

**STATE OF CALIFORNIA, COUNTY OF NEVADA**  
**BOARD OF SUPERVISORS MINUTES, JUNE 1, 2004**

Meeting held in the Board Chambers, Eric Rood Admin. Center, 950 Maidu Ave., Nevada City, CA

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**REGULAR MEETING: 9:00 A.M.**

**STANDING ORDERS:**

Chair Sutherland called the meeting to order at 9:00 a.m.

The following Supervisors present:

Peter Van Zant, 1st District  
Sue Horne, 2nd District  
Robin Sutherland, 4th District  
Barbara Green, 5th District

Supervisor Drew Bedwell, 3<sup>rd</sup> District, absent due to illness.

Pledge of Allegiance held.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections or deletions noted.

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**CONSENT CALENDAR:** Chair Sutherland introduced the consent calendar.

Behavioral Health Director: Robert Erickson

1. Resolution authorizing execution of a renewal contract with Eric M. Rubinstein, M.D., to provide direct clinical and other psychiatric services for citizens of Nevada County at the Nevada City Clinic for the period July 1, 2004 through June 30, 2005, in the maximum amount of \$39,520. ([Res. 04-218 adopted](#). Supervisor Bedwell absent.)
2. Resolution authorizing execution of a renewal contract with Sara Burns, dba Alta Sierra Medical Transcription, to provide digital dictation and transcription services for Behavioral Health's medical records for the period July 1, 2004 through June 30, 2005, in the maximum amount of \$32,000. ([Res. 04-219 adopted](#). Supervisor Bedwell absent.)

Adult & Family Services Director: Philip Reinheimer

3. Resolution authorizing execution of a renewal contract with Nevada County Housing Development Corporation to provide a transitional living program at the Manzanita Family Center to provide shelter and support services for CalWORKs participant families referred by the County's Human Services Agency or the Emergency Assistance Coalition (EAC), for the period June 25, 2004 through June 30, 2005, in the maximum amount of \$65,000. ([Res. 04-220 adopted](#). Supervisor Bedwell absent.)

Director of Transportation & Sanitation: Michael Hill-Weld

4. Resolution approving Final Map 99-02, "Sweethaven," located off Hillsdale Court, Grass Valley. (Dist. III) ([Res. 04-221 adopted](#). Supervisor Bedwell absent.)

County Executive Officer: Richard A. Haffey

5. Resolution approving three grant applications to the Northern Sierra Air Quality Management District requesting funding for: 1) a multi-departmental scanning and archiving project in the amount of \$68,450; 2) a path to the Library project in the amount of \$88,500; and 3) a transit marketing campaign in the amount of \$40,000. (Pulled from consent by Chair Sutherland.)

Clerk of the Board: Cathy Thompson

6. Request to approve letter of support to the Bureau of Primary Health Care in support of Sierra Family Medical Clinic's Federal 330 Grant Application to provide expanded services to very low-income residents. (Chair Sutherland) (Approved. Supervisor Bedwell absent.)
7. Resolution supporting the application by the Nevada County Land Trust for \$13,600 of AB 2766 DMV grant funds to complete a six-mile non-motorized trail from Memorial Park to the Brunswick Basin. (Supervisor Bedwell) (Dist. III) ([Res. 04-222 adopted](#). Supervisor Bedwell absent.)
8. Acknowledge letter of resignation by Rey Johnson, District III Airport Commissioner, effective June 1, 2004. (Acknowledged. Supervisor Bedwell absent.)
9. Acceptance of Board of Supervisors minutes for May 4, 2004. (Accepted. Supervisor Bedwell absent; Supervisor Green abstain.)

**ACTION TAKEN:** Chair Sutherland requested Agenda Item 5 be removed from the consent calendar and Supervisor Green noted she would be abstaining from Agenda Item 9 since she was not at that meeting.

**MOTION:** Motion made by Supervisor Van Zant, seconded by Supervisor Horne, to approve the consent calendar minus Item 5 and a separate vote on Item 9. On a roll call vote, the motion passed unanimously. Supervisor Bedwell absent.

**ITEMS PULLED FROM THE CONSENT CALENDAR:**

County Executive Officer: Richard A. Haffey

5. Resolution approving three grant applications to the Northern Sierra Air Quality Management District requesting funding for: 1) a multi-departmental scanning and archiving project in the amount of \$68,450; 2) a path to the Library project in the amount of \$88,500; and 3) a transit marketing campaign in the amount of \$40,000.

