

# 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*  
*Hardy Bullock, 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

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Nevada City, CA 95959-8617  
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## AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
<b>Tuesday, January 12, 2021</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.**

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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 remotely due to the dramatic increase of new cases resulting in the Countywide Stay-at-Home Order. 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>. Closed Captioning is available for hearing impaired viewers.

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 Meeting ID# 126 895 2278 & Password# 62397976

Public comment for items not on the agenda will be taken following adoption of the Consent Calendar, or as soon thereafter as possible. Please refer to Pages #7 and #8 for information on how to participate in the meeting, as well as options being made available for members of the public to provide comment in both Western and Eastern County.

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The meeting room 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.)

This agenda and certain supporting documents may be obtained 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.

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

Call the meeting to order.

Pledge of Allegiance.

Corrections and/or deletions to agenda.

Moment of Silence in memory of the twentieth anniversary of the January 10, 2001 tragic incident at the Behavioral Health Department, HEW Building and Lyons Restaurant. In memory of Laura Wilcox, Michael Markle, and Pearlie Mae Feldman.

**BOARD MEMBER ITEMS:**

1. [SR 21-0015](#) Selection of Chair and Vice Chair for 2021.
2. [SR 21-0016](#) Recognition of Chair Heidi Hall.

**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 prior to, or 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.*

**Behavioral Health Director: Phebe Bell**

3. [SR 21-003](#) Resolution approving Amendment A01 to Agreement 18-95261, known as the County Mental Health Services Performance Contract, between the County of Nevada and the California Department of Health Care Services whereby the County agrees to provide mental health services to cover the entire area of the County and to comply with all programmatic and state/federal funding requirements (Res. 19-563), modifying the terms and conditions of the original contract to include the Substance Abuse Prevention and Treatment Block Grant (SABG), incorporating the SABG County Application by reference, and clarifying the Contractor's name, for the period July 1, 2018 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Director of Social Services: Rachel Roos

4. [SR 21-004](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Common Goals, Inc. for the provision of drug testing and alcohol/drug treatment services for Child Welfare Services (Res. 19-438), increasing the maximum contract price from \$60,000 to \$80,000, for the period July 1, 2019 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

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

5. [SR 21-005](#) Resolution amending the approval of the submittal of an application for funding and the execution of a grant agreement and any amendments thereto pertaining to the Community Development Block Grant Coronavirus Response Round 1 funding, in the amount of up to \$257,134. (Housing)
6. [SR 21-0022](#) Resolution reaffirming and approving the submittal of an application for funding and the execution of a grant agreement and any amendments thereto from the 2019/2020 funding year of the State Community Development Block Grant (CDBG) Program (Res. 20-087), in an amount of up to \$1,979,500. (Housing)

Sheriff-Coroner/Public Administrator: Shannan Moon

7. [SR 21-006](#) Resolution authorizing a contract between the County of Nevada and OVC, LLC to provide customized Mobile Application Software, for a total amount of \$53,975, for the period January 1, 2021 through December 31, 2026, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2020/21 Sheriff's Administration budget. (4/5 affirmative vote required)

Chief Probation Officer: Michael Ertola

8. [SR 21-011](#) Resolution approving an agreement between the Nevada County Probation Department and the City of Grass Valley for AB109 police officer services, with a distribution of Nevada County AB109 Realignment funds to the City in the maximum amount not to exceed \$20,000, 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 21-0012](#) Resolution authorizing Environmental Clearance for the Egress/Ingress Fire Safety Project, and authorizing the Nevada County Department of Public Works to file a Notice of Exemption with the Nevada County Clerk-Recorder's office.

10. [SR 21-0037](#) Resolution approving Agreement 64VO20-01310 between the County of Nevada and the State of California Department of Transportation (Caltrans), accepting the award of grant funding in the amount of \$826,475 for Coronavirus Aid, Relief, and Economic Security (CARES) Act Phase II Federal Transit Administration (FTA) Section 5311 (49 U.S.C. Section 5311) for Fiscal Year 2020/21 (2020) to support operating assistance projects for non-urbanized public transportation systems, with a contract period of January 20, 2020 through June 30, 2025, and authorizing the Chair of the Board of Supervisors to execute the Agreement. (Transit Services)
11. [SR 21-0056](#) (Waive further reading/Adopt) An Ordinance amending sections L-XVII 1.1, L-XVII 1.3, L-XVII 3.4, and L-XVII 3.12 of Chapter XVII of the Land Use and Development Code, pertaining to Road Standards.

Chief Information Officer: Stephen Monaghan

12. [SR 21-0027](#) Resolution approving the bid construction documents and specifications for the Nevada County Administrative Building Elevator Modernization Project located at 950 Maidu Avenue, Nevada City, authorizing the Board Chair to sign the documents, and directing the Purchasing Agent to solicit bids for this Project. (Facilities)

County Counsel: Katharine L. Elliott

13. [SR 21-0036](#) Resolution approving Amendment 1 to contract between the County of Nevada and Goodin, MacBride, Squeri & Day, LLP for the provision of legal services, increasing the amount by \$25,000 for a maximum contract price of \$65,000, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2020/21 County Counsel General Fund budget. (4/5 affirmative vote required)

Clerk of the Board: Julie Patterson Hunter

14. [SR 21-0024](#) Review and adoption of the Board of Supervisors Meeting Schedule for 2021.
15. [SR 21-001](#) Acknowledge Supervisor Dan Miller's appointment of Ms. Patti Ingram Spencer as his District III representative to the Nevada County Planning Commission.
16. [SR 21-0028](#) Acknowledge District IV Supervisor Sue Hoek's acceptance of the resignation from Mr. Mike Mastrodonato as a member on the Municipal Advisory Council, Penn Valley Area.
17. [SR 21-0018](#) Acknowledge Supervisor Sue Hoek's acceptance of the resignation from Mr. Rich Johansen as District I representative on the Nevada County Planning Commission, and acknowledge the appointment of Mr. Mike Mastrodonato as the District IV representative on the Nevada County Planning Commission.

