

# COUNTY OF NEVADA

## STATE OF CALIFORNIA

*Heidi Hall, 1st District (Vice-Chair)*

*Ed Scofield, 2nd District*

*Dan Miller, 3rd District*

*Susan Hoek, 4th District*

*Richard Anderson, 5th District (Chair)*

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*Julie Patterson Hunter, Clerk of the Board*

*Alison Lehman, County Executive Officer*

*Alison Barratt-Green, County Counsel*



## BOARD OF SUPERVISORS

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## SUMMARY MINUTES

Date	Time	Location
Tuesday, April 9, 2019	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

### REGULAR MEETING: 9:00 AM

*Rollcall*

*The following Supervisors present:*

*Heidi Hall, 1st District*

*Ed Scofield, 2nd District*

*Dan Miller, 3rd District*

*Sue Hoek, 4th District*

*Richard Anderson, 5th District*

### STANDING ORDERS:

Chairman Anderson called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Mr. Mike Dent, Child Support Services, Collections, and Housing Director.

Moment of silence in memory of Helitack Captain Daniel Laird, a two-decade veteran of the U.S. Forest Service, Tahoe National Forest, who lost his life on March 27, 2019 in a helicopter crash while on active duty in Texas on the Sam Houston National Forest during a prescribed fire operation.

ACTION TAKEN: Moment of silence held.

Chairman Anderson provided an opportunity for public comment.

Captain Laird's colleagues provided comments: Mr. Lon Henderson, Yuba River District Ranger; Ms. Shelly Allen, Tahoe National Forest Fire Management Officer; and Mr. Ricky Martinez, Nevada County Code Compliance Officer and former Forest Service employee.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections and/or deletions to the agenda were noted.

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**PUBLIC COMMENT: 9:01 A.M.**

ACTION TAKEN: The following members provided comment: Ms. Patricia Rockwell, District IV resident; Mr. Abraham Valensky, District IV resident; Mr. Donn Coenen, District II resident; Mr. Michael Taylor, District I resident; Ms. Linda Chaplin, District I resident; Mr. Douglas Potter, District IV resident; and Mr. Wade Laughter, District I resident.

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**CONSENT CALENDAR:**

Health and Human Services Agency Director: Michael Heggarty

1. [SR 19-0233](#) Resolution approving Amendment A1 to Agreement 16-93596 - Intergovernmental Agreement Regarding Transfer of Public Funds and Amendment A1 to Agreement 16-93609 - Intergovernmental Transfer Assessment Fee between the County of Nevada and the California Department of Health Care Services for the County's participation in a Rate Range Intergovernmental Transfer whereby Nevada County retroactively receives Federal Financial Participation Medi-Cal funds to cover unreimbursed costs for previously provided, mandated services (Res. 17-211), extending the termination date of Agreement 16-93596 to December 31, 2020, amending Agreement 16-93609 to reflect the revised termination date of Agreement 16-93596, and authorizing the Chair of the Board of Supervisors to execute the Amendments.  
**Adopted.**  
Enactment No: RES 19-130

Behavioral Health Director: Phebe Bell

2. [SR 19-0234](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Turning Point Community Programs, Inc. for the provision of Adult Assertive Community Treatment Program Services as a component of the County's Mental Health Services Act (MHSA) Community Services and Supports Plan, Supported Independent Living Program Services, and Integrated Health Care Services as part of the Integration Service Team (Res. 18-432), increasing the maximum contract price from \$2,566,667 to \$2,686,917 to reflect the incorporation of SAMHSA and MHSA Innovation grant funding, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

**Adopted.**

Enactment No: RES 19-131

3. [SR 19-0247](#) Resolution approving a renewal contract between the County of Nevada and Midvalley Recovery Facilities, Inc, dba Pathways for the provision of residential alcohol and drug dependency treatment and withdrawal management services for referred clients of Nevada County, in the maximum amount of \$84,000, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.

**Adopted.**

Enactment No: RES 19-132

Public Health Director: Jill Blake

4. [SR 19-0238](#) Resolution approving the renewal Agreement Funding Application for Agreement 201829 between the County of Nevada and the California Department of Public Health for Maternal, Child and Adolescent Health Program funding, and accepting funds in the maximum payable amount of \$183,049.78, for the period July 1, 2018 through June 30, 2019.

