

COUNTY OF NEVADA

STATE OF CALIFORNIA

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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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AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, September 12, 2023	9:00 AM	Board Chamber, First Floor Eric Rood Administrative Center 950 Maidu Avenue, Suite 200 Nevada City, California

The Board of Supervisors welcomes you to their regular meeting.

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

Members of the public who are unable to attend in person may watch this meeting live on Nevada County Media Comcast Channel 17 in western County and on Optimum Channels 18 and 78 in eastern County, or through the web at www.nevadacountyca.gov/boardmeetings and www.YouTube.com/c/CountyofNevadaCA. Please refer to page 9 for information on how to participate in the meeting, as well as the various options being made available for members of the public to provide comment in both western and eastern County.

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

The agenda and all supporting documents are available for review during regular business hours at the Clerk of the Board office, 950 Maidu Avenue, 2nd Floor, Suite 200, Nevada City, California. This agenda and certain supporting documents may be obtained on the Clerk of the Board's website at www.nevadacountyca.gov/boardmeetings. To view the supporting documents on this agenda for a particular item, click on the SR number to the left of the item. Please note that the on-line agenda may not include all related or updated documents. Proposed actions and supporting documents are considered draft until acted upon by the Board. All items listed on the agenda may be acted upon by the Board of Supervisors.

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

Call the meeting to order.

Pledge of Allegiance.

Corrections and/or deletions to agenda.

PUBLIC COMMENT:

[SR 23-4326](#) 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 9 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.

Public Health Director: Kathy Cahill

1. [SR 23-4217](#) Resolution approving Grant Agreement 23-10398 between the County of Nevada and the California Department of Public Health, Office of AIDS, for services related to the Housing Opportunities for Persons with AIDS Program, in the total maximum amount of \$367,788, for the period July 1, 2023 through June 30, 2028, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Social Services Director: Rachel Peña

2. [SR 23-4207](#) Resolution approving a contract between the County of Nevada and Child Abuse Prevention Council of Western Nevada County for the provision of child abuse prevention activities in western County, in the maximum amount of \$53,573, for the period July 1, 2023 through June 30, 2024, and authorizing the Chair of the Board of Supervisors to execute the contract.

3. [SR 23-4001](#) Resolution approving a renewal contract between the County of Nevada and Nevada County Superintendent of Schools for the provision of services related to the operation of the PARTNERS Family Resource Centers as a component of the County's Community Based Child Abuse Prevention, Promoting Safe and Stable Families, and Child Abuse Prevention, Intervention and Treatment Plan, in the maximum amount of \$65,823, for the period July 1, 2023 through June 30, 2024, and authorizing the Chair of the Board of Supervisors to execute the contract.

Sheriff-Coroner/Public Administrator: Shannan Moon

4. [SR 23-3954](#) Resolution accepting the Department of Alcoholic Beverage Control (ABC) Alcohol Policing Partnership Grant in the amount of \$96,248 for Fiscal Year 2023/24 to fund expenses associated with monitoring compliance of ABC liquor license holders and underage drinking, approving Agreement 23-APP29 between the County of Nevada and ABC, and authorizing the Nevada County Sheriff to execute the agreement.

Auditor-Controller: Gina Will

5. [SR 23-3971](#) Resolution approving a Master Services Agreement and Statements of Work between the County of Nevada and CliftonLarsonAllen, LLP pertaining to County Audits, in the total amount of \$98,800 for Fiscal Year 2022/23 Audits, and authorizing the Chair of the Board of Supervisors to execute the agreement and the County Executive Officer and the Auditor-Controller to sign the Statements of Work.
6. [SR 23-4491](#) Resolution authorizing four commercial bank accounts for Housing & Community Services to manage grant administration for the Sutton Way Project through June 30, 2025, and the Ranch House Project through June 3, 2026.