**ACTION TAKEN:** Chair Sutherland questioned staff regarding Measure F funding. Mr. Michael Hill-Weld responded.

**MOTION:** Motion made by Supervisor Van Zant, seconded by Supervisor Horne, to adopt [Resolution 04-223](#). On a roll call vote, the motion passed unanimously. Supervisor Bedwell absent.

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**SCHEDULED ITEM: 9:05 A.M.**

10. Recognition of Supervisor Drew Bedwell for his service as Nevada County Supervisor, District III, from January 6, 2003 through June 1, 2004.

**ACTION TAKEN:** Chair Sutherland introduced the agenda item and indicated that Mr. John Spencer was present in Supervisor Bedwell's absence.

Mr. Cliff Wagner, Chief of Staff to Assemblyman Rick Keene, and Ms. Lisa Zea from Senator Sam Aanestad's office, presented California Legislative Resolutions on behalf of Senator Sam Aanestad and Assemblyman Rick Keene for Supervisor Bedwell to commend him for his commitment to this community. Ms. Patti Ingram, Mayor, City of Grass Valley, presented a proclamation for Supervisor Bedwell acknowledging him for his tireless advocacy on behalf of the City of Grass Valley. Supervisor Van Zant read into the record a Certificate of Recognition from the Board for Supervisor Bedwell.

Chair Sutherland presented a plaque in recognition of Supervisor Drew Bedwell, District III.

Mr. Spencer accepted the certificates on behalf of Supervisor Bedwell.

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Following a short recess for a reception in the lobby honoring Supervisor Bedwell, Chair Sutherland called the meeting to order, recessed as the Board of Supervisors and convened as the Board of Directors of the Nevada County Sanitation District No. 1.

**SCHEDULED ITEMS: 9:30 A.M.**

11. Special meeting of the Board of Directors of the Nevada County Sanitation District No. 1. Call meeting to Order.

**ACTION TAKEN:** Chair Sutherland called the meeting to order. Director Bedwell absent.

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Consent: Chair Sutherland introduced the consent calendar.

- a. Resolution awarding contract and authorizing its execution with Cranmer Engineering for testing of samples provided by Nevada County Sanitation District No. 1 from District Wastewater Treatment Facilities and Collection Systems for the period July 1, 2004 through June 30, 2005, in the maximum amount of \$38,000, including a 10 percent contingency. (Clerk of the Board) ([SD04-06 adopted](#). Director Bedwell absent)

**MOTION:** Motion made by Director Green, seconded by Director Van Zant, to approve the consent calendar. On a roll call vote, the motion passed unanimously. Director Bedwell absent.

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Public comment.

**ACTION TAKEN:** No public comment received.

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Adjournment.

**ACTION TAKEN:** There being no further business, Chair Sutherland adjourned as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

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**DEPARTMENT HEAD MATTERS:**

**Director of Transportation & Sanitation: (Michael Hill-Weld)**

12. Approval of a work plan to develop the Western Nevada County Wastewater Infrastructure Plan and authorization to approach the cities of Grass Valley and Nevada City for participation in the development of the Plan and funding.

ACTION TAKEN: Chair Sutherland introduced the agenda item.

Mr. Gordon Plantenga, Wastewater Operations Manager, Department of Transportation and Sanitation, and Mr. Kurtis Zumwalt, Environmental Health Program Manager, presented the Western Nevada County Wastewater Infrastructure Plan PowerPoint presentation in response to Board Order SD03-2 directing Sanitation to initiate a planning effort for future wastewater infrastructure in Nevada County.

Board questioning ensued.

**MOTION:** Motion made by Supervisor Horne, seconded by Supervisor Van Zant, to approve the concept to develop a plan and to work with all the public entities in working on the plan and the funding issue. On a roll call vote, the motion passed unanimously. Supervisor Bedwell absent.

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**Clerk of the Board: (Cathy Thompson)**

13. Schedule a public hearing to consider appeal filed by Bill Sheatsley to the decision of the Zoning Administrator to deny the petition for exception to road standards for paving slopes in excess of ten percent on access road to serve three parcels created by Tentative Parcel Map PM 03-106 off Mooney Flat Road, Penn Valley. (Dist. IV)

ACTION TAKEN: Chair Sutherland introduced the agenda item. Ms. Cathy Thompson, Clerk of the Board, recommended the Board schedule the public hearing for June 22, 2004.

