

# 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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## AGENDA

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

This meeting is broadcast live on NCTV Channel 17 in the Western County and on Truckee-Tahoe Community TV (TTCTV) Channel 18 in the Eastern County and can be viewed live through the web at <https://nevco.legistar.com/Calendar.aspx>

**Video Conferencing at 9:01 a.m. for Public Comment located at the District V Board of Supervisors Conference Room Nevada County Sheriff's Substation, 10879A Donner Pass Road, Truckee, California**

*The Board of Supervisors welcomes you to its regular meetings that are scheduled the second and fourth Tuesdays of every month. Your interest is encouraged and appreciated.*

*ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Please approach the rostrum and, after receiving recognition from the Chair, give your name and comments or questions as all meetings are recorded. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. Time limitations are explained on the last page of the agenda.*

*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.*

*The agenda and all supporting documents are available for review during regular business hours at the Clerk of the Board office, 950 Maidu Avenue, 2nd Floor, Suite 200, Nevada City, California. This agenda and certain supporting documents may be obtained on the Clerk of the Board's website at <http://www.mynevadacounty.com/nc/bos/cob>. 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.

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.

Corrections and/or deletions to agenda.

**PUBLIC COMMENT: 9:01 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.*

*(Video-Conferencing for the public comment portion of the meeting is also available in Truckee at the District V Board of Supervisors Conference Room, east (left) side of the Sheriff's Substation at 10879A Donner Pass Road.)*

**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, staff member or interested party may request that an item be removed from the consent calendar for discussion.*

**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.

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.
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.

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.

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)

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.)

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)

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)
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)
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)

Clerk of the Board: Julie Patterson Hunter

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

**\*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.

**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)
- 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.
- 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.

**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.

**\*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.

**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)

**\*ANNOUNCEMENTS:**

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

**ADJOURNMENT:**

\*(The Board of Supervisors can discuss these items at any time during the meeting.)

This agenda was posted on bulletin boards 72 hours in advance of the meeting at the following locations: 1. Eric Rood Administrative Center; outside Board office, outside Board Chambers, and outside main entrance. 2. Madelyn Helling Library. 3. Truckee Joseph Center.

Posted April 4, 2019.

Notice was also posted at the District V Board of Supervisors Conference Room, Truckee Library, and the Grass Valley Library.

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**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.

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)