Agricultural Commissioner: Chris de Nijs

7. [SR 23-4124](#) Resolution approving a revenue contract, Cooperative Agreement 23-0297-000-SA, between the County of Nevada and the California Department of Food and Agriculture to reimburse the Nevada County Agricultural Commissioner for work performed in controlling noxious and invasive weeds, in the total revenue amount not to exceed \$42,421, for the period July 1, 2023 through June 30, 2025, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Planning Director: Brian Foss

8. [SR 23-4052](#) Resolution approving Amendment 1 to Grant Award Agreements between the County of Nevada, the City of Grass Valley, the City of Nevada City, and the Truckee Sanitary District for Regional Early Action Planning grant funding to prepare regional infrastructure planning studies (Res. 23-043), increasing the allocation for Nevada City from \$60,000 to \$72,100 and decreasing the allocation for Truckee Sanitary District from \$30,000 to \$17,900 to reflect actual costs, extending the term of the contracts to August 1, 2024 to provide for completion of services, authorizing the Chair of the Board of Supervisors to execute the amendment, and directing the Auditor-Controller to adjust encumbrances in Planning's budget.

Public Works Director: Heba El-Guindy

9. [SR 23-4436](#) Resolution approving Exhibit A to the agreement between the County of Nevada and the County of Placer for the provision of Nevada County Connects Route 5 Service for Fiscal Year 2023/24 (Res. 09-388), with Placer County service charges totaling \$93,109. (Transit Services)

Information and General Services Agency Director: Stephen Monaghan

10. [SR 23-4447](#) Resolution authorizing the Director of Information and General Services to submit a grant application to the Strategic Growth Council Community Resilience Centers Program for up to \$10,000,000, and to negotiate and execute any related documents necessary to accept these funds for the improvement of the Grass Valley and Nevada City Veterans' Halls and their designated partners.
11. [SR 23-4444](#) 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)

Office of Emergency Services Director: Craig Griesbach

12. [SR 23-4176](#) Resolution accepting the Office of Emergency Services request to terminate the May 2021 Local Proclamation for Severe Drought.

Facilities Management Director: Justin Drinkwater

13. [SR 23-4206](#) Resolution approving the Lease Agreement between the County of Nevada and Java Johns, LLC to allow for space lease for the County Café, for a three-year term beginning September 12, 2023 through September 11, 2026 with approval to renew the Agreement for up to two additional one-year terms, in the amount of \$150 per month, and authorizing the Director of Facilities Management to execute the agreement.

14. [SR 23-4042](#) Resolution approving the annual Vegetation Abatement and Tree Removal Services contract between the County of Nevada and Tree Pro Tree Service, Inc. to reduce overgrowth of vegetative fuel surrounding numerous County buildings and properties, for a total contract amount not to exceed \$200,000, authorizing future renewals for up to five (5) additional one-year terms, authorizing the Purchasing Agent to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2023/24 Capital Facilities budget. (4/5 affirmative vote required)
15. [SR 23-4219](#) Resolution approving and awarding a contract between the County of Nevada and Mark Tintle dba MK and Sons Construction as building contractor for the construction of the Ranch House Project located at 16782 CA-49, Nevada City, CA (Res. 23-217), in a total contract amount not to exceed \$3,333,194, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2023/24 Capital Facilities budget. (4/5 affirmative vote required)

Human Resources Director: Steven Rose

16. [SR 23-4294](#) Resolution amending Nevada County Personnel Code Sections 23, Tuition Payment and Reimbursement Program, and P-7, Travel Reimbursement and Expense Program, effective September 12, 2023.
17. [SR 23-4210](#) Resolution for paying and reporting the value of Employer Paid Member Contributions, and amending Resolution 11-262.
18. [SR 23-4325](#) Resolution approving a contract between the County of Nevada and CPS HR Consulting to provide continuous learning opportunities for County employees, for a total cost not to exceed \$110,000, for period September 1, 2023 through December 31, 2024, and authorizing the Director of Human Resources to execute the contract.