**Adopted.**

Enactment No: RES 19-133

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

5. [SR 19-0259](#) Resolution approving the authorization to designate noncompetitive No Place Like Home (NPLH) funds as committed financing for the competitive NPLH Application pertaining to the Brunswick Commons NPLH Project. (Housing)

**Adopted.**

Enactment No: RES 19-134

Director of Public Works: Trisha Tillotson

6. [SR 19-0244](#) Resolution approving bidding documents and specifications for the Road Safety Signing Audit and Sign Installation Project Phase 2 - Contract No. 225032, authorizing the Chair of the Board of Supervisors to sign the documents, and instructing the Purchasing Division to advertise for bids in accordance with the applicable regulations with the bid opening date to be set by the Director of Public Works. (All Dists.)

**Adopted.**

Enactment No: RES 19-135

Chief Information Officer: Stephen Monaghan

7. [SR 19-0252](#) Resolution continuing the declaration of a Local Emergency in Nevada County due to the Airport Hangar Fire. (4/5 affirmative vote required) (Airport)

**Adopted.**

Enactment No: RES 19-136

8. [SR 19-0255](#) Resolution approving a Letter Agreement between the County of Nevada and the Nevada Irrigation District (NID) for Applicant Constructed Private Fire Service at the Nevada County Operations Center located at 12350 La Barr Meadows Road, Grass Valley, for an estimated labor and materials cost of \$5,000 that includes a non-refundable deposit of \$2,000 for NID plan inspection services prior to construction, authorizing the Chair of the Board of Supervisors to execute the Letter Agreement, delegating authority to the Purchasing Agent to execute all additional documents related to this contract, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Capital Projects budget. (4/5 affirmative vote required) (Facilities)

**Adopted.**

Enactment No: RES 19-137

9. [SR 19-0254](#) Resolution approving a contract between the County of Nevada and CME Services for the Eric Rood Administration Center Helling Crosswalk Project (Res. 19-086), in the amount of \$20,381, plus a contingency of \$2,039, for a total contract amount of \$22,420, and authorizing the Chair of the Board of Supervisors to execute the contract. (Facilities)

**Adopted.**

Enactment No: RES 19-138

10. [SR 19-0256](#) Resolution approving a contract between the County of Nevada and M. Arthur Gensler Jr. & Associates, Inc., for architectural design services at the Nevada County Truckee Library for the Truckee Library Remodel Project located at 10031 Levone Avenue, Truckee, in the amount of \$45,000, for the period April 9, 2019 through June 30, 2020, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Facilities Management budget. (4/5 affirmative vote required) (Facilities) (Dist. V) (Pulled by Ms. Louise Zabriskie, District V resident)

**Tabled.**

Clerk of the Board: Julie Patterson Hunter

11. [SR 19-0242](#) Acceptance of Board of Supervisors Summary Minutes for March 26, 2019.  
**Accepted.**

ACTION TAKEN: Chairman Anderson introduced the consent calendar. Agenda Item #10 pulled from consent by Ms. Louise Zabriskie, District V resident, and President of Friends of the Truckee Library.

*Approval of the Consent Agenda*

**Adopted.**

**MOTION: Motion made by Supervisor Miller, seconded by Supervisor Scofield to approve the consent calendar less Agenda Item #10. On a roll call vote, the motion passed unanimously.**

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**ITEMS PULLED FROM THE CONSENT CALENDAR:**

Chief Information Officer: Stephen Monaghan

10. [SR 19-0256](#) Resolution approving a contract between the County of Nevada and M. Arthur Gensler Jr. & Associates, Inc., for architectural design services at the Nevada County Truckee Library for the Truckee Library Remodel Project located at 10031 Levone Avenue, Truckee, in the amount of \$45,000, for the period April 9, 2019 through June 30, 2020, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Facilities Management budget. (4/5 affirmative vote required) (Facilities) (Dist. V) (Pulled by Ms. Louise Zabriskie, District V resident)

**Tabled.**

ACTION TAKEN: Ms. Louise Zabriskie, District V resident, and President of Friends of the Truckee Library requested the Board reschedule this item after County staff has received input from the Truckee Community and has considered the appropriateness and scope of the currently proposed contract. She felt there were structural changes that conflict with new library plans, and that the proposed contract is not a good use of Measure A funds.

