

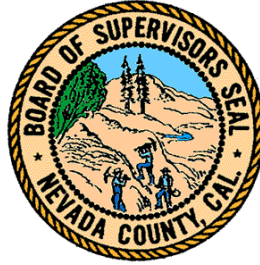
# COUNTY OF NEVADA

## STATE OF CALIFORNIA

*Heidi Hall, 1st District (Chair)*  
*Ed Scofield, 2nd District*  
*Dan Miller, 3rd District (Vice-Chair)*  
*Susan Hoek, 4th District*  
*Richard Anderson, 5th District*

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



## BOARD OF SUPERVISORS

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

## AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
<b>Tuesday, August 25, 2020</b>	<b>9:00 AM</b>	<b>Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California</b>

The Board of Supervisors welcomes you to their regular meeting.

Pursuant to Governor Gavin Newsom's Executive Order pertaining to the convening of public meetings in response to the COVID-19 pandemic, the County of Nevada will hold its regularly scheduled meeting of the Board of Supervisors by remote.

The Board of Supervisors will attend the meeting and participate to the same extent as if they were present.

This meeting is broadcast live on Nevada County Media Channel 17 in the Western County and on Suddenlink Channel 78 in the Eastern County and can be viewed live through the web at <https://nevco.legistar.com/Calendar.aspx>.

Members of the public who are unable to view the meeting on television or through the web may call 1 (415) 655-0001 to listen to the meeting live.

You will be prompted to provide the Meeting ID#: 126 620 0347 and the Password#: 89785273

Closed Captioning is available for hearing impaired viewers.

Public comment for items not on the agenda will be taken at 9:05 a.m., or as soon thereafter as possible.

See Page No. 2 for information on the options being made available for members of the public to provide comment in both Western and Eastern County.

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*TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Clerk of the Board staff remains dedicated to finding new and innovative methods to suit our County's civic engagement needs during this challenging time. (The kiosk in Eastern County will be open for the 9:05 a.m. public comment period only; Eastern County residents may also provide comments on other items on the agenda using the options outlined below.)*

*Members of the public can provide general comments on items that are of interest to the public and are within the subject matter jurisdiction of the Board, or on a particular agenda item before the meeting by:*

- 1) Writing a letter to the Board of Supervisors;*
- 2) Calling (530) 264-0554 and leaving a voice mail message;*
- 3) Emailing BOS.PublicComment@co.nevada.ca.us; or*
- 4) Leaving an eComment at [www.mynevadacounty.com/boardmeetings](http://www.mynevadacounty.com/boardmeetings).*

*During the meeting, members of the public can provide comments by:*

- 1) Calling (530) 264-0554 and leaving a voice mail message;*
- 2) Emailing BOS.PublicComment@co.nevada.ca.us;*
- 3) Leaving an eComment at [www.mynevadacounty.com/boardmeetings](http://www.mynevadacounty.com/boardmeetings);*
- 4) Calling (530) 270-3474 to be admitted into the meeting remotely;*
- 5) Attending by remote at a kiosk located at the Eric Rood Administrative Center in Western County; or*
- 6) Attending by remote at a kiosk located at the District V Board of Supervisors office in Eastern County. (The kiosk in Eastern County will be open for the 9:05 a.m. public comment period only; Eastern County residents may also provide comments on other items on the agenda using all other available options.)*

*Masks are required to enter a County building; a remote kiosk center will be provided outside of the Eric Rood Administrative Center for individuals unable to wear a mask.*

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

*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.)*

*This agenda and certain supporting documents may be obtained on the Clerk of the Board's website at <https://nevco.legistar.com/Calendar.aspx>. 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.

**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 20-3351](#) Resolution approving Amendment 2 to the contract between the County of Nevada and BHC Heritage Oaks Hospital, Inc. dba Heritage Oaks Hospital for psychiatric inpatient hospitalization services under Welfare & Institutions Code section 5150 for referred County clients (Res. 19-367), increasing the maximum contract amount from \$45,000 to \$47,000 due to an unanticipated increase in services, for the period July 1, 2019 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the Amendment.
2. [SR 20-3347](#) Resolution approving Amendment 3 to the contract between the County of Nevada and Auburn Counseling Services, Inc., dba Communicare (Res. 19-306), increasing the maximum contract amount from \$1,238,144 to \$1,273,919 for Fiscal Year 2019/20 to add an additional 0.25 FTE Personal Services Coordinator, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

**Director of Social Services: Rachel Roos**

3. [SR 20-3344](#) Resolution approving a renewal contract between the County of Nevada and Nevada County Superintendent of Schools for the provision of family support and self-sufficiency services in western Nevada County, in the maximum amount of \$485,856, for the period July 1, 2020 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the contract.