**MOTION:** Motion made by Supervisor Van Zant, seconded by Supervisor Green, to schedule the public hearing for June 22, 2004. On a roll call vote, the motion passed unanimously. Supervisor Bedwell absent.

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**\*INDIVIDUAL BOARD MEMBER ITEMS:**

14. Request to direct staff to amend the Nevada County Land Use and Development Code, Section L-II 3.19 regarding senior citizens and disabled housing as follows: 1) Remove all requirements for deed restrictions and reporting requirements; 2) Remove age and disability qualifications; and 3) provide for lifting of all past deed restrictions imposed by the current ordinance. (Supervisor Bedwell)

ACTION TAKEN: Chair Sutherland introduced the agenda item. Mr. Randy Wilson, Interim Planning Director, confirmed this referred to the Granny Unit Ordinance that allowed second units restricted to age and disabled above density and also allowed second units within density.

Board discussion ensued.

Supervisor Horne did not see the necessity of having the deed restriction on senior and disabled housing because the code would enforce that requirement. However, at this point, she was not ready to take off the deed restrictions until the pilot program was brought back and assessed.

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Public testimony received.

Mr. Hal DeGraw, Deputy County Counsel, noted that it was his belief that there was no specific requirement in State law stating a deed restriction was required. It did indicate that counties were required to make housing available to seniors meeting certain qualifications and the needs of assuring that the housing was available on a continual ongoing basis was left up to local jurisdictions, and the local jurisdiction in Nevada County decided that deed restrictions were one of the best ways to make sure that restriction stayed on the property and was passed on and subsequent purchasers given notice of that restriction.

**MOTION:** Motion made by Supervisor Horne to forward this item to the Affordable Housing Task Force for discussion and recommendation to the Board.

Mr. Jim Hurley, Nevada County resident, believed that if this were done, it would be offering to the Affordable Housing Task Force something that would be devastating to the affordable housing program in Nevada County.

Chair Sutherland commented that the Board had to be mindful of whether or not government was operating most effectively for the people, and she had heard that the deed restriction process was cumbersome. She did not support changing the flavor of the Second Unit Program for Senior and Disabled People and believed it was a very critical program in the County that needed to be maintained.

Chair Sutherland seconded the motion. On a roll call vote, the motion failed. Ayes: Supervisors Horne and Sutherland. Noes: Supervisors Van Zant and Green. Absent: Supervisor Bedwell.

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Following a short recess, Chair Sutherland called the meeting to order.

15. Request for rescission of selection of Fran Freedle as Clerk-Recorder/Registrar of Voters due to violation of Board of Supervisors interview/selection process. (Supervisor Van Zant)

**ACTION TAKEN:** Supervisor Van Zant reviewed his staff report.

Mr. Rick Haffey, County Executive Officer, indicated that the responsibility for the last sentence in the Friday memo was his. He was attempting to allow the Board to have as much flexibility as possible. Qualifications were minimal and a paper screening was done. Because it was a Board appointment, he passed along all applications to the Board of Supervisors and asked the Board members to let him know if they saw someone that was not in the group that they wanted to be sent on to the panels.

Supervisor Van Zant indicated he was trying to establish that the process that this Board passed was not the process that was used.

Mr. Haffey stated that no individual Supervisor came to him and requested this change of procedure. He was under no coercion or pressure from the Board of Supervisors as a whole or individually.

Supervisor Van Zant suggested they go back to the original process and select someone from the six that were deemed finalists.

Supervisor Horne indicated that when she was made aware that each Supervisor had an opportunity to add candidates to be interviewed, she was assured by both the CEO and the Human Resources Director that this was always the intent because it was a Board appointment to replace the Clerk-Recorder, and that process was appropriate.

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Ms. Gayle Satchwell, Human Resources Director, stated that according to their records, the set of all of the applications for all candidates was attached to the Friday memo dated April 23, 2004, and the interviews were conducted on May 24, 2004.

Lengthy public testimony received opposing the process used for selecting Ms. Fran Freedle as Clerk-Recorder/Registrar of Voters.

End Tape 04-45

Further public testimony received.

Supervisor Horne informed the public that she felt she was following the procedure that was set out for this Board.

Following a five-minute recess, Chair Sutherland called the meeting to order and asked that the audience be respectful of the proceedings before the Board.

Board discussion ensued.

Mr. Haffey reiterated that it was his decision to change the process to interview applicants because it was a Board appointment and he wanted the Board to have as much flexibility as possible in the selection of these candidates.

