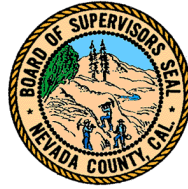


COUNTY OF NEVADA

STATE OF CALIFORNIA

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



BOARD OF SUPERVISORS

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

SUMMARY MINUTES

Date	Time	Location
Tuesday, May 9, 2017	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
Hank Weston, 4th District
Richard Anderson, 5th District

STANDING ORDERS:

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

Pledge of Allegiance led by Mr. Craig Griesbach, Building Director.

Corrections and/or deletions to agenda.

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

PUBLIC COMMENT: 9:01 A.M.

ACTION TAKEN: Ms. Linda Chaplin, District I resident, commented on a unified State of California; the need for better trail sanitary facilities; and National Trails Day. She asked for an update regarding the Emigrant Trail.

Mr. Donn Coenen, District II resident, provided comments in opposition to State Responsibility Area (SRA) fire prevention fees.

Ms. Pat Nelson and Mr. Will Buck, Nevada County Consolidated Veterans Council representatives, announced the upcoming 6th Annual Local Heroes Memorial Day Bridge Tour. The day's event will begin with ceremonies at Pioneer Park. Mr. Buck reported that a plaque will be placed at Pioneer Park to memorialize for those killed in the war on terror including Ambassador Chris Stevens. The event begins promptly at 9:00 a.m.. He noted that there will also be a ceremony held at Memorial Park in Grass Valley, and lunch will be served directly afterwards.

Paul, Grass Valley resident, provided comments regarding his neighbor and Child Protective Services (CPS).

CONSENT CALENDAR:

Public Health Director: Jill Blake

1. [SR 17-0277](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Shaun Havard dba Shaun Havard Consulting pertaining to Health Education Community Liaison Consultant services for the County's Nutrition Education and Obesity Prevention (NEOP) Program (Res. 16-470), adding services related to the County Medical Services Program (CMSP) Prediabetes Prevention Program, and increasing the maximum contract price from \$29,120 to \$49,870, for the period October 1, 2016 through September 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 17-194

2. [SR 17-0278](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Lynne Lacroix dba Cody Consulting for the provision of project coordination services related to the County's Nutrition Education and Obesity Prevention Program and Tobacco Use Prevention Program (Res. 16-472), adding services related to the County Medical Services Program (CMSP) Prediabetes Prevention Program, and increasing the maximum contract price from \$71,699 to \$83,674, for the period October 1, 2016 through September 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 17-195

Community Development Agency Director: Sean Powers

3. [SR 17-0287](#) Resolution authorizing a contract between the County of Nevada and Indian Head Enterprises for services related to the nuisance abatement clean-up at property located at 13341 Red Tail Hawk Road, Nevada City, in an amount not to exceed \$41,430.40 which includes a ten percent contingency, for the period May 15, 2017 through June 15, 2017, and authorizing the Chair of the Board of Supervisors to execute the contract. (Code Compliance) (Dist. IV)

Adopted.

Enactment No: RES 17-196

Building Director: Craig Griesbach

4. [SR 17-0302](#) (Waive further reading/Adopt) An Ordinance amending Article 5 of Chapter V of the Land Use and Development Code of the County of Nevada, adopting Fire Standards and Local Amendments thereto associated to the 2016 California Fire Code; and adoption of express findings of reasonable necessity for changes and modifications to the California Building Standards Code based on local climatic, geological, or topographical conditions.

Waived further reading and adopted.

Enactment No: ORD-2431

Planning Director: Brian Foss

5. [SR 17-0280](#) Resolution approving Amendment 3 to the Grant Agreement between the County of Nevada and Oak Tree Park and Recreation District pertaining to the Oak Tree Community Park Pavilion Project (Res. 13-199), extending the expiration date to May 12, 2018, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Dist. IV)

Adopted.

Enactment No: RES 17-197

Director of Public Works: Trisha Tillotson

6. [SR 17-0288](#) Request for approval to submit a Letter of Support for Nevada County Fire Safe Council's application for a California Fire Safe Council Grant.

Approved.

7. [SR 17-0281](#) Resolution authorizing Environmental Clearance for routine culvert and drainage maintenance on Nevada County roadways, and authorizing the Director of the Department of Public Works to file a Notice of Exemption with the Nevada County Clerk-Recorder's office.

Adopted.

Enactment No: RES 17-198

8. [SR 17-0282](#) Resolution authorizing Environmental Clearance for emergency repair of Brunswick Road due to excessive rains in January 2017, and authorizing the Director of the Department of Public Works to file a Notice of Exemption with the Nevada County Clerk-Recorder's office. (Dist. III)

Adopted.