4. [SR 20-3346](#) Resolution approving a renewal contract between the County of Nevada and Nevada-Sierra Connecting Point Public Authority for the provision of services related to the administration of employment services through their Employment Services Program for Nevada County CalWORKs participants utilizing the Employability Barrier Removal Program, Work Experience and Expanded Subsidized Employment Programs, in the maximum amount of \$1,422,511, for the period July 1, 2020 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the contract.

Sheriff-Coroner/Public Administrator: Shannan Moon

5. [SR 20-3348](#) Resolution approving a renewal contract between the County of Nevada and Lehr Auto Electric and Emergency Equipment pertaining to the purchase and installation of emergency equipment on Sheriff's Office vehicles, in an amount not to exceed \$90,000, for the period July 1, 2020 through June 30 2021, and authorizing the Chair of the Board of Supervisors to execute the contract.

Clerk-Recorder/Registrar of Voters: Gregory Diaz

6. [SR 20-3365](#) Resolution approving an amended Memorandum of Understanding (MOU) between the County of Nevada (Participant) and the Counties of Orange, Los Angeles, Riverside, and San Diego to continue the Nevada County Clerk-Recorder's use of the Statewide Electronic Courier Universal Recording Environment, Multi-County Electronic Recording Delivery System, with an annual Participant maintenance fee of \$7,600, for a term ending August 28, 2023, and authorizing the Nevada County Clerk-Recorder to execute the MOU.

Auditor-Controller: Marcia Salter

7. [SR 20-3361](#) Resolution setting the Ad Valorem tax rate and establishing the levy rates for the general obligation bonds and/or other voter approved debt for Fiscal Year 2020/21.

Agricultural Commissioner: Chris de Nijs

8. [SR 20-3354](#) Resolution approving Agreement 20-0087 between the County of Nevada and the California Department of Food and Agriculture for Fiscal Year 2020/21 to reimburse the Nevada County Agricultural Commissioner for work performed in high-risk pest exclusion inspections and enforcement activities, in the total contract amount not to exceed \$32,056.11, for the period July 1, 2020 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

Director of Public Works: Trisha Tillotson

9. [SR 20-3372](#) Resolution of Intent to amend the existing parcel charge assessments for the existing Ski Town II Permanent Road Division (PRD), hold a public hearing on October 13, 2020 at 11:00 a.m., conduct an assessment ballot proceeding to impose a parcel charge for the purpose of providing road maintenance and snow removal services with the Ski Town II PRD. (Dist. V)
10. [SR 20-3374](#) Resolution accepting the award of Fiscal Year 2019/20 Low Carbon Transit Operations Program funding from the Department of Transportation, Division of Rail and Mass Transportation, for the Gold Country Stage Fare Incentive Program VI, in the amount of \$80,000. (Transit)

Chief Probation Officer: Michael Ertola

11. [SR 20-3373](#) Resolution approving Amendment 3 to the contract between the County of Nevada and George Mason University for the provision of a Risk-Need-Responsivity (RNR) Program and SUSTAIN E-Learning access (PESL3088; Res. 18-175), increasing the contract amount by \$15,060 to a maximum amount of \$82,884 for Fiscal Year 2020/21 to provide additional RNR Tool and SUSTAIN E-Learning access, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Chief Information Officer: Stephen Monaghan

12. [SR 20-3377](#) Resolution approving Amendment 2 to the Contract No. PESN3964 between the County of Nevada and Fire Safe Council of Nevada County pertaining to hazardous fuels reduction green waste disposal, chipping and access and functional needs services (PESN3964; Res. 20-143), extending the contract termination date by sixty days through October 30, 2020, and authorizing the Chair of the Board of Supervisors to execute the Amendment.
13. [SR 20-3368](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Bill Litchfield Construction, Inc., for Phase III of the Nevada County Airport Hangar Restoration Project, located at 13308 Nevada City Avenue, Grass Valley (Res. 20-051), with contract costs totaling \$258,340, and directing the Clerk of the Board to record this Notice in accordance with Civil Code section 9208. (Facilities)
14. [SR 20-3335](#) Resolution declaring certain County property as surplus, and authorizing the Purchasing Agent to return leased items as necessary, 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)

County Librarian: Nick Wilczek

15. [SR 20-3345](#) Resolution authorizing the Nevada County Community Library to temporarily suspend the imposition of overdue library fines for patrons of the Nevada County Community Library during the local health emergency proclaimed by the Nevada County Board of Supervisors due to the COVID-19 pandemic (Res. 20-063).