Further discussion ensued.

Mr. Rob Shulman, County Counsel, the remaining process for the confirmation of the vote the Board took last Monday would be for the item to be put on the agenda at the meeting of June 8 or June 22, 2004 for another vote.

Supervisor Horne believed that since there was an overwhelmingly bad perception about the Board's action, the Board needed to take the second choice, and that was Kathleen Smith who was not from this community, not involved in politics in this community, and was qualified.

MOTION: Motion made by Supervisor Horne to rescind the previous decision and nominate Kathleen Smith.

Motion died for lack of a second.

MOTION: Motion made by Supervisor Van Zant, seconded by Supervisor Green, that in looking for a compromise, safe ground, and an experienced person, to nominate Joy Massey to be added as a first choice to the selection list. On a roll call vote, the motion failed. Ayes: Supervisors Van Zant and Green. Noes: Supervisors Horne and Sutherland. Absent: Supervisor Bedwell.

MOTION: Motion made by Supervisor Van Zant, seconded by Supervisor Green, to remove Ms. Freedle from the selection list based on the agreed upon procedure and to direct staff to agendaize next week, with just the material and the matrix, so the Board could find a compromise candidate of the six that were advanced.

Chair Sutherland requested a written declaration from the CEO and County Counsel that a recommendation was made to this Board that was not approved by this Board in adding additional candidates in the fashion that it was. She also requested that transcripts be made of the interviews that were conducted last week, and available to the public for their review. She pointed out that Ms. Freedle did very well in the interview and thought it needed to be opened up to the public. Supervisor Van Zant believed that making Ms. Freedle's interview available to the public was quite reasonable.

On a roll call vote, the motion passed unanimously. Supervisor Bedwell absent.

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**\*ANNOUNCEMENTS:**

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

ACTION TAKEN: Announcements were not held.

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**PUBLIC COMMENT: 11:45 A.M.**

ACTION TAKEN: Mr. Don Rivenes, citizen, spoke regarding the Brown Act requirement concerning public comment to a specific item on the agenda. Chair Sutherland indicated she would have County Counsel respond to Mr. Rivenes's concerns in writing.

Recess for lunch: Chair Sutherland recessed for lunch at 12:05 p.m.

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**AFTERNOON SESSION:** Chair Sutherland called the meeting to order at 1:40 p.m.

**SCHEDULED ITEM: 1:30 P.M. (Mary Ann Newnan, Interim Community Development Agency Director)**

16. Reconvene public hearing from the May 25, 2004 Board of Supervisors meeting to establish one Community Development Agency Fee Schedule to replace the existing fee schedule for the Building, Planning, and Environmental Health Departments as follows:

	Proposed	Current Rate/Date Approved
Building	\$112.49	\$101.14/August 2003
Planning	\$104.01	\$86.59/August 2003
Environmental Health	\$120.97	\$101.14/July 2003

and reschedule to Wednesday, June 2, 2004, at 10:00 a.m.

ACTION TAKEN: Chair Sutherland introduced the agenda item and continued the public hearing to Wednesday, June 2, 2004, at 10:00 a.m.

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17. Fiscal Year 2004/05 Nevada County proposed budget workshop.

ACTION TAKEN: Chair Sutherland introduced the agenda item.

Supervisor Green stated that the Board had a policy to meet in Truckee a couple times a year, which has not been done for several years. She noted that there was a request from Truckee citizens to have a meeting up there so they could have some input to the budget before finalized. Chair Sutherland indicated she would bring this request back for consideration later in the afternoon.

Mr. Richard A. Haffey, County Executive Officer, gave an overview on how they arrived at some of their conclusions for the 04/05 proposed budget and the budget policies. He noted that the Governor's May Revise came through to the County's advantage, and the only area where level of services was not preserved was in nondiscretionary revenue services. The May Revise has allowed the public safety vacancies to be filled and has allowed for the recommendation of two additional positions in the narcotics division. He stated that they were looking at streamlining and getting some gains in efficiency through minimizing cost impacts. In January, he recommended reorganizations that included moving the Agricultural Commissioner to Community Development Agency (CDA), and restructuring Housing and Community Services to be absorbed in both CDA and Human Services