Mr. Justin Drinkwater, Facilities Program Manager, spoke in support of pulling the agenda item to allow time to gain further input.

Ms. Yolande Wilburn, County Librarian, clarified that the Resolution is not to allocate \$500,000 to remodel the Truckee Library, it is for a \$45,000 contract with architects, which would allow open discussion with the members of the Truckee community to gather their thoughts and desires for their library. All County libraries require repair and refurbishing; they are working with Facilities to assess and improve the infrastructure and update the Library's facility plan. In 2015 the estimated costs for a new Library in Truckee would be over \$14 million; today's agenda item contract will allow the County to provide an expanded more desirable and usable space until Truckee is able to build a new facility.

Board questioning and discussion ensued.

Chairman Anderson provided an opportunity for public comment. The following members of the public provided comments: Ms. Kathleen Eagan, District V resident; and Ms. Cathy Eccles, District V resident.

**MOTION: Motion made by Supervisor Hall, seconded by Supervisor Anderson, to table Agenda Item #10. On a roll call vote the motion passed unanimously.**

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**\*DEPARTMENT HEAD MATTERS:****Director of Social Services: Tex Ritter**

12. [SR 19-0185](#) Presentation provided by Ms. Marina Bernheimer, Community Support Network - Child Abuse Prevention Council of Western Nevada County, "Adverse Childhood Experiences - What are ACES and how is Nevada County Working to Mitigate the Harm?"

Resolution proclaiming April 2019 as Child Abuse and Neglect Prevention Month in Nevada County.

**Adopted.**

Enactment No: RES 19-139

ACTION TAKEN: Mr. Tex Ritter, Director of Social Services, introduced Ms. Marina Bernheimer, Community Support Network - Child Abuse Prevention Council of Western Nevada County, noting that the month of April is Child Abuse and Neglect Prevention Month in Nevada County.

Ms. Bernheimer provided a PowerPoint presentation entitled "Adverse Childhood Experiences - What are ACES and how is Nevada County Working to Mitigate the Harm?" She reported that adverse childhood experiences can include physical or emotional abuse or neglect; and all types of household dysfunction. Impacts caused by these experiences can effect adulthood behavior, increasing the likelihood of depression and anxiety, cancer, and heart disease. The good news reveals that the community can work together to prevent high ACES scores and to build resilience through trauma-informed services; prevention and early intervention; and evidence-based interventions.

Board questioning and discussion ensued.

Chairman Anderson read the Resolution into the record and the Board members presented it to Ms. Bernheimer.

**MOTION: Motion made by Supervisor Miller, seconded by Supervisor Scofield, to adopt Resolution 19-139. On a roll call vote the motion passed unanimously.**

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**Clerk of the Board: Julie Patterson Hunter**

- 13a. [SR 19-0250](#) Presentation of the Arts Collaborative of Nevada County, dba Nevada County Arts Council, 2018 Annual Report, and review of their activities over the last eighteen months. (Ms. Eliza Tudor, Executive Director, Nevada County Arts Council)

ACTION TAKEN: Mr. Jeffrey Thorsby, Senior Administrative Analyst, introduced Ms. Eliza Tudor, Executive Director, Nevada County Arts Council. Ms. Tudor provided the Arts Council's 2018 Annual Report, and reviewed their activities over the past eighteen months.

Board questioning and discussion ensued.

- 13b. [SR 19-0251](#) Resolution designating the Arts Collaborative of Nevada County, dba Nevada County Arts Council as Nevada County's State-Local Partner through the California Arts Council (CAC) State-Local Partnership Program, approving the submittal of an application by the Nevada County Arts Council to the CAC, and designating the Nevada County Arts Council to execute the 2019/2020 CAC grant as approved by the California Arts Council.

**Adopted.**

Enactment No: RES 19-140

ACTION TAKEN: Mr. Jeffrey Thorsby, Senior Administrative Analyst, requested the Board adopt the Resolution designating Nevada County Arts Council as State-Local Partner.

Chairman Anderson provided an opportunity for public comment: Mr. Jonathon Collier, Nevada County Arts Council Board Member, and Ms. Diana Gamzon, District I resident, provided comments in support of the proposed Resolution.