County Counsel: Katharine L. Elliott

16. [SR 20-3363](#) Resolution making and rescinding appointments for Hearing Officers to conduct Administrative Hearings pursuant to Nevada County Land Use and Development Code Sections L-II 3.30, L-II 5.21, L-II 5.22, and L-II 5.23.

Individual Board Member Item: Supervisor Ed Scofield, District II

17. [SR 20-3375](#) Request to approve and authorize the Chair to sign and submit a Letter of Support for an Active Transportation Program grant application for the Nevada City State Route 49 Multimodal Corridor Plan.

Clerk of the Board: Julie Patterson Hunter

18. [SR 20-3379](#) Resolution proclaiming September 2020 as "Prostate Cancer Awareness Month" in Nevada County.
19. [SR 20-3343](#) Approval of the amended Conflict of Interest Code for the North San Juan Fire Protection District. (Dist. IV)
20. [SR 20-3367](#) Approval of the Conflict of Interest Code for the Clear Creek School District.
21. [SR 20-3380](#) Reappointment of Mr. Jon Byerrum as a public member to the Nevada County Finance Authority.
22. [SR 20-3364](#) Acceptance of Board of Supervisors Summary Minutes for August 11, 2020.

**PUBLIC COMMENT: 9:05 A.M.**

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

- 1) Calling (530) 264-0554 and leaving a voice mail message;
  - 2) Emailing [BOS.PublicComment@co.nevada.ca.us](mailto:BOS.PublicComment@co.nevada.ca.us);
  - 3) Leaving an eComment at [www.mynevadacounty.com/boardmeetings](http://www.mynevadacounty.com/boardmeetings);
  - 4) Calling (530) 270-3474 to be admitted into the meeting remotely;
  - 5) Attending by remote at a kiosk located at the Eric Rood Administrative Center in Western County; or
  - 6) Attending by remote at a kiosk located at the District V Board of Supervisors office in Eastern County.
- Please provide your name, and City or District of residence.*

**\*DEPARTMENT HEAD MATTERS:****Behavioral Health Director: Phebe Bell**

23. [SR 20-3366](#) Acceptance of the presentation on activities of the Mental Health and Substance Use Disorder Advisory Board.

**County Executive Officer: Alison Lehman**

24. [SR 20-3370](#) Approval of the Board of Supervisors' responses to the Fiscal Year 2019/20 Nevada County Civil Grand Jury Report, dated June 25, 2020 entitled CalFresh in Nevada County: Leaving Food (and Money) on the Table.

**\*CLOSED SESSION:**

[SR 20-3369](#) 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.

[SR 20-3399](#) Pursuant to Government Code section 54956.9(d)(4), County Counsel is requesting a closed session to determine whether litigation should be initiated by the County in two matters.

**SCHEDULED ITEM: 11:00 AM****Planning Director: Brian Foss**

25. [SR 20-3362](#) Public hearing to consider the Nevada County Planning Commission's July 23, 2020 5-0 recommendation to perform the following actions: 1) Approve the Resolution adopting the project specific Negative Declaration (EIS20-0007); 2) Approve the Resolution to adopt the Penn Valley Area Plan and amend General Plan Chapter 1. Land Use for internal consistency; 3) Approve the Resolution amending the General Plan Amendment for APN: 051-220-015 from Residential (RES) to Recreation (REC); 4) Introduce, waive further reading and adopt an Ordinance to add the Site Performance (SP) Combining District to parcels added into the Area Plan boundaries and site specific rezoning of APN: 051-220-015 from Residential Agriculture 1.5 (RA-1.5) to Recreation (REC) and APNs: 051-120-009 and 051-120-013 from RA-1.5 to Public (P); and 5) Introduce, waive further reading and adopt an Ordinance amending Land Use and Development Code Chapter 2, Section L-II 4.2.3: Design Guidelines to update the reference to the Area Plan. (Dist. IV)

