

# 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*

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



## BOARD OF SUPERVISORS

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Nevada City, CA 95959-8617  
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## AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
<b>Tuesday, October 10, 2023</b>	<b>9:00 AM</b>	<b>Board Chamber, First Floor Eric Rood Administrative Center 950 Maidu Avenue, Suite 200 Nevada City, California</b>

**The Board of Supervisors welcomes you to their regular meeting.**

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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](http://www.nevadacountyca.gov/boardmeetings) and [www.YouTube.com/c/CountyofNevadaCA](http://www.YouTube.com/c/CountyofNevadaCA). Please refer to page 6 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](http://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.

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**REGULAR MEETING: 9:00 AM****STANDING ORDERS:**

Call the meeting to order.

Pledge of Allegiance.

Corrections and/or deletions to agenda.

**PUBLIC COMMENT:**

[SR 23-4619](#) 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 6 for information on the various options being made available for members of the public to provide comment in both western and eastern County.)

**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 23-4558](#) Resolution approving a contract between the County of Nevada and Community Beyond Violence for services including outreach, education, advocacy, and training in the North San Juan area, in the maximum amount of \$60,000, for the period October 1, 2023 through June 30, 2024, and authorizing the Chair of the Board of Supervisors to execute the contract.
2. [SR 23-4553](#) Resolution approving a renewal revenue Contract for Services between the County of Nevada and the County of Placer for Nevada County to provide Crisis Stabilization Unit services for Placer County referred clients, for the period July 1, 2023 through June 30, 2025, in the maximum contract amount of \$75,000, and authorizing the Chair of the Board of Supervisors to execute the contract.

Public Health Director: Kathy Cahill

3. [SR 23-4613](#) Resolution approving a renewal agreement between the County of Nevada and the Tahoe Forest Hospital District for distribution of ELC Enhancing Detection Expansion funds to community hospitals to enhance capacity for infection control and prevention in high-risk settings, in the maximum amount of \$105,716, for the period September 1, 2023 through April 30, 2024, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Office of Emergency Services Director: Craig Griesbach

4. [SR 23-4568](#) Resolution approving environmental clearance for the Direct Community Support Task of the CAL FIRE 5GA21159 Winter Storm Hazardous Vegetation Clean-Up Project, and authorizing the Director of the Nevada County Office of Emergency Services to sign and file a Notice of Exemption with the Nevada County Clerk-Recorder's Office and the Office of Planning and Research for the Direct Community Support Task of the Project.

Facilities Management Director: Justin Drinkwater

5. [SR 23-4438](#) Resolution approving Amendment 1 to the Public Works Contract between the County of Nevada and Buskirk Construction, Inc. for the Nevada County Bear River Library Tenant Improvement Project (Res. 22-631), increasing the base contract amount of \$720,000 by \$47,357 for a revised contract amount of \$839,357 which includes contingency of \$72,000, authorizing the Chair of the Board of Supervisors to execute the amendment, and directing the Auditor-Controller to amend the Fiscal Year 2023/24 Capital Facilities and Library budgets. (4/5 affirmative vote required)

County Counsel: Katharine L. Elliott

6. [SR 23-4547](#) (Introduce/Waive further reading) An Ordinance revising sections of the Nevada County General Code.
7. [SR 23-4548](#) (Introduce/Waive further reading) An Ordinance revising sections of the Nevada County Land Use Code.

Clerk of the Board: Julie Patterson Hunter

8. [SR 23-4706](#) Resolution making findings, accepting the appeal filed by Glenn Christ regarding the Planning Department's determination that the appellant's Final Map application (FM07-010) does not qualify for an automatic extension provided by AB1561, and scheduling the appeal for public hearing on November 7, 2023 at 1:30 p.m.
9. [SR 23-4620](#) Acceptance of Board of Supervisors Summary Minutes for September 26, 2023.

**\*DEPARTMENT HEAD MATTERS:****Agricultural Commissioner: Chris de Nijs**

10. [SR 23-4704](#) Acceptance of the 2022 Nevada County Crop and Livestock Report.

**Planning Director: Brian Foss**

11. [SR 23-4707](#) Informational report regarding the new Nevada County Accessory Dwelling Unit (ADU) Guidebook, and acceptance of the Guidebook in substantially the form attached.

**County Executive Officer: Alison Lehman**

12. [SR 23-4776](#) Acceptance of the presentation to inform the Board of Supervisors on results of the Impact Assessment Study for Pioneer Community Energy.

**\*CLOSED SESSIONS:**

[SR 23-4778](#) Pursuant to Government Code § 54956.9(d)(4), County Counsel is requesting a closed session to determine whether litigation should be initiated by the County in one matter.

[SR 23-4779](#) Pursuant to Government Code § 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case: *Willman Doleman vs. County of Nevada*, Nevada County Superior Court, Case No. CU0000220.

[SR 23-4790](#) 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.

**\*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. 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](http://www.nevadacountyca.gov/boardmeetings) and [nevco.legistar.com/Calendar.aspx](http://nevco.legistar.com/Calendar.aspx).*

*Posted: October 5, 2023.*

**WAYS TO WATCH AND LISTEN DURING THE MEETING:**

- 1) Watch from inside the Board Chambers.
- 2) View at [www.nevadacountyca.gov/boardmeetings](http://www.nevadacountyca.gov/boardmeetings) and [www.YouTube.com/c/CountyofNevadaCA](http://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](http://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](mailto: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 assist the Board with identifying which supervisorial district the speaker resides in.
- 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 54308)**

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 2023

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)