Ms. Tudor reported that on April 18, 2019 they will be releasing the key findings of the Nevada County-wide economic impact study of the arts, at an event in the Board of Supervisors Chambers.

There being no further public comment, Chairman Anderson closed the opportunity for public comment.



**MOTION: Motion made by Supervisor Hall, seconded by Supervisor Hoek, to adopt Resolution 19-140. On a roll call vote the motion passed unanimously.**

- 13c. [SR 19-0249](#)** Resolution accepting the Nevada County Arts Council's nomination and designation of Mr. Chris Olander as the Nevada County Poet Laureate.  
**Adopted.**  
Enactment No: RES 19-141

ACTION TAKEN: Ms. Eliza Tudor introduced Mr. Chris Olander, the Nevada County Poet Laureate. Mr. Olander spoke to his love of Nevada County rivers and rivers as a metaphor for life. He recited one of his poems, written about rivers, into the record.

Ms. Yolande Wilburn, County Librarian, was looking forward to partnering with Nevada County Arts Council to promote poetry throughout the County.

Board discussion ensued.

Chairman Anderson provided an opportunity for public comment:

Ms. Linda Chaplin, District I resident, provided comments.

There being no further public comment, Chairman Anderson closed the public comment opportunity.

The Board welcomed Mr. Olander and congratulated him on his appointment to Nevada County Poet Laureate.

**MOTION: Motion made by Supervisor Hoek, seconded by Supervisor Hall, to adopt Resolution 19-141. On a roll call vote the motion passed unanimously.**

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**Agricultural Commissioner: Chris de Nijs**

14. [SR 19-0272](#) (Introduce/Waive Further Reading/Adopt) An Urgency Interim Ordinance of the County of Nevada imposing a temporary moratorium on the cultivation of Industrial Hemp within the unincorporated areas of the County of Nevada. (4/5 affirmative vote required)

**Adopted.**

Enactment No: ORD-2464

ACTION TAKEN: Following a short break, Chairman Anderson called the meeting back into order. Mr. Chris de Nijs, Agricultural Commissioner, reviewed the staff report and provided a PowerPoint presentation regarding the proposed Urgency Interim Ordinance establishing a moratorium on cultivation of Industrial Hemp. It is difficult to tell the difference in the field between Hemp and Cannabis plants, Industrial Hemp requires a laboratory test to confirm the THC levels. As of January 1, 2017, Industrial Hemp cultivation was approved, and legislation regarding cultivation was refined in 2018. Procedures to register cultivators of Industrial Hemp continue to be reviewed by the California Department of Food and Agriculture (CDFA).

Mr. de Nijs reported on the County's concerns including: ability to determine land use policies; lack of a fully set-up State program; compatibility issues between Industrial Hemp and Cannabis; the difficulty distinguishing Cannabis from Hemp; and possible loop holes in the CDFA regulations and State law.

He stressed that this is not a request for a permanent ban. Staff is requesting a 45-day pause to provide time for research and outreach. Staff will return to the Board with recommendations. He requested the Board adopt the Urgency Ordinance.

Board discussion and questioning ensued.

Chairman Anderson provided an opportunity for public comment, and the following members of the public provided comments:

Ms. Sonja Sokolow, District II resident; Ms. Diana Gamzon, District I resident and Executive Director of Nevada County Cannabis Alliance; Ms. Alexandria Irons, District IV resident; Mr. David Cooper, District IV resident; Mr. Jon Oleson, District IV resident; and Ms. Patricia Rockwell, District IV resident.

There being no further public comment, Chairman Anderson closed the opportunity for public comment.

**MOTION:** Motion made by Supervisor Hoek, seconded by Supervisor Hall, to waive further reading and adopt Ordinance 2464. On a roll call vote the motion passed unanimously.