Enactment No: RES 17-199

9. [SR 17-0285](#) Resolution awarding and approving a contract between the County of Nevada and Tim Paxin's Pacific Excavation, Inc. pertaining to the Emergency Vehicle Preemption Safety System Project 2017, County Contract No. 440815 (Res. 17-105), in the amount of \$63,902 plus a 10 percent contingency of \$6,390, for a grand total of \$70,292, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Department of Public Works Engineering Division budget. (Dist. II) (4/5 affirmative vote required)

Adopted.

Enactment No: RES 17-200

10. [SR 17-0289](#) Resolution awarding and approving a contract between the County of Nevada and Q&D Construction, Inc. for the 2017 Western County Bridge Project - County Contract No. 224031 (Res. 17-116), in the amount of \$2,555,075 plus a 10 percent contingency of \$255,507.50, for a grand total not to exceed \$2,810,582.50, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Department of Public Works Capital Improvement budget. (Dists. II and IV) (4/5 affirmative vote required)

Adopted.

Enactment No: RES 17-201

11. [SR 17-0265](#) Resolution approving Standard Agreement 64BO17-00392 between the County of Nevada and the California Department of Transportation for a Federal Transit Administration Section 5311 (49 U.S.C. Section 5311) Grant to support operating assistance projects for non-urbanized public transportation systems, in the amount of \$440,467, for the period July 1, 2015 through December 31, 2017, and reauthorizing the Chairman of the Board of Supervisors to execute the Agreement. (Transit Services)

Adopted.

Enactment No: RES 17-202

Human Resources Director: Charlie Wilson

12. [SR 17-0272](#) Resolution approving a renewal agreement between the County of Nevada and California State Association of Counties-Excess Insurance Authority (CSAC-EIA) as amended per Resolution 14-297, to participate in the CSAC-EIA Disability Program for the provision of Short-Term Disability (STD) and Long-Term Disability (LTD) insurance for certain employees through Reliastar ING (ING), with rates set for STD at \$.208/\$10 of covered earnings and rates set for LTD at \$.473/\$100 of covered earnings, for the period July 1, 2017 through June 30, 2020, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 17-203

Chief Information Officer: Stephen Monaghan

13. [SR 17-0274](#) Resolution recognizing the continuing proclamation of a Local Emergency in Nevada County due to Extreme Tree Mortality. (Emergency Services)

Adopted.

Enactment No: RES 17-204

14. [SR 17-0275](#) Resolution continuing the proclamations of Local Emergencies in Nevada County due to extreme and cumulative precipitation, atmospheric rivers and storms in January and February 2017 resulting in flooding, subsidence and other damage to public and private infrastructure and facilities. (Emergency Services)
Adopted.
Enactment No: RES 17-205
15. [SR 17-0293](#) Resolution authorizing an Interconnection Agreement between the County of Nevada and Pacific, Gas and Electric (PG&E) Company for Non-Export Generating Facilities and a Local Government Application for an Arrangement to Take Service on Rate Schedule RES-BCT with Interconnected Eligible Renewable Generation of Not More Than 5 Megawatts, and authorizing the Chief Information Officer to execute those agreements and any future agreements with PG&E pertaining to implementing the Ranch Property solar system component of the Nevada County Energy Efficiency and Generation Project. (Facilities)
Adopted.
Enactment No: RES 17-206

Clerk of the Board: Julie Patterson Hunter

16. [SR 17-0305](#) Resolution proclaiming May 2017 as “Motorcycle Awareness Month” in Nevada County, and urging both motorcycle riders and automobile drivers to follow the rules of the road so that all citizens remain safe. (American Brotherhood Aimed Toward Education (ABATE) of California)
Adopted.
Enactment No: RES 17-207
17. [SR 17-0283](#) Acceptance of resignation from Ms. Mary Tucker as a Senior and Health Services Planning member from the Adult & Family Services Commission.
Accepted.
18. [SR 17-0295](#) Appointment of Ms. Ann Kelley as District V representative to the Mental Health Advisory Board, for an unexpired three-year term ending June 30, 2018.
Appointed.
19. [SR 17-0297](#) Acceptance of Board of Supervisors Summary Minutes for April 25, 2017.
Accepted.

ACTION TAKEN: Chairman Weston introduced the consent calendar.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Miller, to approve the consent calendar. On a roll call vote, the motion passed unanimously.

DEPARTMENT HEAD MATTER:

County Executive Officer: Richard Haffey

20. [SR 17-0290](#) Resolution approving adoption of the Public Agencies Post-Employment Benefits Trust Program administered by Public Agency Retirement Services (PARS) for the provision of setting aside funds for the purpose of funding Nevada County's CalPERS pension obligation, effective May 9, 2017, appointing the County Executive Officer, or his/her designee, as the County's Plan Administrator, and authorizing the County's Plan Administrator to execute the PARS legal and administrative documents on behalf of the County and to take whatever additional actions are necessary to maintain and administer the County's Program.

