.2.1.B and 23.D of Article 2 and Section L-II 3.3 of Article 3 to establish a Definition and Permitting Standards for Agritourism (ORD17-2).
- 31c.** [SR 18-0120](#) Close Board Order BO17-01.

SCHEDULED ITEM: 11:00 A.M.

Clerk-Recorder/Registrar of Voters: Gregory Diaz

- 32a.** [SR 18-0121](#) Presentation by Mr. Alex Padilla, California Secretary of State, "Nevada County Pioneering the California Voter's Choice Act."
- 32b.** [SR 18-0054](#) Presentation on the Nevada County implementation of the California Voter's Choice Act, All-mailed Ballot/Vote Center Election model, and request for a budget amendment. (Mr. Gregory J. Diaz, Clerk-Recorder/Registrar of Voters)

Resolution authorizing the Nevada County Clerk-Recorder/Registrar of Voters to present information pertaining to implementation of the California Voter's Choice Act, Senate Bill 450, for the All-Mailed Ballot/Vote Center Election model to conduct the June 5, 2018, Statewide Direct Primary Election, with a one-time cost in the approximate amount of \$164,142 and \$139,999 in ongoing Election Administration costs, and directing the Auditor-Controller to amend the Elections Office Fiscal Year 2017/18 budget. (4/5 affirmative vote required)

***CLOSED SESSIONS:**

[SR 18-0115](#) Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case: Evans, et al, v. County of Nevada, Nevada County Superior Court, Case No. CU15-081064.

[SR 18-0117](#) 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.

***ANNOUNCEMENTS:**

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

ADJOURNMENT:

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

This agenda was posted on bulletin boards 72 hours in advance of the meeting at the following locations: 1. Eric Rood Administrative Center; outside Board office, outside Board Chambers, and outside main entrance. 2. Madelyn Helling Library. 3. Truckee Town Hall.

Posted: January 18, 2018

Notice was also posted at the District V Board of Supervisors Conference Room, Truckee Joseph Center, Truckee Library and the Grass Valley Library.

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

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

PUBLIC COMMENT:

Matters on the Agenda: The Board shall allow public comment on items appearing on the agenda when the agenda item is considered by the Board. The Chair may limit the total amount of time for comment on any agenda item and may limit any individual desiring to address the Board to no less than three (3) minutes. Comments by the public must be relevant to the item on the agenda being considered by the Board.

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 the Board. Pursuant to the Ralph M. Brown Act, the Board shall not take any action or discuss any matter not appearing on the agenda; although staff may be asked to briefly respond to or follow up on such items.

The Chair of the Board may limit the total amount of time allocated for public comment; provided, however, the Board will allocate at least fifteen (15) minutes for receiving public comment during any Board meeting. The Chair of the Board may limit any individual desiring to address the Board to no less than three (3) minutes. Time to address the Board will be allocated on the basis of the order in which the requests were received.

PUBLIC HEARINGS:

All members of the public shall be allowed to address the Board as to any item which is noticed on the Board's agenda as a public hearing. The Chair of the Board may limit the total amount of time allocated for the public hearing and may limit any individual desiring to address the Board to not less 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.

ORDER AND DECORUM:

Individuals or organizations desiring to address the Board shall: 1.) Address the Board from the podium. Speakers are encouraged but not required to give their name and city of residence before addressing the Board. Speakers shall direct their comments to the Board, not the audience or staff. 2.) Comment on the specific matter before the Board with reasons for the position taken. 3.) The Chair may, at his or her discretion, allow up to five (5) minutes for those who are serving as a spokesperson for a group or organization. 4.) A speaker may not yield time to another speaker. 5.) No individual may speak more than once during the Public Comment period or on an item on the agenda unless recognized by the Chair as having new information. 6.) In the interest of civil discourse, the rules 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 public comments are conducted in such a manner that avoids disruptive activity, promotes mutual respect, keeps comments focused on issues, and avoids personal attack. 7.) Applicants, applicant representatives and appellants desiring to speak shall be permitted to speak first during the public comment portion of a public hearing for not more than ten (10) minutes (or fifteen (15) minutes at Appeal Hearings), unless different rules for conducting the hearing are provided by County code. Time limits may be modified at the Chair of the Board's discretion.

SPECIAL MEETINGS:

At special meetings of the Board, public comment will only be allowed on matters appearing on the agenda.

ORDINANCES:

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

INFORMATIONAL CORRESPONDENCE:

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

REFERENCES:

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