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Agency (HSA). He noted that they have been exploring the possibility of eliminating the General Services Department and dividing a portion of that into Department of Transportation and Sanitation and the remaining portion under Information Systems, which could save the County as much as \$130,000. He indicated that part of their commitment to streamlining the government was having less management and flattening some of the positions they have. He indicated that this budget also recognizes elimination of duplicate services. Because of the Solid Waste efficiencies, they were adding new services and staff to the Solid Waste Budget without raising fees. He explained that the 3.7 percent budget increase was due to the following areas: 1) pension cost increase; 2) increase in employee medical insurance; 3) increase in liability insurance; and 4) increase in workers compensation. These increases were partially mitigated by an overall reduction in the number of County employees. Mr. Haffey indicated that with this proposed budget there was an overall reserve of \$9.6 million. He also noted that the Governor's May Revise moved the cuts from property tax to vehicle license fee, allowed the Board to do some long-range planning knowing that the Governor proposed that there would be no more raids to local funding sources after June 30, 2006, and caused the Department of Transportation and Sanitation to have longer timelines on their projects. He emphasized the County's fiscal prudence, the long-range planning, the control of staffing levels, and the creative means to deliver cost-effective services.

Mr. Joe Christoffel, Chief Fiscal Officer, made a PowerPoint presentation on the proposed budget.

End Tape 04-46

Mr. Christoffel continued with the PowerPoint presentation.

Mr. Bruce Bielefeldt, Auditor-Controller and member of the Budget Subcommittee, commended the County Executive Office for an excellent budget presentation. He expressed concern over funds that were starting with a deficit balance.

Mr. Christoffel reviewed the schedule for the June 2, 2004 meeting. He distributed the budget consent list to the Board and asked which items they would want to pull from this list to discuss specifically.

Supervisor Van Zant asked that the Transit budget be pulled and that copies of the chart that tiers the paratransit as funds decline be made for the Board and public at tomorrow's meeting.

Mr. Christoffel indicated he was asking for the Board's concurrence on the consent list, and anything else they would prepare specific presentations for the Board.

Supervisor Van Zant stated that they knew they were going to look at the Sheriff, Transit, and CDA budget. Supervisor Van Zant asked if the Board needed to understand Human Services Agency details more. Supervisor Horne believed it would be beneficial to get a clear picture of where they sit in that arena. Supervisor Van Zant requested that the District Attorney and the Public Defender budgets be wrapped into the Sheriff's public safety issue. He requested an overview of Information Services new technology.

Board discussion ensued regarding holding a meeting in Truckee during the budget hearings. Supervisor Green suggested that the Board could hold a meeting at the Eric Rood Administrative Center that was video conferenced with Truckee. Ms. Cathy Thompson, Clerk of the Board, indicated that there was time available for Tuesday, June 8, 2004, at 11 a.m. for the video conference with Truckee. Supervisor Green indicated she would check with her constituents from Truckee.

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**DEPARTMENT HEAD MATTERS: (Cont.)**

**Clerk of the Board: (Cathy Thompson)**

18. Selection of Vice Chair of Board of Supervisors effective June 2, 2004.

ACTION TAKEN: Chair Sutherland introduced the agenda item.

**MOTION:** Motion made by Chair Sutherland, seconded by Supervisor Van Zant, to nominate Supervisor Horne as Vice Chair of the Board of Supervisors. On a roll call vote, the motion passed unanimously. Supervisor Bedwell absent.

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**\*CLOSED SESSION:**

Pursuant to Government Code Section 54956.8, closed session to give instructions to Chair of the Board of Supervisors Robin Sutherland, County Counsel Rob Shulman, and Interim Director of General Services Rich Reader, designated negotiators, regarding acquisition of real property located at 29659 Highway 49, North San Juan, California, APN 60-111-01. Prior to the closed session the Board, or its staff, in open session will identify the negotiators. Negotiations in this matter will concern the price and terms of payment for the subject property and the property interest to be obtained.

ACTION TAKEN: Chair Sutherland introduced the closed session item and recessed into closed session.

Following the closed session, Mr. Rob Shulman, County Counsel, reported that there was no action to be reported.

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**ADJOURNMENT:** There being no further business, Chair Sutherland recessed the meeting at 3:55 p.m. to Wednesday, June 2, 2004 at 9:00 a.m.

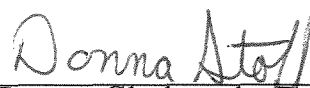
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End Tape 04-46

  
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Chair

ATTEST:

CATHY R. THOMPSON  
Clerk of the Board

By:   
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Deputy Clerk to the Board