County Executive Officer: Alison Lehman

19. [SR 23-4179](#) Resolution approving the 2023 Revised ARPA Expenditure Plan and establishing budget and project authorization for the remainder of Nevada County's allocation from the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds and Local Assistance and Tribal Consistency Fund Programs as presented to the Board of Supervisors at its January 2023 Workshop, and directing the Auditor-Controller to amend various Fiscal Year 2023/24 budgets. (4/5 affirmative vote required)

Clerk of the Board: Julie Patterson Hunter

20. [SR 23-4442](#) Resolution proclaiming the month of September 2023 as "Prostate Cancer Awareness Month" in Nevada County.
21. [SR 23-4418](#) Reappointment of Bethany Wilkins as Consumer Member representative to the Nevada County Mental Health and Substance Use Advisory Board, for a three-year term ending June 30, 2026.

COMMUNITY PRESENTATIONS:**Social Services Director: Rachel Peña**

22. [SR 23-4054](#) Resolution recognizing Agency on Aging Area 4 in September 2023 for Fifty Years of Service provided by a dedicated staff, and acknowledging their contributions and commitment to community support. (Will Tift, Assistant Director, Agency on Aging Area 4)

County Executive Officer: Alison Lehman

23. [SR 23-4441](#) Resolution proclaiming October 7, 2023 as the "2023 Heart of Gold Gravel Ride" and recognizing its support in furtherance of youth mental wellness in Nevada County.

Community Development Agency Director: Trisha Tillotson

24. [SR 23-4437](#) Resolution proclaiming September 23, 2023 as the 26th Annual Yuba River Cleanup in Nevada County. (Aaron Zettler-Mann, Executive Director, South Yuba River Citizens League) (Recreation)

Office of Emergency Services Director: Craig Griesbach

25. [SR 23-4434](#) Acceptance of the informational presentation from the California Disaster Airlift Response Team (CalDART) regarding their statewide network of local teams and resources in response to emergency events.

SCHEDULED ITEM: 10:30 AM**Public Works Director: Heba El-Guindy**

26. [SR 23-4446](#) Public hearing to consider revising the Regional Transportation and Local Traffic Mitigation Fees and associated amendment to the Consolidated User Fee Schedule for County Departments as adopted June 20, 2023 by Resolution 23-288 to reflect the following changes: Community Development Agency - Update to Regional Transportation Mitigation Fees (RTMF) and Local Traffic Mitigation Fees (LTMF). The Mitigation Fee Act requires that mitigation fees be periodically updated to ensure that the assumptions regarding future growth, the need for projects, their costs, etc. continue to provide a reasonable nexus between the impacts of new development and the fees charged. The proposed fees are subject to annual inflationary adjustments. When the County collects a traffic mitigation fee, the total paid by development is a combination of RTMF and LTMF. The RTMF are developed by the Nevada County Transportation Commission (NCTC) and collected by the County for regional projects in western Nevada County. The LTMF are utilized for local projects on county-maintained roads.
- 26a. [SR 23-4543](#) Resolution approving the Local Traffic Mitigation Fees and the Regional Transportation Mitigation Fees, and accepting the associated Local Traffic Mitigation Fee 2023 Nexus Study Update.

SCHEDULED ITEM: 11:00 AM**Human Resources Director: Steven Rose**

27. [SR 23-4215](#) Employee Service Awards Program, in accordance with Resolution 18-017. The categories are: Above and Beyond Employee of the Year, Employee of the Year, Innovator of the Year, Rookie of the Year, Supervisor of the Year, Intern or Volunteer of the Year, and Collaborative Employee or Team of the Year.

Recess for lunch:**AFTERNOON SESSION****SCHEDULED ITEM: 1:30 PM****Planning Director: Brian Foss**

28. [SR 23-4051](#) Public hearing to consider the meeting of Nevada County Planning Commission's June 22, 2023 (3-0) (2 absent) vote and recommendation to adopt a Resolution amending Nevada County General Plan Chapter 1: Land Use Element Policy 1.2.1.b, Policy 1.2.4.B, and Policy 1.7.2 Chapter II, and to adopt an Ordinance amending Chapter II and Chapter IV of the Nevada County Land Use and Development Code to reduce barriers to housing production (Countywide) (PLN23-0059; ORD23-1; GPT23-0001).
- 28a. [SR 23-4540](#) Resolution amending the Nevada County General Plan Chapter 1: Land Use Element Policy 1.2.1.b, Policy 1.2.4.b., and Policy 1.7.2 (GPS23-0001).
- 28b. [SR 23-4539](#) (Introduce/Waive further reading/Adopt) An Ordinance amending Chapter II and Chapter IV of the Land Use and Development Code of the County of Nevada to reduce barriers to Housing Development (ORD23-1).