Adopted.

Enactment No: RES 17-208

ACTION TAKEN: Mr. Martin Polt, Deputy County Executive Officer/Chief Fiscal Officer, and Ms. Marcia Salter, Auditor-Controller, provided a PowerPoint presentation regarding the Pension Trust Program, whereby the County will set aside contributions to CalPERS to stabilize budgets and reduce long-term unfunded liabilities.

Mr. Polt reviewed the current Defined-Benefit Pension Plans and the total unfunded liability. He reported on the recent developments that prompted further action, including; Government Accounting Standards Board (GASB) 68; expected widening of the pension gap over the next five years; and the increased CalPERS annual required contributions. Mr Polt reviewed the County's available options to set aside pension obligations and pay down the unfunded liability.

Mr. Polt explained the new and varied options for “pre-funding” the pension trust, and reported on the benefits of the Pension Trust, including local control; investment flexibility; and favorable credit ratings. He noted that a long-term Pension Management Plan is being created and will be submitted to the Board within the next few months for approval to make the initial contribution.

Mr. Polt reviewed the selection process for the Pension Trust Plan Administrator, which resulted in the selection of Public Agency Retirement Services (PARS). He reviewed the funding plan for the Pension Trust, and explained that the County will be making an initial deposit of \$3.2 million funded through the County General Fund Pension Contribution Assignment.

Mr. Polt recommended that the Board adopt the resolution approving the agreement for PARS administrative services, and introduced Mr. Mitch Barker, Executive Vice-President of PARS, who was available to answer questions.

Board questioning and discussion ensued.

Chairman Weston provided an opportunity for public comment.

Mr. Richard Ulery, District II resident, provided comments on the proposed contributions. He did not think placing monies in the trust fund as opposed to CalPERS would make any difference in the County's unfunded liabilities, and was concerned that it was taking funds away from Core Services and placing it into pensions. Mr. Ulery wanted to see a change be made in pension funding.

There being no further comment, Chairman Weston closed the public comment period.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Anderson, to adopt Resolution 17-208. On a roll call vote the motion passed unanimously.

INDIVIDUAL BOARD MEMBER ITEM:

21. [SR 17-0292](#) Request for Letter of Support of the "Internet For All Now Act" (Assembly Bill (AB) 1665 - Garcia).

Sponsors: Heidi Hall, District 1

Approved.

ACTION TAKEN: Chairman Weston introduced the agenda item, and Supervisor Hall reviewed the staff report for support of the "Internet For All Now Act." She noted that Nevada County needs to move forward with our Broadband infrastructure so that the entire County has coverage. She requested the Board send a letter in support of the bill.

Mr. John Paul, District I resident, and Spiral Internet Services owner, provided comments in support of the bill. He thanked the Board for their vision and support and requested they approve the letter.

Board questioning ensued.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Miller to approve the Letter of Support for Assembly Bill (AB) 1665. On a roll call vote, the motion passed unanimously.

***CLOSED SESSIONS:**

[SR 17-0311](#) Pursuant to Government Code Section 54957.6, a closed session of the Board of Supervisors will be held for the purpose of reviewing its position and instructing its designated labor negotiations representatives regarding employee salaries, salary schedules, fringe benefits, and all other matters within the statutory scope of representation. The designated labor negotiation representatives for Nevada County are: Alison Lehman, Assistant County Executive Officer, Charlie Wilson, Director of Human Resources, and Donna Williamson, Labor Attorney. The labor negotiations concern the following County bargaining units: Probation Peace Officers' Association and Management Employees' Association.

[SR 17-0240](#) 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.

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

Following the closed sessions, Ms. Barratt-Green reported that nothing occurred in either closed session that is required to be reported out by law.

SCHEDULED ITEM: 10:30 A.M. Sean Powers, Community Development Agency Director

22. [SR 17-0296](#) Resolution recommending the appointments of members to serve on the Community Advisory Group (CAG) for the purpose of gathering community input on long-term County cannabis cultivation regulations.

Adopted as amended.

Enactment No: RES 17-209

ACTION TAKEN: Chairman Weston introduced the agenda item.

Mr. Sean Powers, Community Development Agency Director, introduced MIG, Inc. consultants (MIG), Mr. Daniel Iacofano and Ms. Joan Chaplick.

Mr. Iocafano provided a PowerPoint presentation regarding the Community Advisory Group (CAG) selection process, and reported that there will be many opportunities for public input. Mr. Iofacano provided the list of recommended members and reviewed their outreach to key organizations in the community. Key themes to the selection process included providing a pathway to compliance; mitigating impacts on the environment and neighborhoods; protecting children and youth from harmful effects and improper use of cannabis; application of best practices and lessons learned from other communities; education; and the motivation of bringing the community together. He noted that MIG based their recommendations on data, not opinion, and he urged everyone to keep these ideas in mind as the process moves forward.