18. [SR 21-0017](#) Approve the appointment of Ms. Phebe Bell, Behavioral Health Director, as a member to the First 5 Nevada County Children and Families First Commission for a two-year term ending October 31, 2022.
19. [SR 21-0026](#) Approve the appointment of Ms. Bethany Wilkins as a member to the Mental Health and Substance Use Advisory Board for an unexpired three-year term ending June 30, 2023.

**PUBLIC COMMENT:**

*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 during the meeting by using one of the various options listed on pages #7 and #8.*

**INDIVIDUAL BOARD MEMBER ITEMS:****Supervisor Ed Scofield, District II**

20. [SR 21-0032](#) Approval of the Joint Jurisdictional Certificate of Recognition for Nevada County Transportation Commission Executive Director Dan Landon for over 30 years of dedicated public service, and authorizing the Chair of the Board of Supervisors to sign the Certificate.

**Supervisor Dan Miller, District III**

21. [SR 21-0033](#) Approval of the Certificate of Recognition for Grass Valley City Council Member Howard Levine for his many years of dedicated public service.

**\*DEPARTMENT HEAD MATTERS:****Public Health Director: Jill Blake**

22. [SR 21-0019](#) Resolution approving the contract between the County of Nevada and Alan Scott Kellermann, M.D. to serve as the Acting Public Health Officer and Acting Registrar for the County of Nevada, in the maximum amount of \$242,400, for the period January 12, 2021 through December 31, 2021, and authorizing the Chair of the Board of Supervisors to execute the contract.

**Acting Community Development Agency Director: Mali Dyck**

23. [SR 21-0030](#) Resolution accepting the Local Early Action Planning (LEAP) Grants Program award in the amount of \$300,000 (Res. 20-303), and directing the Auditor-Controller to amend the Fiscal Year 2020/21 Building and Planning budgets in the amount of \$179,000. (4/5 affirmative vote required)

**\*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****SCHEDULED ITEM: 1:30 P.M.****Planning Director: Brian Foss**

24. [SR 21-0031](#) Public hearing to consider amendments to Chapter II of the Nevada County Land Use and Development Code Section L-II 3.3 and Section L-II 6.1 regarding banning Industrial Hemp. The amendments include the following: 1) Add the definition of Industrial Hemp to Section L-II 3.3, subsection B. 2) Add the prohibition of Industrial hemp in all zoning districts. 3) Clarify that Crop and Tree Farming, Section L-II 3.3; C (1) does not include the cultivation of Industrial Hemp. 4) Add the definition of Industrial Hemp to Section L-II 6.1, subsection I. 5) Clarify that the definition of Nursery, Retail and Nursery Wholesale, Section L-II 6.1, subsection N, does not include Industrial Hemp.

(Introduce/Waive further reading/Adopt) An Ordinance amending Zoning Regulations Sections L-II 3.3 and L-II 6.1 of Chapter II of the Nevada County Land Use and Development Code regarding Industrial Hemp cultivation.

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

*Posted: January 7, 2021.*

**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.

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.

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

**WAYS TO PARTICIPATE DURING THE JANUARY 12, 2021 BOARD MEETING:**

- 1) Listen inside the Eric Rood Administrative Center Lobby if wearing a mask
- 2) Listen outside the Eric Rood Administrative Center at the Outside Public Comment Kiosk if not wearing a mask
- 3) Listen by calling 1 (415) 655-0001 (Meeting ID#: 126 895 2278 and the Password#: 62397976)
- 4) View at [www.mynevadacounty.com/boardmeeting](http://www.mynevadacounty.com/boardmeeting)
- 5) View on Nevada County Media Channel 17 in the Western County
- 6) View on Suddenlink Channel 78 in the Eastern County

**PROVIDE PUBLIC COMMENT BEFORE THE JANUARY 12, 2021 MEETING BY:**

- 1) Writing a letter to the Board of Supervisors at 950 Maidu Ave, Suite 200, Nevada City, CA 95959
- 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)

**PROVIDE PUBLIC COMMENT DURING THE JANUARY 12, 2021 MEETING BY:**

## 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. Members of the public will be allowed into the Chambers one-at-a-time. Masks are mandatory inside all County facilities.

## 2) Virtual Kiosks:

Eric Rood Administrative Center: Members of the public can provide comment in-person at a virtual public comment kiosk outside at the Eric Rood Administrative Center on the left-side of the front entrance.

Truckee District V Supervisor Office/Sheriff Substation: Members of the public can provide comment in-person at a virtual public comment kiosk inside the Truckee District V Supervisor Office/Sheriff Substation. Masks are mandatory inside all County facilities.

## 3) 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 note that the (415) 655-0001 number is only for listening to the meeting.)

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

**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)