DEPARTMENT HEAD MATTERS:*Public Works Director: Heba El-Guindy**

29. [SR 23-4492](#) Acceptance of the informational presentation from Caltrans regarding the State Route 20 Omega Curves Project, as significant work is planned in late September and early October that will require the closure of the highway.

County Executive Officer: Alison Lehman

30. [SR 23-3597](#) Approval of the Board of Supervisors' response to the Fiscal Year 2022/23 Nevada County Grand Jury Report, dated May 16, 2023, entitled "Nevada County - Challenges in Managing Contracts."
31. [SR 23-4443](#) Approval of the Board of Supervisors responses to the Fiscal Year 2022/23 Nevada County Grand Jury Report, dated May 16, 2023, entitled "Donner Lake: A Pearl in Peril."

County Counsel: Katharine L. Elliott

32. [SR 23-4220](#) Acceptance of the informational presentation regarding the Nevada County Code Revision.

***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 and nevco.legistar.com/Calendar.aspx.*

Posted: September 7, 2023.

WAYS TO WATCH AND LISTEN DURING THE MEETING:

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

PROVIDE PUBLIC COMMENT BEFORE THE MEETING:

- 1) Leaving an eComment at www.nevadacountyca.gov/boardmeetings.
- 2) Writing a letter to the Board of Supervisors at 950 Maidu Ave, Suite 200, Nevada City, CA 95959.
- 3) Emailing BOS.PublicComment@nevadacountyca.gov.

Written or emailed public comments received by 4:00 p.m. the day prior to the meeting will be provided to the Board members electronically or in written format and will become part of the public record.

PROVIDE PUBLIC COMMENT DURING THE MEETING:

- 1) In-Person:

Eric Rood Administrative Center: Members of the public can provide comment in-person inside the Board of Supervisors' Board Chambers at the Eric Rood Administrative Center.

- 2) Over the Phone:

Members of the public can call (530) 270-3474 and will be placed in a call-in queue until they are permitted into the meeting for comment.

Please provide your name, City or District of residence, and the agenda item you wish to comment on.

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

The Board Chair shall first caution any individual at the meeting that their behavior is disrupting the meeting and that failure to cease the disruptive behavior could result in removal. After warning, the Chair will request the individual to leave if the individual does not stop their disruptive behavior. Additionally, the Chair reserves the right to recess the meeting until the person leaves or is escorted out and order is restored.

PUBLIC COMMENT:

Matters on the Agenda: The Board shall allow public comment on items appearing on the agenda when the agenda item is considered by the Board. Comments by the public must be relevant to the item on the agenda being considered by the Board. This includes: a. Consent Agenda; b. Community Presentations; c. Department Head Matters; d. Individual Board Member Items; and e. Scheduled Items. At special meetings of the Board, public comment will only be allowed on matters appearing on the agenda.

Matters not on the Agenda: At regular meetings of the Board, members of the public shall be allowed to address the Board of Supervisors on matters not appearing on the agenda which are of interest to the public, and which are within the subject matter jurisdiction of the Board. Pursuant to the Ralph M. Brown Act, the Board shall not take any action or discuss any matter not appearing on the agenda although staff may be asked to briefly respond to or follow up on such items. At special meetings of the Board, public comment will only be allowed on matters appearing on the agenda.

ORDER AND DECORUM:

Individuals or organizations desiring to address the Board shall:

- 1) Address the Board from the designated podium, virtual kiosk, or other designated location, including teleconferencing system(s). Speakers are encouraged but not required to give their name and location of residence before addressing the Board. This is to 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)