Chairman Weston opened the item for public comment.

The following members of the public provided comments regarding the proposed CAG members, the selection process and the CAG advisory process; Mr. Bob Wren, Chairman. Nevada County Republican Party; Ms. Fran Freedle, District II resident; Ms. Joey Jordan, Nevada County resident, Mr. Brad Pecimer, District II resident; Mr. Wade Freedle, District II resident; Ms. Diana Gamzon, District I resident and Executive Director of Nevada County Cannabis Alliance; Mr. Andrew Goodwin, District IV resident and representative of Penn Valley Sustainable Farms; Ms. Song Kowbell, District IV resident; Mr. Jordan Schexnayder, District IV resident; Mr. Eli Beardsley, District I resident; Ms. Susan Hoek, District IV resident and Agricultural Advisory Commissioner; Mr. Gene Jovich, District II resident; Mr. Wade Laughter, District I resident; Heather Burke, Attorney, and District I resident; Mr. Daniel Batchelor, District II resident; Mr. Jonathan Collier, District I resident; Ms. Shelley Salvatore, District I resident; and Mr. Phil Northcutt, District I resident.

There being no further public comment, Chairman Weston closed the public comment period. In response to comments from members of the public, he clarified that Mr. Don Bessee did apply and his application was accepted. He stressed that the CAG would be bringing forward recommendations, not policy, and explained that their recommendations would then come forward to the Board to review and set policy. He clarified that party-affiliation never came up at the Subcommittee level.

Board discussion and questioning ensued.

Supervisor Miller asked if MIG was involved in checking voter rolls or party affiliation. Mr. Powers and Mr. Iacofano responded that they did not check these two items.

Supervisor Miller suggested an additional agricultural member be added to CAG in order to provide the community with representation. He suggested Mr. Richard Johanssen, Agricultural Advisory Commissioner, be included as a member. Chairman Weston agreed that Mr. Johansen would be an important member.

Supervisor Anderson asked about MIG's proposed size of the CAG. Mr. Iofacano responded that the amount was reaching the upper limit of workability and requested the Board not to add too many more members. Supervisor Anderson was in agreement with the chosen members and felt that the Board needed to be very thoughtful about changing the membership.

Supervisor Scofield stressed that he has respect for all of the chosen members, but he also believed there were a lot of pro-cannabis representatives on the CAG. He reviewed Jonathon Collier's information, which is in support of cannabis, as opposed to Mr. Bessee's credentials, which are in opposition to cannabis. He did not see how MIG could pick Mr. Collier and not Mr. Bessee. He also would not mind seeing Mr. Johansen be appointed, and stressed the need for more balance.

Supervisor Hall thought that overall, the list of suggested members maintained balance, and stressed the need for the process to bring the community together and to move forward to good policy. She agreed to adding Mr. Johansen, and she did not condone removing any of the members already on the list.

Supervisor Anderson asked for clarification regarding whether the meetings would be open to the public. Mr. Iacofano responded that members of the public would be invited to the six open meetings, and would offered an opportunity to provide input.

Board discussion ensued.

Chairman Weston asked about the process of removing a disruptive member from the CAG. Mr. Powers responded that the members would be serving at the will and pleasure of the Chairman of the Board. Chairman Weston stressed the need for inclusion and a positive, open discussion. He shared his support for the addition of both Mr. Johansen and Mr. Bessee.

Chairman Weston asked for clarification of the process of alerting the public of when and where the meetings would take place, and the process for members of the public to provide input. Mr. Iacofano responded that they would provide time for public comment on the agendas, and they would also accept written comments. Chairman Weston wanted there to be no roadblocks made that would prevent people from providing input. MIG recognized the potential for intimidation, and stressed that they do not want that atmosphere.

Board discussion ensued.

Supervisor Anderson asked if the entire Board could be included in the process and be made aware of any members that were to be removed by the Chair.

Supervisor Hall appreciated Mr. Bessee's engagement in the Board meetings, but stressed that MIG had already chosen the CAG. She was concerned about a member being added that could be potentially divisive from either side, and requested if any divisiveness is seen, it be brought to the Board immediately.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Scofield, to adopt Resolution 17-209, as amended, adding two additional members; Mr. Richard Johansen, Agricultural Interest representative, and Mr. Don Bessee, Youth Prevention and Neighborhood Association representative. On a roll call vote the motion passed unanimously.

***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.

ADJOURNMENT:

ACTION TAKEN: Chairman Weston adjourned the meeting at 11:50 A.M.

Signature and Attestation

Hank Weston, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board