- 25a.** [SR 20-3389](#) Resolution adopting a Negative Declaration (EIS20-0007) for the Penn Valley Area Plan which includes General Plan Text Amendments (GPT20-0001), General Plan Land Use Map Amendments (GPA20-0001), Zoning District Map Amendments (RZN20-0004), and a Zoning Ordinance Text Amendment (File No. Ord20-3), making Findings A through D, and directing the Clerk of the Board to file a Notice of Determination pursuant to California Environmental Quality Act (CEQA) Guidelines section 15075 within five working days after adoption of this Resolution and approval of the proposed Project.
- 25b.** [SR 20-3390](#) Resolution amending the Nevada County General Plan Chapter 1: Land Use Element supporting planning documents, Planning For Legacy Communities, Policy 1.3.13, Policy 1.4.3, and Policy 1.9.2 and to adopt the Penn Valley Area Plan (GPT20-0001), making Findings 1 through 4, and adopting the text amendments to the Nevada County General Plan set forth in Exhibits "A" and "B".
- 25c.** [SR 20-3391](#) Resolution amending the Nevada County General Plan Land Use Map Designations for a 7.11-acre property owned by the Western Gateway Park District, APN 051-220-015 from Residential (RES) to Recreation (REC) (GPA20-0001), and making Findings 1 through 4.
- 25d.** [SR 20-3392](#) (Introduce/Waive further reading/Adopt) An Ordinance amending Section L-II 1.3.D, Article 1, Chapter II, of the Land Use and Development Code of the County of Nevada, to amend Zoning District Maps No. 15, 16, 16a, and 29a for specific parcels within the Penn Valley Area Plan boundaries to: 1) amend Assessor's Parcel Number (APN) 051-220-015 (Western Gateway Park District) from Residential Agriculture- 1.5-acre minimum (RA-1.5) to Recreation (REC) and APN's 051-120-009 And 051-120-013 (Nevada County Cemetery District) from RA-1.5 to Public (P); and 2) to add the Site Performance (SP) Combining District with a parenthetical reference to the adopting ordinance number to parcels added to the area plan boundaries (RZN20-0004).
- 25e.** [SR 20-3393](#) (Introduce/Waive further reading/Adopt) An Ordinance amending Section L-II 4.2.3, Article 1, Chapter II, of the Land Use and Development Code of the County of Nevada to update the reference to the Penn Valley Area Plan (File No. ORD20-3).

**\*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.*

**Recess for lunch:**



**AFTERNOON SESSION: 1:30 P.M.****Chief Information Officer: Stephen Monaghan**

26. [SR 20-3378](#) Acceptance of the Wildfire Preparedness Informational Presentation to the Board by Office of Emergency Services and Stakeholders. (Emergency Services)
27. [SR 20-3398](#) Resolution proclaiming a Local Emergency in the County of Nevada due to the Jones Fire. (4/5 affirmative vote required) (Emergency Services)

**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 Joseph Center. 3. Outside the District V Board of Supervisors Conference Room.*
- 4. Online at <https://nevco.legistar.com/Calendar.aspx> and <http://www.mynevadacounty.com/boardmeetings>.*

*Posted: August 20, 2020.*

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

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

**PUBLIC COMMENT:**

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

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

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 when the consent agenda is introduced. The Supervisors will take the concerns under consideration and decide if there is adequate reason to remove the item from consent.

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

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

**PUBLIC HEARINGS:**

All members of the public shall be allowed to address the Board as to any item which is noticed on the Board's agenda as a public hearing. The Chair of the Board may limit the total amount of time allocated for the public hearing and may limit any individual desiring to address the Board to not less than three (3) minutes. Any person may provide the Board with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the Clerk of the Board. Whenever a public hearing is conducted, the public hearing is closed and the matter is continued to a subsequent meeting for Board deliberation and/or action, the Board shall not allow public comment and/or testimony on that item at the subsequent hearing. However, at the initial public hearing, prior to taking action, the Board may, at its sole discretion, elect to continue the matter and reopen the public hearing. At the subsequent hearing, all information will be considered. The Board may also, at the initial public hearing, prior to taking action, announce that the public hearing is being continued for specific information and the public testimony will only be heard on new information specific to the Board's direction. If, after the public hearing is closed and the Board later decides to reopen the public hearing for public testimony, appropriate notices must be published.

**ORDER AND DECORUM:**

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

**ORDINANCES:**

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

**INFORMATIONAL CORRESPONDENCE:**

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

**REFERENCES:**

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