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**SCHEDULED ITEM: 11:00 A.M.**

**Director of Public Works: Trisha Tillotson**

15. [SR 19-0257](#) Public hearing to consider adoption of a Resolution annexing the Retherford Road area into the Darkhorse Permanent Road Division, and proposed annual special tax for ongoing road maintenance within the annexed area, in compliance with Proposition 218. The Board of Supervisors shall consider all objections and protests, if any, to the proposed special tax and will tabulate the vote on the proposed special tax. A majority protest will exist if, upon the conclusion of the hearing, assessment ballots submitted in opposition to the proposed special tax exceed assessment ballots submitted in favor of such proposed special tax. Only one ballot shall be counted for each parcel, even if there are co-owners. In addition to the ballots in favor of or in opposition to the proposed assessment, the Board of Supervisors will also consider any other protests to the proposed assessment at the public hearing. If a simple majority protest exists, the Board of Supervisors will not annex the territory or impose the special tax. If at least two-thirds of ballots submitted approve the proposed special tax, the Board of Supervisors may adopt the Resolution imposing and levying the special tax starting in Fiscal Year 2019/20, to be enrolled on the assessment roll, and billed and collected along with County property taxes.

Resolution approving the annexation of the Retherford Road Area into the Darkhorse Permanent Road Division, authorizing the collection of special taxes for road maintenance services at the rate of \$298 per parcel per fiscal year, beginning in Fiscal Year 2019/20, and continuing indefinitely for each fiscal year thereafter. (Dist. II)

**Adopted.**

Enactment No: RES 19-142

**ACTION TAKEN:** Chairman Anderson introduced the agenda item, and Ms. Jessica Hankins, Public Works Project Manager, provided a PowerPoint presentation regarding the proposed annexation of parcels along Retherford Road into the Darkhorse Permanent Road Division (PRD). Staff requested the Board conduct the public hearing, take public comment, direct the Clerk of the Board to count the ballots, determine if a majority protest exists, and, if the ballot votes approve the annexation by 66%, approve the proposed Resolution authorizing the collection of special taxes for road maintenance services at the rate of \$298 per parcel per fiscal year, beginning in Fiscal Year 2019/20.

Chairman Anderson opened the public hearing for public comment. The following member of the public provided comments: Mr. Jim Hook, District II resident. There being no further public comment, Chairman Anderson closed the public comment period of the public hearing.

Ms. Hankins and Ms. Trisha Tillotson, Director of Public Works, responded to concerns raised during public comment.

Board questioning and discussion ensued.

Ms. Julie Patterson Hunter, Clerk of the Board, opened and counted each ballot. The results from a total of fourteen (14) received ballots were; eleven (11) yes votes and three (3) no votes.

**MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Miller, to adopt Resolution 19-142. On a roll call vote the motion passed unanimously.**

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**\*CLOSED SESSION:**

[SR 19-0268](#)

Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case: County of Nevada v. Amerisourcebergen Drug Corporation, et al., United States Eastern District of California, Sacramento Division, Case No. 2:18-cv-01152.

**ACTION TAKEN:** Ms. Alison Barratt-Green, County Counsel, read the title of the closed session into the record and the Board members entered into closed session.

Following closed session, Ms. Alison Barratt-Green, County Counsel, reported the Board unanimously voted to ratify the filing of a complaint against the Sackler family in New York District Court.

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**\*ANNOUNCEMENTS:**

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

ACTION TAKEN: Updates were provided by members of the Board.

Supervisor Scofield noted that a community fire drill will be held on May 19th, with the staging area at the Eric Rood Administrative Center, and will include the areas of Greater Champion Mine, Lake Vera and Purdon.

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**ADJOURNMENT:**

Meeting adjourned at 11:57 A.M.

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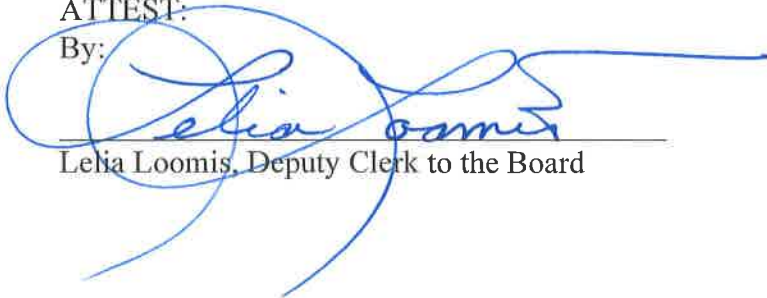
Signature and Attestation



Richard Anderson, Chairman

ATTEST:

By:



Lelia Loomis, Deputy Clerk to the Board